

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 3/11/17
Original Amendment Bill No: HB484/aHEC
Correction Substitute

Sponsor: Representative Derrick J. Lente Agency Code: 924
Short SCHOOL INDIAN STUDENT Person Writing Aguilar/Phillips
Title: NEEDS ASSESSMENTS Phone: 505-827-6519 Email Paulj.aguilar@state.nm.us

SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See fiscal implications				

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

Synopsis of the HB484hec Amendment

The HB484/aHEC amendment strikes “every school district in which Indian students are enrolled is” and inserts “historically defined Indian impacted school districts are” on pg 2, lines 1 and 2. HB484/aHEC further strikes “every school” on pg 3, line 10, strikes line 11 in its entirety, and strikes line 12 through “students” and inserts “historically defined Indian impacted school districts”.

While adding “historically defined Indian impacted school districts”, the bill does not define these districts. It is important that HB484/aHEC include a definition for “historically defined Indian impacted school districts” which is consistent with other defining language in the Indian Education Act 22-23A-1 to 22-23A-8.

The PED recommends that the definition of “historically defined Indian impacted school districts” include three components: school districts that have tribal lands within its district

boundaries; school districts that have boundaries congruent to tribal lands or have a Bureau of Indian Education (BIE) operated or Tribally controlled school that feeds into a school district public school; and school districts with a majority population of American Indian students.

The Indian Education Act 22.23A-7. Report. Part B states that “a school district with tribal lands located within its boundaries shall provide a district-wide tribal education status report to all New Mexico tribes represented within the school district boundaries.” Currently, 21 of the 23 districts that are eligible for Indian Education Act grants have tribal lands within their school district boundaries. It is unclear whether Santa Fe Public Schools has tribal lands within its district boundaries, namely Tesuque Elementary School. However, many students attending the Tesuque Pueblo federally-funded Tribally Controlled School are zoned for secondary school in the Santa Fe Public Schools district. Furthermore, the Rio Rancho Public Schools has been identified as one of the 23 school districts although it does not have tribal lands within its district boundaries. It is unclear whether Rio Rancho Public Schools was included since it was originally part of the Albuquerque Public Schools which is identified as a district with tribal lands within its boundaries.

Of the 6 charters that are eligible for Indian Education Act grants, 4 are situated in school buildings on tribal land. The two charters that do not sit on Tribal land have an American Indian student majority population and mission statements specifically geared toward supporting American Indian students.

Under this definition, an additional school district may be added – Los Alamos Public Schools – whose school district has a boundary that is congruent to tribal lands, although no BIE schools are part of the Los Alamos Public Schools’ pre-k through grade 12 feeder pattern.

BILL SUMMARY

Synopsis: HB484 proposes to amend the Indian Education Act by adding three new sections to the Indian Education Act:

- 1) LEAs shall conduct needs assessments;
- 2) LEAs shall develop a systemic framework for improving educational outcomes for American Indian students; and
- 3) LEAs shall improve Indian Education through the inclusion of programs, services and culturally relevant instruction.

HB 484 focuses on LEA responsibilities for improving outcomes for American Indian students at the local level. HB 484 outlines responsibilities for the PED to support the LEAs in the needs assessment and systemic framework development and to monitor the LEAs budgets to determine whether LEAs are prioritizing funding for activities and programs that will close the achievement gap. These activities and programs include but are not limited to: remediation; bilingual and bicultural education; academic enrichment; re-entry and drop-out prevention; college and career preparation; culturally responsive teaching; family engagement; and early interventions.

FISCAL IMPLICATIONS

The provisions of this bill require considerable time and effort on the part of school districts, both in developing and executing the plan. Provisions contained in the bill appear to

contemplate that districts will use internal resources to accomplish these requirements. These costs could be significant and unfunded.

HB 484 will require use of existing resources and staff within the PED's school budget office and the Indian Education Division.

HB 484 seeks to leverage current state and federal funding to LEAs for addressing the needs of American Indian students, as determined by the local needs assessments conducted by LEAs.

SIGNIFICANT ISSUES

Synopsis of the HB484hec Significant Issues

The HB484hec amended language's definition "historically defined Indian impacted school districts" may result in the exclusion of the Rio Rancho Public Schools as currently eligible for the Indian Education Act grant. Moreover, the amended language's definition may require a new public school district, Los Alamos Public Schools, to be added to the list of school districts eligible for the Indian Education Act grant and to be required to comply with the three new sections proposed in HB484hec in addition to the other Indian Education Act requirements for "historically defined Indian impacted school districts".

Original Summary of Significant Issues

Section one (p.2) requires every school district in which at least 25 American Indian students are enrolled to conduct a needs assessment, conduct Tribal consultation related to the needs assessment, and develop an accountability tool to measure the success and failures of the LEAs efforts.

Currently, 23 school districts and 6 charters that have schools on or near tribal land are required to provide local data for the PED's Tribal Education Status Report and are eligible for the school district Indian Education Act grants.

Section two (p.3; lines 10-14) indicates more specifically that LEAs on or near tribal lands or that have at least 25 urban Indian students shall develop a systemic framework for improving educational outcomes, making the PED responsible for assisting the LEAs with developing systemic frameworks and for considering whether each LEA's budget prioritizes the needs identified in the needs assessment. It is unclear how many additional districts have at least 25 American Indian students enrolled, but it could a large number.

PERFORMANCE IMPLICATIONS

HB 484 aligns with the Indian Education Division's 2016 Consultation Report, strategic plan, and mission to increase American Indian student academic and cultural achievement through culturally-relevant pedagogy, native language and collaborative partnerships.

This bill appears to have implications for other departments within the agency such as school budget and accountability that may require modifications to current work plans.

ADMINISTRATIVE IMPLICATIONS

HB 484 requires school budgets to be approved based on a consideration of whether a school district's budget accomplishes the prioritized needs from each LEA's needs assessment.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill adds three new sections to the current Indian Education Act 22-23A-1 to 22-23A-B.

TECHNICAL ISSUES

Synopsis of the Technical Issues of the HB484hec Amendment

The HB484/aHECamended language of "historically defined Indian impacted school districts" should be included in the definitions section the Indian Education Act 22-23A-3.

The HB484/aHECamended language should be consistent with the Indian Education Act 22-23A-5. Indian education division; created; assistant secretary; duties; section (10) which "requires school districts to obtain a signature of approval by the New Mexico tribal governments or their government designees residing within school district boundaries verifying that the New Mexico tribes agree to Indian education policies and procedures pursuant to federal requirements."

Finally, the HB484/aHECamended language should be consistent with the Indian Education Act 22.23A-7. Report; section B which states that "a school district with Tribal lands located within its boundaries shall provide a district-wide tribal education status report to all New Mexico tribes represented within the school district boundaries."

Original Summary of Technical Issues

HB 484 seeks to amend the Indian Education Act but does not indicate that consultation with Tribal communities has informed the development of the bill. The State Tribal Collaboration Act and PED's Tribal Collaboration and Communication Policy indicate that Tribal consultation will occur for educational matters that impact American Indian students.

OTHER SUBSTANTIVE ISSUES

HB 484 does not allocate funding for every school district with Indian students enrolled statewide to support the needs assessment process, development and publishing of a systemic framework for improving education outcomes for Indian students, and development of an accountability tool for measuring public school efforts. Indian Education Grants are currently available for 23 school districts and 6 charters.

HB 484 requires LEAs to develop an assessment tool to measure LEA performance in addressing their needs assessments for American Indian students. It is unclear how this requirement aligns with the current assessment tools that exist to measure LEA performance.