

LFC Requester:	Bachechi
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**AGENCY BILL ANALYSIS
2021 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:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date 1/29/2021
Bill No: HB86

Agency Name and Code Number: PED - 924

Sponsor: Rep. Derrick J. Lente

Person Writing Analysis: John Sena

Short Title: NATIVE AMERICAN LIBRARY, INTERNET & EDUCATION

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
\$94,800.0 (can be utilized from FY21 through FY25)	See FY21 for details	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		

N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Nonrecurring	Possibly will impact IAD's operating budget

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB29, No School Discrimination for Hair; HB52, Bilingual Multicultural Ed Advisory Council; HB84, Native Language Education Program Unit; HB85, Yazzie Lawsuit Response Funding; HB87, Yazzie Lawsuit Higher Ed Funding; HB135, School Opportunity & Equity Index; SB41, School Funding Changes; and SB80, No School Discrimination for Hair.

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 86 (HB86) proposes an appropriation of approximately \$94.8 million, in total, from the general fund to the Indian Affairs Department (IAD), including the following amounts for expenditure in FY21 through FY25:

- 1) \$66.7 million to plan, design, renovate, expand, construct, equip, and furnish libraries and education centers statewide for tribes, nations, and pueblos;
- 2) \$4.6 million to provide matching funds to federal grants for high-speed internet access and telecommunications for schools and libraries through a pueblo education network that will provide an advanced communication network to connect all tribal education entities through fiber-optic broadband infrastructure with security operations and a data center at the Santa Fe Indian School;
- 3) \$6 million for high-speed internet access on the Navajo Nation and for the internet to the hogan project in the state;
- 4) \$5 hundred thousand for high-speed internet access on the Jicarilla Apache Nation;
- 5) \$2.5 million for a curriculum and materials development center at Navajo Technical University;
- 6) \$1.5 million for an early childhood practicum at Navajo Technical University;
- 7) \$1.5 million for a curriculum and materials development center for the Mescalero Apache Tribe;
- 8) \$1.5 million for an education resource center for the Dzil Diti'looi School of Empowerment, Action, and Perseverance (DEAP) charter school;
- 9) \$2.5 million for an education resource center, and \$1 million for an early childhood center at the Pueblo of Jemez; and
- 10) \$5 million for the Kewa child care and development center at the Kewa Pueblo.

The Public Education Department's (PED) analysis of this bill focuses on the implications for Native American students who attend public schools of the proposed legislation.

FISCAL IMPLICATIONS

HB85 would appropriate a total of about \$94.8 million from the general fund to IAD for expenditure in FY21 through FY25. Any unexpended or unencumbered balance of an appropriation made for a project pursuant to HB86 shall revert to the Tribal Infrastructure Project Fund within six months of completion of the project, but no later than FY25.

The executive's FY22 budget recommendation includes the following related appropriation requests:

- \$30 million (\$15 million over two years) for the tribal remedy framework, which would be used to support education efforts in the state's tribal communities. The appropriation would support implementation of the tribal remedy framework, support tribal sovereignty, and provide resources for locally determined needs.
- \$10 million for statewide digital access for students. This proposal would continue efforts to ensure every student has a device and the connection needed to use it, so that they can access digital content and instruction, both during the health pandemic and in the future.

Finally, the executive's FY22 budget recommendation includes recommended language for the General Appropriations Act to include an interagency transfer from the PED to IAD of \$1 million, which comes from PED's request for indigenous, multilingual, multicultural, and special education, for TEDs to develop early childhood CLR curriculum, to design CLR assessment tools, and culturally appropriate teacher and program evaluation instruments, to conduct needs assessments of ECE facilities, and to develop plans for constructing needed facilities.

SIGNIFICANT ISSUES

If enacted, HB86 could assist in building educational infrastructure in tribal communities to support student learning and academic achievement. Community-based libraries and educational resource centers could provide the space and opportunities for extended learning, after school enrichment and tutoring, and summer school. The education infrastructure could potentially assist in improving academic outcomes for Native American students who need additional academic support and who lack transportation to attend school-based classes or activities. Community-based libraries and educational resource centers would also potentially provide culturally relevant materials and curriculum. This could assist Native American students in gaining skills necessary for mainstream academic success and to develop knowledge and skills in their home cultures and tribal languages.

Tribal libraries

The New Mexico State Library serves and supports 19 tribal libraries through its Tribal Libraries Program (TLP). The TLP provides continuing educational opportunities, funding, leadership, and consulting services to library directors and staff that serve tribes, nations, and pueblos across the state. Typically, tribal libraries do all the things traditional libraries do; however, they often play a more active and involved role in the cultural and language preservation for their tribal

communities. For example, at the San Felipe Community Library, the library director may lead story time for tribal children in Keres, the traditional language of the community; while at the Pueblo of Santo Domingo, the library director may work closely with the Head Start program as well as conduct weekly outreach that support early literacy for the tribal community. Additionally, other tribal libraries may build digital archives organizing language material, tribal history, and photographs. Thus, tribal libraries serve as a crucial gathering place for all ages to learn about tribal culture, traditional languages, and tribal history.

The Library Services Program, located within the Department of Cultural Affairs, noted the TLP awarded grants totaling \$96 thousand in FY20 to 18 of the 19 tribal libraries. Each tribal library received a \$5,400 grant, and one developing library received \$4,300.

Additionally, the New Mexico State Library continues to support libraries as they apply for federal broadband funding. The Federal Communications Commission's (FCC) supplies funding to offset the cost of internet access for schools and libraries, often providing matching funds of 80 percent to 90 percent on internet service fees, fiber infrastructure, and networking equipment. Prior to this program, 60 percent of the 98 New Mexico public and tribal libraries did not have a connection faster than 30 Mbps, 68 percent did not take advantage of federal E-rate funding, and 53 percent did not have a fiber optic connection. Over the past two years, the New Mexico State Library has worked with over 25 libraries to provide them with upgrades to their broadband equipment and improved broadband speeds. Beyond this, the Broadband for Libraries program participates in consortia of school and libraries in multiple regions of the state through a partnership with the Public Schools Facilities Authority (PSFA).

Tribal information technology

Across the country, the majority of people have internet access readily available. However, there is a digital divide in states, such as New Mexico, that are rural, and on Native American reservations where access to internet is limited or nonexistent. A lack of access to the internet and a reliable device can hinder a student's educational attainment. Some research indicates that students who have access to a home device such as a computer are more likely to graduate from high school than their peers who do not have a home computer. To assist in closing the digital divide, the PED's IED purchased and distributed in FY20 the following wireless technology devices and equipment: 700 residential hotspots (Navajo Nation); 101 CradlePoint fixed and mobile hotspots for teacherages, chapter houses, inside buildings, buses, and indoor antennas (all tribes, nations, and pueblos); and 6,282 Chromebooks (all tribes, nations, pueblos, and schools with a significant Native American student population).

According to a PSFA analysis of a similar bill in 2020, tribal schools and libraries are eligible for federal E-rate funding. While tribal schools are not covered by PSFA's broadband deficiencies correction program, the PSFA broadband team assisted and coordinated with the development of two successful broadband tribal consortia (Middle Rio Grande and Jemez-Zia) that utilized the E-rate funding and improved broadband connectivity to schools and libraries for six pueblos. Further expansion and updates are needed for a functional network, according to PSFA.

Educational facilities

In FY21, the PED, the IAD, and the Early Childhood Care and Education Department (ECECD) worked in collaboration to develop and implement a request for application (RfA) process that focused, among other things, on early childhood tribal facilities development. The IAD received a \$1 million interagency transfer from the PED for this specific initiative. Through this process, each tribe, nation, and pueblo in the state was able to determine how funds would be used to

meet each tribal government's local, unique educational needs.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

HB85 does not contain any specific administrative implications for the PED.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB86 relates to HB29, No School Discrimination for Hair; HB52, Bilingual Multicultural Ed Advisory Council; HB84, Native Language Education Program Unit; HB85, Yazzie Lawsuit Response Funding; HB87, Yazzie Lawsuit Higher Ed Funding; HB135, School Opportunity & Equity Index; SB41, School Funding Changes; and SB80, No School Discrimination for Hair.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

The funding proposed under HB85 are similar to funding requests made by the Tribal Education Alliance through its 2020 tribal remedy framework. Specifically, the framework requested approximately \$95 million to support Native American education initiatives in response to the findings from the Martinez and Yazzie consolidated lawsuit.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A