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HOUSE BILL 240

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Tomás E. Salazar

AN ACT

RELATING TO BILINGUAL EDUCATION; ADDRESSING THE NEED FOR
BILINGUAL EDUCATION FACULTY AT STATE INSTITUTIONS OF HIGHER
EDUCATION; PROVIDING FINANCING MECHANISMS FOR NEW MEXICO
RESIDENTS WHO WANT ACADEMIC CAREERS IN PREPARING CURRENT AND
FUTURE TEACHERS IN BILINGUAL EDUCATION; PROVIDING SCHOLARSHIP
AND LOAN REPAYMENT PROGRAMS FOR NEW MEXICO RESIDENTS; PROVIDING
POWERS AND DUTIES; CREATING FUNDS; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 9 of this act may be cited as the "Bilingual Scholars
Act".

SECTION 2. [NEW MATERIAL] PURPOSE OF ACT.--It is the
purpose of the Bilingual Scholars Act to encourage New Mexico
residents who hold bachelor's or master's degrees in education

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1 to seek doctorates in bilingual education and to teach in state
2 institutions of higher education enumerated in Article 12,
3 Section 11 of the constitution of New Mexico.

4 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the
5 Bilingual Scholars Act:

6 A. "academic year" means the consecutive period of
7 two semesters, three quarters or other comparable units
8 commencing with the fall term each year;

9 B. "award recipient" means a student awarded a
10 bilingual scholars scholarship;

11 C. "bilingual education" includes bilingual or
12 bilingual multicultural education, teaching English to speakers
13 of other languages, American Indian education, educational
14 linguistics or similarly titled degree that prepares the degree
15 holder to teach teacher preparation students how to educate
16 bilingual students;

17 D. "department" means the higher education
18 department;

19 E. "eligible institution" means a state institution
20 of higher education enumerated in Article 12, Section 11 of the
21 constitution of New Mexico that has a doctoral program in
22 bilingual education; and

23 F. "satisfactory academic progress" means
24 completion of at least eighteen credit hours per academic year
25 for coursework and the minimum number of dissertation hours per

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1 semester required by the eligible institution and maintenance
2 of a cumulative grade point average of a minimum of 3.0 or
3 higher on a scale of 4.0.

4 SECTION 4. [NEW MATERIAL] SCHOLARSHIP PROGRAM

5 ESTABLISHED--DURATION--AMOUNT--TERMINATION.--

6 A. The "bilingual scholarship program" is
7 established in the department.

8 B. Each scholarship is for a period of one academic
9 year. The scholarship may be renewed annually until the award
10 recipient has received no more than five annual scholarship
11 awards or until the student graduates with a doctorate in
12 bilingual education, whichever is earlier.

13 C. Scholarship awards shall be in an amount
14 sufficient to pay for tuition, required fees and instructional
15 materials for an academic year.

16 D. A scholarship is terminated upon the award
17 recipient's:

18 (1) withdrawal from the eligible institution,
19 failure to re-enroll for consecutive academic years or failure
20 to be a full-time graduate student; or

21 (2) substantial noncompliance with the
22 provisions of the Bilingual Scholars Act and rules promulgated
23 by the department in accordance with that act.

24 SECTION 5. [NEW MATERIAL] CONDITIONS FOR FIRST-YEAR

25 ELIGIBILITY.--

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1 A. A scholarship may be awarded to a person who:

2 (1) has met the admission requirements and is
3 accepted for enrollment as a full-time graduate student for a
4 terminal doctorate degree at an eligible institution;

5 (2) has a total combined family income of no
6 more than sixty thousand dollars (\$60,000) per year adjusted
7 annually on January 1 to reflect any change from the previous
8 year's then-current consumer price index for all urban
9 consumers published by the bureau of labor statistics of the
10 United States department of labor in either of the calendar
11 years ending within the student's junior or senior year as an
12 undergraduate or, in the case of a student whose immediate
13 family has more than one family member enrolled full time in
14 post-secondary education, a total combined family income of no
15 more than an amount determined by the department to be per-
16 student equivalent to the total combined family income for one
17 student;

18 (3) has complied with all the rules adopted by
19 the department for award of the scholarship and the provisions
20 regarding the administration of scholarships adopted pursuant
21 to the Bilingual Scholars Act; and

22 (4) is a resident of New Mexico.

23 B. Ranked preference for scholarships shall be
24 given to:

25 (1) students whose bachelor's or master's

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1 degrees are in bilingual education; and

2 (2) students who graduated with a state seal
3 of bilingualism-biliteracy on their New Mexico diploma of
4 excellence.

5 SECTION 6. [NEW MATERIAL] CONDITIONS FOR CONTINUING
6 ELIGIBILITY.--A scholarship may be re-awarded to a student who:

- 7 A. was an award recipient the previous year;
- 8 B. remains in good academic standing as determined
9 by the eligible institution; and
- 10 C. is enrolled as a full-time graduate student as
11 determined by the eligible institution.

12 SECTION 7. [NEW MATERIAL] CONTRACT BETWEEN AWARD
13 RECIPIENTS AND DEPARTMENT--WHEN SCHOLARSHIP CONVERTED TO
14 LOAN.--

15 A. The contract between the award recipient and the
16 department shall clearly state that the scholarship is being
17 provided so that the state may increase the number of faculty
18 qualified to teach bilingual education to college of education
19 students at state institutions of higher education enumerated
20 in Article 12, Section 11 of the constitution of New Mexico.
21 Except as provided in Subsection B of this section, if a
22 scholarship is terminated or if the award recipient does not
23 have a full-time, tenure-track faculty position at a state
24 institution of higher education enumerated in Article 12,
25 Section 11 of the constitution of New Mexico within one year of

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1 earning a doctorate in bilingual education, the department
2 shall convert the scholarship to a loan and shall collect the
3 loan in the same manner and terms as provided for collection of
4 loans pursuant to other loan for service programs of the
5 department.

6 B. If an award recipient is not hired for a faculty
7 position as provided in Subsection A of this section, the award
8 recipient may notify the department that the award recipient is
9 seeking a full-time position in a public post-secondary
10 educational institution in New Mexico that is not enumerated in
11 the constitution of New Mexico or in a public school in New
12 Mexico. If approved by the department, such employment shall
13 suffice to maintain the money provided for the award
14 recipient's education as a scholarship.

15 C. If a scholarship is converted to a loan, loan
16 payments shall be deposited to the credit of the bilingual
17 scholars fund.

18 SECTION 8. [NEW MATERIAL] FUND CREATED.--The "bilingual
19 scholars fund" is created as a nonreverting fund in the state
20 treasury. The fund consists of appropriations, loan
21 repayments, gifts, grants and donations. Money in the fund
22 shall be expended only as provided by legislative
23 appropriation. Expenditures from the fund shall be by warrant
24 of the secretary of finance and administration on vouchers
25 signed by the secretary of higher education or the secretary's

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1 authorized representative.

2 SECTION 9. [NEW MATERIAL] RULES.--The department may
3 adopt such rules as necessary to implement the provisions of
4 the Bilingual Scholars Act. A financial aid officer may
5 exercise professional judgment when special circumstances exist
6 to adjust the cost of attendance or the expected family
7 contribution or to modify other factors that make the bilingual
8 scholarship program responsive to a student's special financial
9 circumstances and for which documentation exists in the
10 student's file within the parameters authorized for the
11 bilingual scholarship program.

12 SECTION 10. [NEW MATERIAL] SHORT TITLE.--Sections 10
13 through 17 of this act may be cited as the "Bilingual Education
14 Doctoral Loan Repayment Act".

15 SECTION 11. [NEW MATERIAL] PURPOSE.--The purpose of the
16 Bilingual Education Doctoral Loan Repayment Act is to increase
17 the number of bilingual education faculty in the colleges or
18 schools of education at state institutions of higher education
19 enumerated in Article 12, Section 11 of the constitution of New
20 Mexico.

21 SECTION 12. [NEW MATERIAL] DEFINITIONS.--As used in the
22 Bilingual Education Doctoral Loan Repayment Act:

23 A. "bilingual education" includes bilingual or
24 bilingual multicultural education, teaching English to speakers
25 of other languages, American Indian education, educational

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1 linguistics or similarly titled degree that prepares the degree
2 holder to teach teacher preparation students how to educate
3 bilingual students;

4 B. "department" means the higher education
5 department;

6 C. "grant" means a bilingual education doctoral
7 loan repayment grant;

8 D. "loan" means a grant of money pursuant to a
9 contract between a recipient and the federal government
10 requiring repayment of principal with interest;

11 E. "recipient" means a person who has successfully
12 completed a doctorate in bilingual education at a regionally
13 accredited university in the United States and has a full-time,
14 tenure-track faculty position with a state institution and has
15 received a grant from the department to defray the cost of
16 student loans during the person's higher education;

17 F. "state institution" means an institution of
18 higher education enumerated in Article 12, Section 11 of the
19 constitution of New Mexico; and

20 G. "student loans" means loans to pay tuition, fees
21 and instructional materials received to finance undergraduate
22 or graduate degrees, or both, that lead to a doctorate in
23 bilingual education.

24 **SECTION 13. [NEW MATERIAL] CONDITIONS FOR ELIGIBILITY.--**

25 The department may award a grant to a recipient who:

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1 A. has held a full-time, tenure-track faculty
2 position in a state institution's college or school of
3 education to teach bilingual education for at least two years
4 prior to applying for a grant;

5 B. has complied with the rules adopted by the
6 department pursuant to the Bilingual Education Doctoral Loan
7 Repayment Act; and

8 C. owes student loans.

9 **SECTION 14. [NEW MATERIAL] BILINGUAL EDUCATION DOCTORAL**
10 **LOAN REPAYMENT CONTRACTS AND TERMS.--**

11 A. A grant shall be evidenced by a contract between
12 the recipient and the department and shall be signed by the
13 recipient and an authorized representative of the department.

14 B. The contract shall provide that in consideration
15 for the department's payment of student loans up to twenty-five
16 thousand dollars (\$25,000) per year for no more than five years
17 on behalf of the recipient, the recipient shall teach in a
18 full-time, tenure-track faculty position at a state institution
19 for a minimum of one year for each year a grant is awarded.

20 C. Except as otherwise provided in this subsection,
21 if a recipient fails to complete the contract terms during an
22 academic year, that year's grant shall be repaid with an
23 applied annual interest rate of eighteen percent and the
24 recipient shall not be eligible for further grants under the
25 program. The repayment shall become due to the department on

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1 behalf of the state immediately upon the recipient's
2 termination or breach of the contract. The department may
3 provide by rule for exceptional mitigating circumstances such
4 as military service or major medical issues to forestall the
5 conversion of a grant into a loan as provided in this section
6 and may allow that recipient to enter into another contract
7 upon return to a full-time, tenure-track faculty position.

8 D. The department is vested with full and complete
9 authority and power to sue in its own name for any balance due
10 it and the state from a recipient violating the terms of a
11 contract under the Bilingual Education Doctoral Loan Repayment
12 Act.

13 E. The following debts incurred by a recipient are
14 not eligible for payment by the department under the Bilingual
15 Education Doctoral Loan Repayment Act:

16 (1) amounts incurred as a result of
17 participation in state loan-for-service programs or other state
18 programs whose purpose states that service is to be provided in
19 exchange for financial assistance;

20 (2) scholarships that have a service component
21 or obligation;

22 (3) personal loans from individuals or
23 commercial lenders;

24 (4) loans that exceed individual standard
25 school expense levels; and

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1 (5) loans that are eligible for another state
2 or federal loan repayment program.

3 SECTION 15. [NEW MATERIAL] BILINGUAL EDUCATION DOCTORAL
4 LOAN REPAYMENT FUND CREATED.--The "bilingual education doctoral
5 loan repayment fund" is created as a nonreverting fund in the
6 state treasury to provide grants to recipients. The fund
7 consists of appropriations, repayments, gifts, public or
8 private grants and donations. The fund shall be administered
9 by the department and shall be expended only as provided by
10 legislative appropriation. Expenditures from the fund shall be
11 by warrant of the secretary of finance and administration
12 pursuant to vouchers signed by the secretary of higher
13 education or the secretary's authorized representative.

14 SECTION 16. [NEW MATERIAL] RULEMAKING.--The department
15 shall adopt rules to implement the provisions of the Bilingual
16 Education Doctoral Loan Repayment Act. The rules:

17 A. shall provide procedures for awarding grants;

18 B. shall provide procedures for determining the
19 amount of each grant; and

20 C. may provide for the disbursement of funds to a
21 lender on behalf of a recipient in annual or other periodic
22 installments.

23 SECTION 17. [NEW MATERIAL] CANCELLATION.--The contract
24 entered into between the recipient and the department may be
25 canceled for any reasonable cause deemed sufficient by the

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1 department in accordance with its rules.

2 SECTION 18. APPROPRIATIONS.--

3 A. One million five hundred thousand dollars
4 (\$1,500,000) is appropriated from the general fund to the
5 bilingual scholars fund for expenditure in fiscal years 2021
6 through 2025 to pay educational expenses for at least ten
7 bilingual education doctoral students as provided in the
8 Bilingual Scholars Act. Any unexpended or unencumbered balance
9 remaining at the end of a fiscal year shall not revert to the
10 general fund.

11 B. Five hundred thousand dollars (\$500,000) is
12 appropriated from the general fund to the bilingual education
13 doctoral loan repayment fund for expenditure in fiscal year
14 2021 and subsequent fiscal years to provide grants to state
15 institution professors of bilingual education who meet the
16 requirements of the Bilingual Education Doctoral Loan Repayment
17 Act. Any unexpended or unencumbered balance remaining at the
18 end of a fiscal year shall not revert to the general fund.