

LFC Requester:	Sunny Liu, LFC
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**AGENCY BILL ANALYSIS
2018 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{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** 01/29/18
Original **Amendment** _____ **Bill No:** HB151
Correction _____ **Substitute** _____

Sponsor: Representative Derrick J. Lente **Agency Code:** 924
Short INDIAN STUDENTS NEEDS **Person Writing** Matt Montano
Title: ASSESSMENTS **Phone:** 827-800 **Email** Matthew.Montano1@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB151 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 activities at LEAs to improve Indian Education.

HB 151 focuses on LEA responsibilities for improving outcomes for American Indian students at the local level. HB 151 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 HB 151 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 can be mitigated by current funding sources available through the struggling schools provisions of Every Student Succeeds Act, but these funds are awarded competitively and will not be awarded to every school or LEA.

HB 151 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.

HB 151 will require use of existing resources and staff within the PED’s school budget office.

SIGNIFICANT ISSUES

Section one (p.2) requires “historically defined Indian impacted school districts” 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.

HB 151 must 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 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. Rio Rancho Public Schools and Aztec Municipal Schools have been identified within the 23 school districts although they do not have tribal lands within their district boundaries. Rio Rancho Public Schools may have been included since it was originally part of the Albuquerque Public Schools - a district with tribal lands within its boundaries. Aztec Municipal Schools may have been included after taking control of the Aztec Dormitory that was previous run by the Bureau of Indian Education.

Of the 6 charters that are eligible for Indian Education Act grants, 5 are situated in school buildings on tribal or federal trust land. The one charter that does not sit on Tribal or trust land serves a majority American Indian student population and has a stated commitment to culturally relevant indigenous education.

The PED recommends that the definition of “historically defined Indian impacted school districts” be defined and include at least four components: school districts that have tribal or federal trust lands within its district boundaries; school districts that have boundaries congruent to tribal or federal trust lands; school districts that 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 high density (25% or greater) of American Indian student population as defined by the Federal Office of Indian Education; schools that are created with a specific mission to serve Native American 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 San Ildefonso and Jemez Pueblos, although no BIE schools are part of the Los Alamos Public Schools’ pre-k through grade 12 feeder pattern.

PERFORMANCE IMPLICATIONS

HB 151 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, accountability, and priority schools bureau that may require modifications to their current work plan.

ADMINISTRATIVE IMPLICATIONS

HB 151 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

HB 151 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 151 does not allocate funding 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 151 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.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None