

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto: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 2/7/19  
**Original**     **Amendment**    \_\_\_\_\_ **Bill No:** SB420  
**Correction**     **Substitute**    \_\_\_\_\_

**Sponsor:** Sen. Benny Shendo, Jr.                      **Agency Code:** 924  
**Short**            INDIAN EDUCATION                      **Person Writing**            Daniel Manzano  
**Title:**            NEEDS ASSESSMENTS                      **Phone:** 505-670-3820    **Email** Daniel.Manzano@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

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**BILL SUMMARY**

Synopsis:

SB420 creates new sections to the Indian Education Act. Section 1 through 3 defines “school district” includes charter schools. Section 1 requires historically defined Indian impacted school districts to conduct a needs assessment to determine what services school districts need to provide to Indian student to help them graduate and be ready for college and careers. School districts will need to work with the local Tribes to prioritize needs assessment, closing the achievement gap and school district budgets. School district will need to apply for federal, state, private grant funding to support the needs assessment. The department will need to review the school district budgets to ensure needs assessment is prioritized and incorporated into the school district budget. The school district will develop an accountability tool to measure a systemic framework for incorporating the needs assessment. School Districts will need to hold two meetings annual with tribes to report on the needs assessment and the evaluation of the progress of implementation of the needs assessment. The school districts will need to collaborate with schools, tribal leaders, Indian students, families, social service providers, community and civic organization to implement needs assessment. Section 2 requires the school districts to develop and publish a systemic framework for improving educational outcomes for Indian students. NM PED Indian Education Division shall assist the school districts during the development and implementation of the systemic framework. The school districts may request assistance from schools of education at state educational institutions to identity best practices and use of student centered data to inform teaching strategies and schoolwide efforts. Section 3 requires the systemic framework include program services, culturally relevant activities and professional development to improve Indian education. The priorities developed through the needs assessment and budget may include some or all of the elements within section 3.

**FISCAL IMPLICATIONS**

SB420 does not contain an appropriation. Any costs from implementing provisions of this bill would be borne by schools, tribes, other community stakeholders, and PED. These costs can be mitigated by current funding sources available through the Every Student Succeeds Act state plan, but are not a guaranteed funding source over time. As such, the extent of fiscal impacts on this bill is indeterminate.

The bill does not allocate funding for every historically-defined Indian impacted public school

statewide to support the needs assessment process or the development of a systemic framework and accountability tool for improving education outcomes for AI students. As such, costs of implementing the provisions of this bill will fall on schools and PED.

SB420 will require use of existing resources and staff within the PED's school budget office.

## **SIGNIFICANT ISSUES**

Provisions of the bill require every "historically defined Indian impacted" school districts to conduct a needs assessment, consult with tribes on matters related to the needs assessment, and develop an accountability tool to measure the success and failures of public school efforts. Currently, 23 school districts and six charter schools located on or near tribal land are required to provide local data for PED's Tribal Education Status Report and are eligible for school district Indian Education Act grants. Statewide, approximately 33.2 thousand American Indian (AI) students attend public schools, about 6,000 attend Bureau of Indian Education-operated and tribally-controlled schools, and 3 percent of statewide district staff identified as AI. The bill makes PED responsible for assisting local education agencies (LEA) on developing systemic frameworks and for considering whether each LEA's budget prioritizes the needs identified in the needs assessment.

Under Section 3, Item B, the Indian Education Division and department resources available shall implement academic and other programs. The academic and programs developed in the context of IED, culturally relevant curricula and instructional materials. The development of academic and programs will included communication and collaboration with the following bureaus: Accountability, Assessment, College and Career Readiness, Educator Growth and Development, Indian Education Division, Instructional materials, Language and Culture, Licensure, Literacy, Humanities and Early Childhood, Math and Science, Priority Schools, Safe & Healthy Schools, School Budget, Special Education and Teacher and Family Outreach.

SB420 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.

To implement programs collaboration work will be required with Higher Education Department and Health and Human Services department.

## **PERFORMANCE IMPLICATIONS**

School district will need to hold public meetings for stakeholders to report on the needs assessment and the evaluation of its implementation. NM PED IED shall provide monitoring and compliance of public meetings taking place.

The Indian Education Division increased technical assistance to assist with the schools districts with the development and implementation of the "framework" based on the "needs assessment".

SB420 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 Accountability, Assessment, College and Career Readiness, Educator Growth and Development,

Instructional materials, Language and Culture, Licensure, Literacy, Humanities and Early Childhood, Math and Science, Priority Schools, Safe & Healthy Schools, School Budget, Special Education and Teacher and Family Outreach that may require modifications to their current work plan.

## **ADMINISTRATIVE IMPLICATIONS**

SB420 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.

The bill outlines responsibilities for PED to support LEAs in the needs assessment and systemic framework development and to monitor LEA budgets to determine prioritization of funding for activities and programs that will close the achievement gap. The bill requires every historically defined Indian impacted school district's to conduct a needs assessment.

The bill requires IED to assist, as needed, school districts and charter schools during the development and implementation of the proposed systemic framework. In addition, the IED would meet with each school district at least twice a year to hear a report on the 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.

This bill is a duplication/companion to HB250.

## **TECHNICAL ISSUES**

SB420 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**

SB420 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.

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**