



**GOVERNMENT TO GOVERNMENT
INDIAN EDUCATION
AUGUST 19, 2021**

State Education Agencies

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Executive Summary

In accordance with the New Mexico Indian Education Act, Governor Michelle Lujan Grisham along with cabinet secretaries and assistant secretaries from the Public Education Department (PED), Early Childhood Education and Care Department (ECECD), and the Higher Education Department (HED) convened in a semi-annual government to government meeting on August 19, 2021. The meeting was held with Pueblo Governors and Tribal Presidents from New Mexico's 22 Tribes, Nations, and Pueblos. In attendance were Tribal Education Departments, Superintendents, Charter School Directors, Indian Education Directors, State Agencies, State Legislators, and various stakeholders.

Since the fall of 2020, the three State Education Agencies have collaborated to discuss the education of Native American Students from cradle to career. The State Education Agencies have been working collaboratively to foster and strengthen partnerships with tribal communities and improve educational outcomes for Native American students.

The meeting convened with an update from the Public Education Department on Yazzie/Martinez Consolidated Lawsuit, Impact Aid, consultation on the redevelopment of the Social Studies Standards, and the Family Income Index. Followed by updates from the Early Childhood Early Care Department, and the Higher Education Department.

At the onset of the meeting, President Jonathan Nez provided the invocation. We had tribal opening remarks from President Gabe Aguilar of Mescalero Apache Tribe, President Jonathan Nez of the Navajo Nation, and Governor Phillip A. Perez of Nambe Pueblo. The opening remarks provided an opportunity for Tribal leaders to share the unique challenges their communities encountered, educational priorities, shared opportunities, and vision on improved learning environments for Native American students.

After each education department's presentation, there was an hour of open discussion. The open discussion gave tribes an opportunity to ask questions and provide formal recommendations (see [Appendix A-D for Questions and Recommendations](#)). The formal recommendations also identified areas of State and Tribal collaboration and mutually identified action items.

The key themes and recommendations from Tribal leaders are captured and compiled within this report.

The next steps of our collaborative effort will be to establish actionable goals, a work plan, and key performance indicators to measure the effectiveness and success of each identified initiative.

Background

New Mexico's Indian Education Act was passed and signed into law in 2003 amended 2007 to implement the following purposes: **(22-23A-2. Purpose of act.)**

- a. Ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools.
- b. Ensure maintenance of native languages.
- c. Provide for the study, development and implementation of educational systems that positively affect the educational success of American Indian students.
- d. Ensure that the department of education partners with tribes to increase tribal involvement and control over schools and the education of students located in tribal communities.
- e. Encourage cooperation among the educational leadership of Arizona, Utah, New Mexico, and the Navajo Nation to address the unique issues of educating students in Navajo communities that arise due to the location of the Navajo Nation in those states.
- f. Provide the means for a formal government-to-government relationship between the state and New Mexico tribes and the development of relationships with the education division of the Bureau of Indian Affairs and other entities that serve American Indian students.
- g. Provide the means for a relationship between the state and urban American Indian community members to participate in initiatives and educational decisions related to American Indian students residing in urban areas.
- h. Ensure that parents; tribal departments of education; community-based organizations; the department of education; universities; and tribal, state and local policymakers work together to find ways to improve educational opportunities for American Indian students.
- i. Ensure that tribes are notified of all curricula development for their approval and support.
- j. Encourage an agreement regarding the alignment of the Bureau of Indian Affairs and state assessment programs so that comparable information is provided to parents and tribes.
- k. Encourage and foster parental involvement in the education of Indian students.

22-23A-5. Indian education division; created; assistant secretary; duties.

- d. The secretary and assistant secretary shall convene semiannual government-to-government meetings for the express purpose of receiving input on education of tribal students.

22-23A-6. Advisory council.

- d. On a semiannual basis, representatives from all New Mexico tribes, members of the commission, the office of the governor, the Indian affairs department, the legislature, the secretary, the assistant secretary, and the Indian education advisory council shall meet to assist in evaluating, consolidating, and coordinating all activities relating to the education of tribal students.

IED Mission

To increase American Indian student academic and cultural achievement through culturally relevant pedagogy, native language, and collaborative partnerships.

IED Vision

All American Indian students will become proficient in academic, cultural, and leadership standards to become productive and contributing members of their Pueblo, Tribe, Nation and State.

Profile of Indian Education in New Mexico

- 24 Districts and 10 Charter Schools Identified as Native-Serving Institutions
- 43,793 American Indian students in public schools
- 6,687 American Indian students in 41 BIE-operated and tribally controlled schools
- 5.2% of state-wide district staff identified as American Indian (includes all staff)
- 25% American Indian students proficient in Reading, 12% American Indian students proficient in Math (2019- due to pandemic/waiver)
- 72.3% American Indian 4-year graduation rate (2020)
- 7 of the 8 languages of NM Tribes and Pueblos are taught in school-based language programs
- 7,270 students participating in Native language programs
- 6,763 students participating in Bilingual Multicultural Education programs

Meeting Objectives

- **Tribal Consultation** - Receive feedback on the redevelopment of the Social Studies standards.
- **Main Discussions** – Yazzie/Martinez Action Plan, Impact Aid Implementation, Family Income Index, HED- financial aid, scholarships, programs, and initiatives, ECECD-Agency overview, programs, and partnerships, and Special Education Ombud's- overview

Welcome and Introductory Remarks

Welcoming of Tribal Presidents and Governors, Tribal Education Directors, Superintendents, Charter School Leaders, Higher Education Institutions, State Legislators, State agencies, and other stakeholders.

The Assistant Secretary, Lashawna Tso facilitated the meeting with introductory remarks focusing on positive and productive outcomes and informing all participants of the importance of supporting the Tribal consultation process with dialogue from Tribal Leaders and New Mexico Public Education Department including the Indian Education Advisory Council. The participants received an overview of investments in Indian Education from the three state education agencies.

In addition, she highlighted some historic victories in Indian Education Investments, which includes:

- \$300 million in a new Early Childhood Trust Fund
- ECECD is investing \$7 million in our institutions of higher education, to ensure they are recruiting and supporting bilingual and indigenous educators

Since 2019, the Indian Education Act funds was increased from \$1.8 Million to \$5.25 Million. In addition, PED was allocated an additional \$10.6M through Senate Bill 377.

- \$4.5 million was allocated to Tribal Education Departments to develop Educational Blueprints and Governance Structures
- \$4.5 million was allocated to Tribal Libraries to develop and staff; culturally and linguistically after-school student services and community-based summer programs.
- \$1.6 million was allocated to Tribal education Departments to establish or build on existing NA language programs.
- Through below the line funding: An investment of \$5M for indigenous, multilingual, multicultural, and Special Education Initiatives.

The Higher Education Department – key investments made to state scholarships: NM Opportunity Scholarship and NM Lottery Scholarship

- NM Opportunity Scholarship – funding for two years totaling \$18 million dollars
- NM Lottery Scholarship – will cover 100 percent tuition for all eligible students

Other legislative investments include:

- \$1 million to support the development and enhancement of mental and behavioral health services for college students at public and Tribal colleges and universities.
- \$100,000 toward alleviating student hunger on college campuses.

- \$7 million to the Early Childhood Early Care Department to build capacity at New Mexico public colleges and universities to train, recruit, and support early childhood educators from diverse linguistic backgrounds, including Indigenous language educators.

Since 2019, the administration has advocated and administered:

Keyword		Sum of Award Amount
Broadband	\$	5,874,843.00
Early Education	\$	7,983,940.00
Education for (K-12)	\$	8,759,456.36
Higher Education	\$	5,702,600.00
Language Programs	\$	1,703,345.81
Summer Meals	\$	50,000.00
Tribal Libraries	\$	698,117.62
Grand Total	\$	30,772,302.79

SUMMARY OF YAZZIE – MARTINEZ PRESENTATION

Secretary Designate Kurt Steinhaus began the discussion with an overview of the Yazzie – Martinez Consolidated Lawsuit. As former Superintendent of Los Alamos Public School (LAPS), he provided an outline of the actions taken at the local level. The initial step was to meet with the New Mexico Center on Law and Poverty, and Tribal leaders to gain an understanding. In addition, he met with Native American students – to learn of their priorities, importance of various programs, clubs, etc. Thereafter, he met with state legislators and parents regarding identity, culture, language, history, and tradition. With the feedback received, Dr. Steinhaus placed it upon himself to find Culturally and Linguistically Relevant (CLR) learning materials for each classroom. Through these active engagement and efforts with stakeholders, the LAPS implemented a *sash graduation ceremony*, where the tribal Governors and Presidents participated in celebrating Native American students.

Overview – A draft of the Yazzie – Martinez Action Plan was developed by NMPED and distributed to stakeholders. The Action Plan was developed to address the findings outlined by Judge Singleton, the document recognizes and addresses the funding allocation and the education of New Mexico’s named subgroups, which include:

- Native American students
- English language learners
- Students with disabilities receiving special education services and
- Economically disadvantaged students

Draft of Action Plan – Participants include the children’s cabinet, tribal representatives, legislators, and state agencies – Department of Cultural Affairs (DCA), Department of Indian Affairs (IAD), Early Childhood Education and Care Department (ECECD), Higher Education Department (HED), Human Services Department (HSD), and Department of Information Technology (DoIT).

Financial Measures – Oversight and auditing of schools and districts, process improvement for funding distribution, tracking of at-risk funding, and alignment of district and charter budgets with Education Plans (Ed Plan) and financial transparency website.

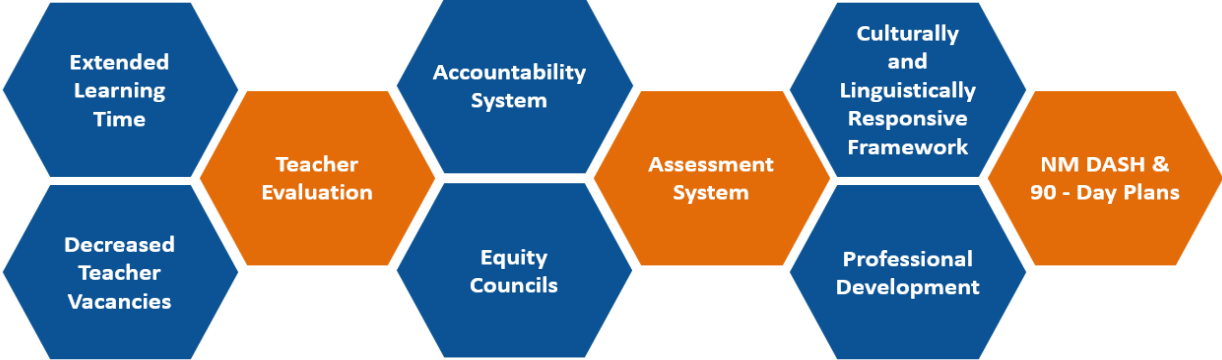
Funding Support – Since 2020, the public education funding budget has seen a significant increase. Below is a chart outlining the increase over the years.

	FY20 Budget	FY21 Budget	FY22 Budget
ELTP*	\$62,497,500	\$71,394,100	\$160,222,500
K5+	\$119,895,900	\$79,895,900	\$119,895,900

*ELTP-Extended Learning Time Program. Provides an additional 10 days of classroom instruction Time and professional development

Additional Funding Support:	
\$8.3M over two years for community schools	\$4.5M to build capacity in tribal education departments
\$10M over two years for career technical education (CTE)	\$1.6M for native language programs
	\$4.5M for tribal libraries <ul style="list-style-type: none"> ○ Funding must be spent by June 30, 2023
\$8M over five years for early childhood bilingual educators and AA degrees	
\$30M over two years for the Family Income Index	\$5M for internet in tribal schools and libraries
Additional \$6.9M for bilingual and multicultural	
\$9M for culturally and linguistically diverse materials	\$2.5M for early childhood at the Pueblo of Jemez

Programmatic Measures to address Yazzie-Martinez lawsuit:



Educators are vital to the outcomes of student proficiency rates, graduation rates, and the overall success of student achievement. PED has made significant stride to support educators – aiding in comprehension of high-quality instructional materials that are culturally and linguistically relevant. NMPED produced and distributed a culturally and linguistically responsive framework, provided professional development on culturally and linguistically responsive teaching in the classroom and pedagogy.

Professional development (PD) is built within the multi-layered systems of support (MLSS), math and science, virtual learning, accelerated learning, and early literacy. The Teaching Learning Assessment divisions and bureaus will be sharing additional PDs in the coming year.

PED deemed this to be the **“Year of Literacy.”** We recognize the importance of providing support for **early literacy** in the early years of childhood, we are building and providing additional support to schools throughout the state.

The **Assessment Division** is in the process of establishing a balanced assessment system and shifting away from the outdated practice of “high stakes assessment” and shifting toward assessments grounded in classrooms.

The **Teacher Evaluation System** has been updated, the evaluation is no longer punitive and is **focused** on emerging and reflective practices. This is vital to ensuring we retain and recruit high quality educators in every classroom across the state.

Decrease in teacher vacancies – overall, there has been a 20 percent decrease in teacher vacancies. In 2018, there was approximately 740 teacher vacancies across the state which is an untenable number for our state. In 2019, there was approximately 644 vacancies, and the following year the number decreased to approximately 571 vacancies.

What are Equity Councils (ECs)?

- ECs are a group of like-minded individuals comprised of community members, parents, educators, and grassroots leaders, that come together to embrace a partnership and collaborate to provide input on educational outcomes:
 - Funding – allocation and administration of resources.
 - Identifying children’s needs.
 - Process on establishing budget to address student needs.
 - Reflection of process to ensure it is impactful.
 - Accountability to students and their needs.

Where to locate the CLR framework –

- Located on PED’s website under the Language and Culture tab.
<https://webnew.ped.state.nm.us/bureaus/languageandculture/culturally-and-linguistically-responsive-instruction/>

Professional Development –

- In May 2021 – a mandatory CLR training was provided to all PED staff. The same training was extended to LEAs, school boards, and tribal education departments.
- In Fall 2021 – PED in partnership with UNM’s IAIE will provide training on: Cultural Sensitivity, and CLR - will be offered to extended partners, and state legislatures.

Supports from the Sub-Groups:

Supports for Native American Students:	Supports for English language learners:
<p>Legislative</p> <ul style="list-style-type: none"> ○ \$5.25M each year for the past two years to the Indian Education Fund ○ \$5.5M over two years for Indigenous, multilingual, multicultural, and special education initiatives ○ \$9M for culturally and linguistically diverse instructional materials and curriculum <p>PED</p> <ul style="list-style-type: none"> ○ Awarded grants to 21 tribes and 28 districts serving large numbers of Native American students ○ Working with stakeholders to develop CLR diverse materials ○ Provided 6,252 chrome books to 22 tribes, 101 hotspots for tribal schools and 22 tribes, 700 residential hotspots to the Navajo Nation <ul style="list-style-type: none"> ○ Continuing to work on the ruling to ensure digital equity for Yazzie-Martinez students 	<p>Legislative</p> <ul style="list-style-type: none"> ● Additional \$6.9M for bilingual and multicultural ● \$9M for culturally and linguistically divers materials <p>Schools and districts</p> <ul style="list-style-type: none"> ● Provide PDs for teachers in English language development ● Establish a CLR Framework ● Fund a statewide Spanish language proficiency assessment ● Review and adopt high-quality instructional materials

Supports from the Sub-Groups:

Supports for At-Risk students:	Supports for Students with Disabilities (students with individual education plans)
<p>Legislative</p> <ul style="list-style-type: none"> ○ Increased funding factor from 0.13 to 0.30 in 2021. <ul style="list-style-type: none"> ○ Approximately three times the funding, now totaling \$296M. ○ \$3M to establish school transparency websites. <p>Schools and districts</p> <ul style="list-style-type: none"> ● PED awarded 59 grants to community schools for planning and implementation ● Assure that Education Plan submitted to PED is aligned with budget ● Districts will work with Equity Councils to guide budget 	<p>Legislative</p> <ul style="list-style-type: none"> ○ \$250,000 for Special Education Ombud ○ \$750,000 for statewide special education convening <p>PED</p> <ul style="list-style-type: none"> ○ Convening special education group to improve oversight, accountability, and support services ○ Ensuring students receive support and intervention in a timely manner using MLSS ○ Implement administrative rule that increases reporting on the use of restraint and seclusion

Action Steps – Distribute updated draft of the Yazzie – Martinez Action Plan, garner input and prioritize feedback. Based on the feedback received, develop a 90-day plan to implement the Yazzie-Martinez Action Plan.

SUMMARY ON THE IMPLEMENTATION OF IMPACT AID

Overview – House Bill 6: State Equalization Guarantee Distributions (2021)

Legislative Sponsors: Rep. Patricia Lundstrom, Speaker Brian Egolf, Rep. Harry Garcia, and Rep. D. Wonda Johnson.

Key Elements – Eliminating the practice of the state taking credit for federal/local revenues which includes, Impact Aid. Requires NM school districts who receive Impact Aid to submit an **annual narrative**, elaborating on the use of federal/local resources. Requires school districts receiving Impact Aid to submit a detailed **narratives on consultation with tribal entities** and the result of those consultations. Requires school districts to **prioritize funds** from federal/local revenue for purposes relating to the **Indian Education Act, capital expenditures, research-based or evidence-based social – emotional, or academic interventions.**

Requires school districts to report to the PED on the **actual use of federal and local revenue**, including an evaluation of how the programs and services provided improved student outcomes; or how capital expenditures improved the condition of a school facilities. The law requires PED to compile school district reports into a **statewide report** for the legislative education study committee (LESC) and the legislative finance committee (LFC).

Governor Val Panteah, Sr. (Pueblo of Zuni) shared the following history on Impact Aid (1974 to 2021).

Based on the NM state equalization ruling, the state department kept 95% of the Impact Aid funding from state school districts who were eligible to receive the funding; the school district received only 5%. A few years later, the NM state legislature modified the NM state equalization ruling for the state department to receive 75% of the Impact Aid funding or credit, and the school districts who generated Impact Aid received only 25%.

In 1998, several School Districts filed legal challenges or litigation against the NM state on the Impact Aid ruling with several hearings (i.e., GMCS, ZPSD, & CCSD). This lawsuit made its way to the U.S. Supreme Court; however, and unfortunately, they ruled in favor of the state of NM. NM continued to gain the Impact Aid credit annually denying full funding to the school districts. Annually each state department who is equalized with Impact Aid must prepare proper reports and application to be equalized.

A set of measures must be followed & submitted to US Department of Education (US DOE) annually. For School Year 2019-2020, NM missed the statutory deadline by three days. US DOE's Impact Aid office determined that NM did not equalize the education funding from the state's school districts. In SY 2019-2020, the US DOE's administrative law judge upheld the lack of state's equalizing, which would require the NM state to return the Impact Aid funds back to the school districts. In June 2021, the 25 eligible Impact Aid school districts received 100% of Impact Aid funding.

The passage of this historic legislation provides opportunities for Native American children in NM to receive an equitable and quality education they deserve as guaranteed by the New Mexico constitution. Districts may expend their funds for specifics such as SEL, CLR, all academics, IDEA, PBIS, Internet & Technology, facilities such as: teacher housing, school renovations, student dorms, student transportation, Professional development, and extended learning time.

Tribal consultation was emphasized throughout the presentation, the importance of conducting a meaningful discussion and process, especially with the significant amounts the Schools Districts will be receiving based on federal/local revenues.

CONSULTATION ON THE REDEVELOPMENT OF THE SOCIAL STUDIES STANDARDS

Background – The NM Social Studies standards were updated in 2009. Over a decade later, the administration has taken action to update the standards. Standards are subjects' students are required to be taught and comprehend. Standards are high level and established by the NM Public Education Department. A standard is the learning goals for what students should know and be able to do at each grade level. Then, we have *curriculum*, this is how you decide to arrange

a scope and sequence, and how standards are implemented. What they look like and how you make them come alive in a relevant, meaningful way for students. There is a connection between both the state and local level, in terms of implementing curriculum and standards.

Steps taken – PED began this journey by seeking guidance from the local experts in the state. Approximately 20 to 30 experts were identified from NM institutions of higher education, comprised of professors of indigenous languages, history, ethnic studies, and geography.

Social Studies Standards Re-development

8 Guiding Principles

The stories of the diverse peoples of New Mexico provide the foundation for understanding the broad diversity of human experience. Knowing ourselves, our community histories, the landscapes, places, and lifeways that made us and continue to sustain us, are the starting point for challenging systems and institutional structures that impede human flourishing. These guiding principles center Indigenous perspective, cultural diversity, and epistemic justice, and ensure that our social studies standards will cultivate active participants and inquiry learners who become active participants in society and our communities, cities, state, nation and world.

Incorporating major historical themes,

such as power, class conflict, struggle geo political impact, social justice, equity and diversity through content standards designed to teach these topics in developmentally appropriate ways.

Developing student agency and leadership,

employability skills, critical thinking applied to histories, stories and the long-term impact of political decisions.

Ensuring divergence from a singular cultural script,

ensuring equitable inclusion of accurate historical stories reflecting Indigenous, Hispano/Latino, Chicano, Mestizo, Genizaro, African American and other cultural perspectives.

Identifying tools to share authentic stories,

including the study of relationship between power and oppression.

Supporting the development of a strong historical consciousness,

representative of many perspectives while allowing students to maintain his/her/their own cultural integrity while learning about others.

Empowering students to develop pride in their identity,

history, culture, and region by incorporating a community based approach while preparing students to be a part of a global environment.

Developing a future-focused orientation,

that allows students to be critical thinkers in considering historical context in mending, healing, and transforming future interactions.

Utilizing historical events

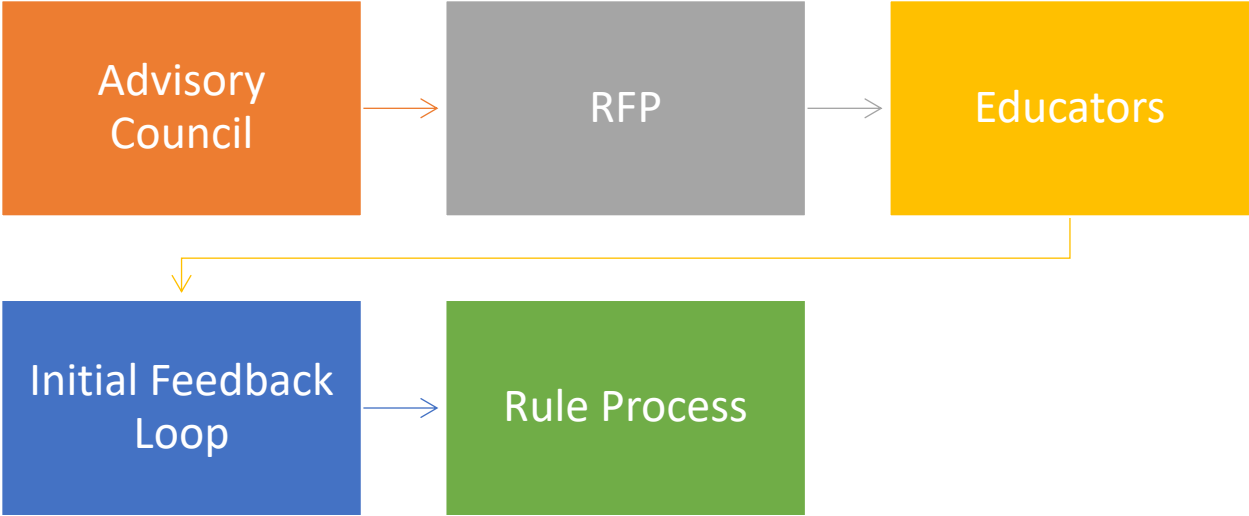
from a future-focused orientation.



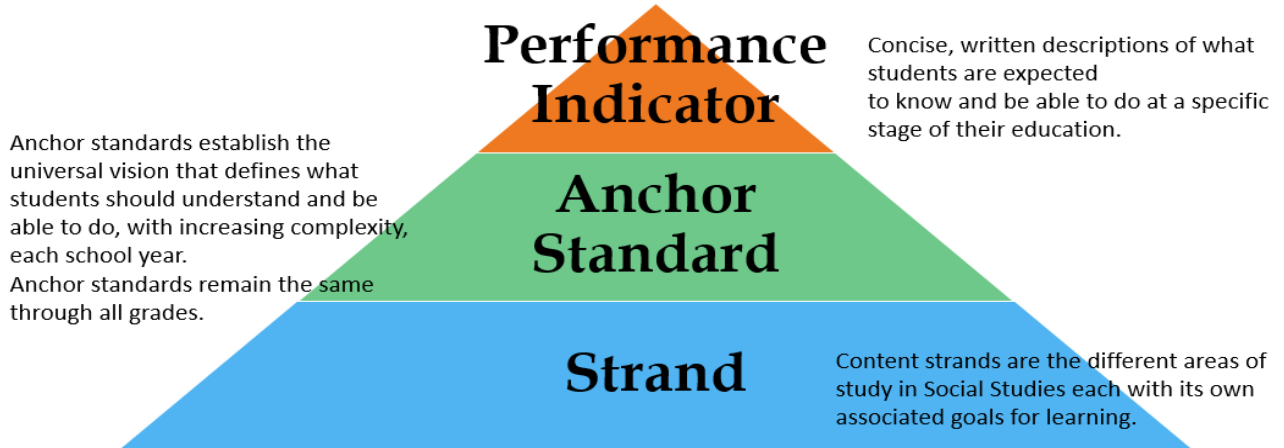
Advisory Council – comprised of local historians and subject matter experts supported and established guiding principles. A Request for Proposal (RFP) was issued to identify an organization or institution that would help us facilitate this work. The American Institution of Research (AIR) was selected based on the extensive history and work accomplished with many states. They also demonstrated their attention to diversity in their attention to communities, particularly indigenous communities. They've helped states like Montana redevelop their social studies standards.

In addition, state educators were encouraged to apply. There are approximately 60 educators in the process of writing New Mexico's new proposed social studies standards. During an initial feedback loop when we requested tribal education leaders to review the process, the anchor standards (high-level anchor standards) prior to diving into the nuances of the actual standards.

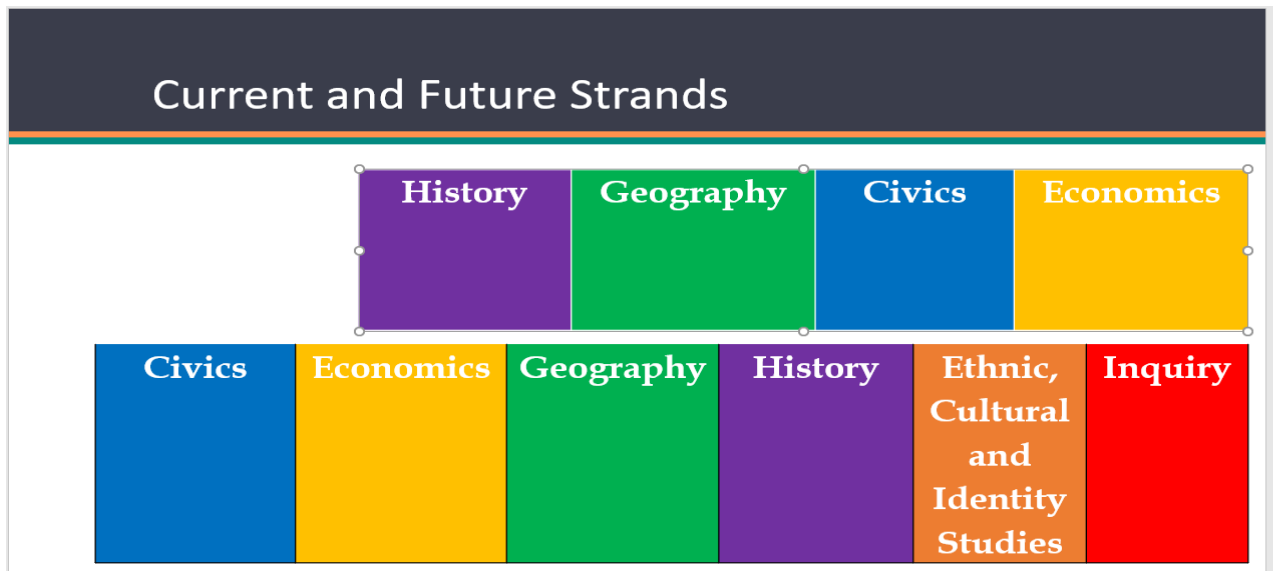
Currently, we are in the final steps of the statewide feedback loop. The feedback loop also includes outreach to superintendents, educators, tribal partners, curriculum leaders, parents, and students. We received initial feedback and guidance on the anchor standards, a few areas to consider while we examine the impact of our work during the writing process.



Architecture of the Standards – A performance indicator is a specific thing that's learned at a particular grade level, so if a strand is civics and an anchor standard is a political institution, then a performance indicator would be the branches of federal/state government or tribal sovereignty. The relationship between those two performance indicators is going to be different at a fourth or fifth grade level than it would at a seventh, or 11th or 12th grades.



Anchor Standards – Below is a comparison of our current strands and our future strands. These are major strands that make up the social studies standards. At the top you'll see what our current social studies standards are built upon: history, geography, civics, and economics. The new proposed standards will include two additional strands which are: 1.) Ethnic, Cultural, and Identity Studies, and 2.) Inquiry.



SUMMARY OF FAMILY INCOME INDEX

Recent legislative accomplishment titled: *FAMILY INCOME INDEX* - This new ruling provides for: *Direct funding for “1/3 of students’ family with the lowest income”*. Target schools that serve the highest population of lowest economic students. Funding will support students in NM who attend public schools. This funding can assist with:

- Academic Enrichment Intervention
- Physical and Social-Emotional Health Needs
- Access to Support and Services
- Educator Retention
- Before and After School Programs

“**At Risk Index**” is elaborated more in the power point as it relates to the Yazzie-Martinez lawsuit, where public schools with the “poorest” student population receive 2% to 3% of State Equalization Guaranteed Distribution (SEG) funding. The state must determine whether this percentage amount meets the needs of those labeled as At-Risk students or more adjustments may be needed.

PED partnered with the Tax Department and Human Services Department (HSD) to extract data on qualifying families using specific tax record and benefits, such as Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP). Only 75% of students were matched by using tax records. The partnership between PED and HSD, using SNAP and TANF increased the accuracy of identifying the students and families for all NM public school.

Income level categories (Levels 1– 5): Level 1: being the extremely low income; based on the tax and benefit departments.

Level of Student Count and Percentage: Illustrates the “Poverty Level” side by side with the “Student Count” statewide (not by school district).

Based on the following chart, each school district will find their level and determine what their percentage is for each levels 1-2. These two categories will determine and give the PED the School’s Income Index. *Benefit:* Calculations are done to determine funding support for each school. At-Risk funding identified for each school are required to use funding for the students that generate the funds and who have the most need.

Income Level Categories		
Percentage of Poverty Level	Level	Category
0-75%	1	Extremely low income
76%-130%	2	Very low income
131%-185%	3	Low income
186%-225%	4	Moderate income
Above 225%	5	Above average income

Levels by Student Count and Percentage	
Poverty Level	Student Count
Extremely low income	68,167 (21%)
Very low income	59,843 (18%)
Low income	56,336 (17%)
Moderate income	34,206 (11%)
Above average income	107,446 (33%)
Total	325,998

Senate Bill 17 – created the Family Income Index, which outlines the process for identifying eligible school districts and method for calculating allocations. It also requires schools who receive more than \$40,000 to spend the allocation on the following ways:

- At least 1/3 on structured literacy and Reading Interventions
- 1/3 of funds on Math interventions
- 1/3 of funds on other student support, such as counselors, social workers, and other wrap around services.
- Schools receiving less than \$40,000 can spend funds on any or all of the three categories above

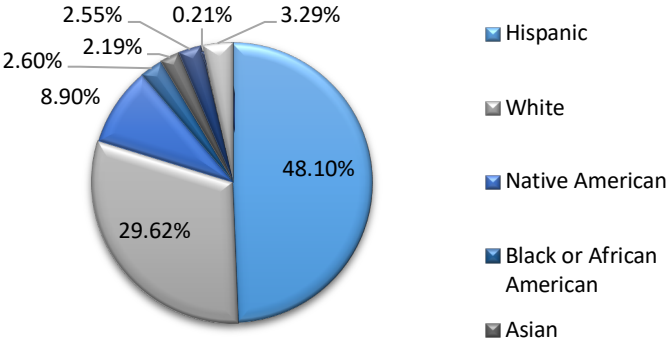
Implementation – \$30 million is expected to be spent over the next two fiscal years (\$15 million per year).

69 schools (of the 108 school districts) and 10 state-charter schools in NM will receive this fund. The recipients are required to report and explain how the funds are expended (i.e., planning, monitoring, tracking, supporting, and setting up the FII) will be specified by the state departments.

SUMMARY OF HIGHER EDUCATION

Background – The New Mexico Higher Education Department (NMHED) serves 9,748 Native American students that are enrolled at public and Tribal Colleges across New Mexico, and 2,412 Native American students are enrolled exclusively at Tribal colleges within the state. As far as enrollment is concerned, 40 percent of the student population is Hispanic followed by students who identify as white, and approximately 9 percent is Native American. The agency’s data also

shows that there was a small increase of Native American students enrolling at independent community colleges and branch campuses within the state in the 2020-2021 academic year.



Within our higher education landscape, we have four tribal colleges in New Mexico:

1. Diné College
2. Institute of American Indian Arts (IAIA)
3. Navajo Technical University (NTU)
4. Southwest Indian Polytechnic Institute (SIPI)

Tribal colleges are vital, because they serve and prepare students for the workforce, while integrating language, culture, and traditions into every student's curriculum.

Legislative Accomplishments

Student Services

For the first time, NMHED received funding to support mental and behavioral health and food insecurity on college campuses.

- \$1 million will go to the NMHED to support the development and enhancement of mental and behavioral health services for college students at public and Tribal colleges and universities.
- \$100,000 will go to the NMHED toward alleviating student hunger on college campuses. Food insecurity can impact academic success and student health and wellbeing. Food insecurity is associated with lower grades and a greater likelihood of students withdrawing or otherwise deferring or suspending their studies.

Adult Education and Literacy

- New Mexico’s adult education programs will receive \$6.5 million to provide adults with education services, materials, and access to high school equivalency tests.
- \$680,400 will go toward programs to increase adult literacy across New Mexico.

Workforce Development and Cradle to Career Education

- \$401,000 will go to the NMHED for the development of a longitudinal data system that will combine information from sister education agencies and workforce data to identify areas of improvement for education policy and funding and improve student outcomes.
- \$7 million will go to the Early Childhood Education and Care Department (ECECD) to create endowed early childhood education positions at New Mexico public and Tribal colleges and universities in bilingual and Indigenous language education.
- \$216,000 for Navajo Technical University's nursing pathways program.
- \$263,900 will be allocated to Tribal college dual-credit programs. Navajo Technical University has one of the largest dual-credit programs in the state.
 - Funds for Tribal college dual-credit programs is administered to Diné College, Navajo Technical University and the Institute of American Indian Arts. During the 2019 2020 school year over 21,000 students participated in the States dual credit program 11.6 percent of which are Native American students.

Capital Outlay for Tribal Colleges

- \$53.9 million has been approved to fund critical infrastructure upgrades at public and Tribal colleges and universities and special schools statewide. This funding will address critical health and safety issues, provide for ADA and code compliance upgrades, and much needed facility renovations and modernization at our college and university campuses. Capital funding to Tribal colleges and universities totaled \$3,735,536.
 - \$960,536 for infrastructure improvements to Building 105 at Southwestern Indian Polytechnic Institute
 - \$400,000 for ventilation and HVAC improvements to classrooms at Navajo Technical University
 - \$325,000 for HVAC improvements at Dine College
 - \$1,100,000 for a new agricultural multipurpose center at Dine College
 - \$700,000 for the construction of a new Fire Truck access lane at Dine College
 - \$250,000 for the renovation and expansion of the research center to advance contemporary native arts and museum studies department at the Institute of American Indian Arts

Research and Public Service Projects at Public Colleges and Universities

- \$182,400 to the Native American Studies Program at the University of New Mexico.
- \$188,400 for the Southwest Indian Law Clinic at the University of New Mexico
- \$88,100 for Native American suicide prevention at the University of New Mexico Health Sciences Center.
- \$240,500 to the Native American Health Center at the University of New Mexico Health Sciences Center.
- \$159,900 to the Native American Social Work Institute at New Mexico Highlands University
- Other items totaling \$1,174,900 for minority student services:

- \$644,300 to minority student services at the University of New Mexico including American Indian Student Services; and
- \$483,800 to minority student services at New Mexico Highlands University.

FY22 Legislative Investment for Tribal Colleges, Native American Programs, and Native American Students:

\$6,556,436

Financial Aid

During FY21, NMHED calculated that \$4.3 million dollars was distributed directly to Native American students enrolled at public colleges and universities and Tribal colleges. At non-Tribal colleges, over 2,600 Native American students received more than \$3.6 million dollars in state-funded scholarships. On top of state investments, Native American students also received over \$15 million in Pell Grants which can cover tuition and/or a student's cost of attendance. At the four Tribal colleges in New Mexico, more than 500 students received over \$770,000 dollars in state scholarships. Additionally, students enrolled at Tribal colleges received nearly \$8 million in Pell Grants.

Adult Education

Adult education programs guide students into higher education, career training, and the workforce. The agency's Adult Education Division provides free educational and career development services for New Mexico adults. The division oversees a total of 26 adult education programs and eight adult literacy programs, including programs at Diné College and Southwest Indian Polytechnic Institute (SIPI). All of our adult education programs across the state:

1. Are free to help New Mexicans strengthen their core academic skills.
2. Help New Mexicans earn a high school equivalency credential.
3. Assist students in learning English as a second language, also known as English Language Learner (ELL) programs.
4. Improve and strengthen workplace readiness and soft skills.
5. Transition students to post-secondary and career aspirations.

Total number of Native American students in adult education programs across New Mexico: 953

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

GEAR UP is a federally funded program and it stands for Gaining College Awareness and Readiness for Undergraduate Programs. Last fall, NMHED received \$31.4 million from the U.S. Department of Education. GEAR UP provides a range of services to students and their families, including rigorous coursework, dual credit, tutoring, supplemental math instruction, mentoring by college students, college visits, college entrance test preparation, and financial aid advising. We also oversee AVID programs in middle schools and high schools. AVID stands for Advancement via Individual Determination. Partner districts include Taos, Bernalillo, Santa Fe and the Espanola Valley to name a few.

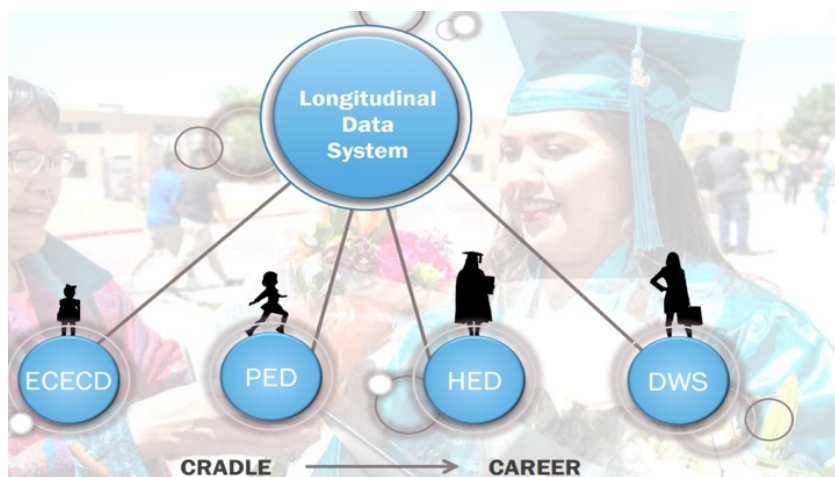
Indian Education Division

Reinstated by Governor Michelle Lujan Grisham and the agency in 2020, the Indian Education Division (IED) builds and maintains effective two-way communication among the agency, Tribal colleges, Tribal education departments; and Tribal communities throughout New Mexico. The division and agency is committed to working with Tribes, Nations, and Pueblos in the state for the best interests of Native American students in our higher education and adult education systems. The division works to promote and share constituent service support and agency resources available to Native American students, and works with Tribes, Nations and Pueblos to understand needs, challenges, and questions to address them promptly and accordingly. Other services include but aren't limited to:

- College/Program connections
- Financial aid research
- Degree exploration
- Career pathway navigation

New Mexico Longitudinal Data System

The New Mexico Longitudinal Data System (NMLDS) will help educators, administrators, policymakers, and Tribal leaders identify student challenges early on and make targeted interventions and investments and determine what educational practices and programs drive student success from the early years into the workforce. This is a partnership amongst key agencies, starting with the Early Childhood Education and Care Department, to the Public Education Department, our agency, and the finish line will be the Department of Workforce Solutions. This past legislative session, NMHED made an initial investment of \$401,000, and we are working to increase that through other federal avenues and future state investments through the Department of Information Technology's C2 funding.



Summary of Early Childhood Education and Care Department

FY 20-21 Funding:	Statement:
\$90,000	ECECD Sowing Seeds Curriculum Capacity Building Workshops
\$479,750	Tesuque Pueblo PreK from FY22-FY25
\$105,000	Early Childhood Facility Assessment and Action Planning
\$50,000	Pueblo Cohort
\$150,000	Native American Early Childhood Policy Analyst
\$200,000	A year over five years to total \$1 million to advance 50 early childhood educators to obtain an AA degree
\$200,000	Waterford UPSTART for Native American PreK children
\$ 1,274,750 Total Investments thus far	

Our Commitment Our commitment to New Mexicans is to create a cohesive, equitable, and responsive prenatal to five early childhood system that supports families, strengthens communities, and enhances child health, development, education and well-being for babies, toddlers and preschoolers.

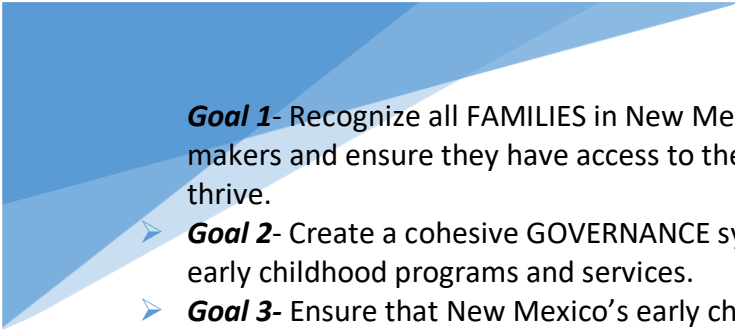
Vision: All New Mexico families and young children are thriving

Mission: Optimize the health, development, education and wellbeing of babies, toddlers, and preschoolers through high-quality, community-based and family-driven early childhood programs and services

Five Strategic Priorities

- Grow Investments
- Advance a diverse, well compensated, and credentialed workforce
- Increase Quality and Access
- Achieve Equity
- Enhance Authentic Collaboration





- Goal 1-** Recognize all FAMILIES in New Mexico as key decision makers and ensure they have access to the resources they need to thrive.
- **Goal 2-** Create a cohesive GOVERNANCE system of high-quality early childhood programs and services.
- **Goal 3-** Ensure that New Mexico’s early childhood WORKFORCE is supported to meet the needs of all families and young children through an aligned professional development system and through compensation that reflects the level of experience and training.
- **Goal 4-** Provide sustainable and secure FUNDING to support New Mexico’s youngest children and their families.
- **Goal 5-** Develop a statewide, integrated DATA system to better inform planning and decision-making for all stakeholders.
- **Goal 6-** Strengthen that ongoing government to government relationships with TRIBAL communities in order to foster mutual trust, understanding and partnership that respects tribal sovereignty.

Strategic Goals 2021-2024

Goal 6 Tribal Objectives

<p>Objective 6A: Ensure 100 percent of children in tribal communities have access to facilities that promote the integration of education, language and culture as identified and defined by tribal communities by 2023.</p>	<p>Partner: with tribal leadership to leadership to conduct a facility assessment to identify space for early learning centers and existing facilities that need renovations and upgrades by December 2021.</p>
<p>Objective 6B: Support knowledge and respect of the culture, sovereignty and self-determination and governance of tribes and programs.</p>	<p>Create: and provide the space for authentic dialogue and guidance from tribes to best support language preservation and cultural values and beliefs</p>
<p>Objective 6C: Adhere to existing laws relating to tribal nations</p>	<p>Expand: access by 50 percent by 2023 to home visiting, families’ first, early intervention, for tribal families while strengthening coordination with the material and child programs at DOH and social services at CYFD.</p>

Overview of Current and Past Initiatives

In our first year ECECD invested in the creation of capacity building workshop: ECECD Sowing Seeds project to establish a foundation and plan to build and create curriculum, it is an opportunity to organize individual teams to come up with goals, a vision and mission for developing curriculum.

In an effort to support school readiness, ECECD has invested in the Waterford Upstart program, the program, which is 15 minutes a day, supports enhancing reading, math and science skills for four-year-old's. ECECD provided laptops, wi fi and the license, for families who wanted to participate in the program.

With the onset of the health emergency, ECECD, through the Family Nutrition Bureau, initiated the Meals-to-You program serving over 170,000 shelf stable meal boxes to participating tribes to ensure children 1-18 years of age had access to food in their homes.

Kellogg Foundation has awarded the department with \$1 million dollars over the next five years to elevate 50 early childhood educators to obtain an associate degree in Early Childhood and create a pathway for a bilingual certification.

In FY22, ECECD will provide \$7 million to New Mexico public and tribal institutions of higher education to increase the number of indigenous and bilingual early childhood educators. In addition, ECECD invests \$1.7 million annually in scholarships for early childhood professionals to obtain an AA, BA or master's degree in early childhood.

Integration of Health

ECECD was awarded \$1.28 million dollars over five years to support the integration of health through federal early childhood comprehensive systems grant. The goal of the grant is to strengthen state infrastructure in New Mexico's maternal and early childhood systems.

Family Connects NM is also an effort to support healthy development. It is a free, evidence-based model to fill the gaps for the large percentage of births not currently getting services by postpartum home visits.

Social and Emotional Well-Being

This early stage is prime for social and emotional development, our children are learning to express and regulate themselves as they enter into early learning environments. The first three years of life is when the brain is developing most rapidly, and by the time a child enters into kindergarten 90% of their brain has been developed. However, as we continue to promote positive relationships and early intervention during this critical time of the development it's not always the case, and children will experience stressful and traumatic environments that can hinder the brain development and the social and emotional well-being of children. Which can

often result in what may be labeled as behavior problems, leading to our children to be suspended or expelled.

In an effort to bring more awareness and training ECECD created and launched the Statewide Infant Early Childhood Mental Health Consultation Three Year Plan. The vision is that the physical, mental emotional and spiritual well- being of children in New Mexico infants and young children will be nurtured and preserved. The plan centers around six themed goals: (1) Program Model; (2) Equity; (3) Workforce Development; (4) Policy; (5) Financing; and (6) Data and Evaluation.



Figure 1: Framework for Effective Early Childhood Mental Health Consultation Programs

attitudes, beliefs, practices, and conditions that may be undermining quality relationships between teachers and children.

3. Program-Focused Consultation Directors and other program leaders are supported by the consultant to make changes in their practices and/or policies to benefit all the children and adults in their setting.

Early Childhood Facility Assessments through Partnership with Thrive Community Building

Early childhood facility assessments and licensed architects at Thrive will provide technical assistance and conduct onsite assessments of early childhood programs.

When Consulting to Early Childhood Education Programs, IECMH consultants generally provide three types of services

1. Child-Focused Consultation: When a specific child’s behavior is of concern to parents or teachers, the Consultant helps these adults understand, assess, and address the child’s needs by developing an individualized plan with the parents and teachers.

2. Classroom-Focused Consultation: The Consultant works with teachers to improve the care offered to all children in their classroom by helping to identify

Conclusion

The Government-to-Government Tribal consultation meeting was designed to identify Tribal educational priorities and to also better understand the challenges for which to build stronger and more meaningful State and Tribal relationships. The Tribal leadership's pre-consultation meeting helped the New Mexico state agencies and tribal leaders to identify Tribal education priorities. The Tribal consultation meeting provided an opportunity for all participating tribal leaders and the Secretary of Education and Assistant Secretary of Indian Education to discuss the identified priorities and to learn more about the unique opportunities and challenges for improving education for Native American students.

Tribal Leaders called for sustainability, continuity, and stability of leadership. PED leadership offered to provide and support sustainability, continuity, and stability of leadership. Both the Secretary and the PED team offered to create the continuity and stability that tribes are seeking for – with increased funding and outcomes for Native American students.

The government-to-government Tribal consultation meetings provided a renewed baseline for which to build stronger and more positive and productive government-to-government relationships. The New Mexico PED looks forward to constructive and creative solutions based working relationships with New Mexico's Indian Pueblos, Tribes, and Nations.

During, the Yazzie Martinez update, a draft of an Action plan was provided to Tribal Leaders. The action plan outlines a plan on how the state will address the mandates. Before implementation, tribes will be consulted through a series of meetings. This will provide each tribe to discuss areas of concern, identify challenges, and provide solutions.

House Bill 6 was signed into law by Governor Lujan Grisham. Prior to the passage of this historic bill, many efforts were made dating back to 1998 (23 years). The passage of the bill eliminates the practice of taking credit for federal and local revenue, including federal impact aid, require school districts to submit narrative of how the funds will be utilized and consultation with tribal entities. Each school district will be required to report the actual use of the funds and how the funds improved student outcomes or capital expenditures.

Appendix A: Questions, Recommendations and Responses: Yazzie – Martinez and Impact Aid Presentation

Councilman Peter Garcia- Ohkay Owingeh (Proxy)

Q1. When will the funding start for Tribal Libraries, what is the process we follow in getting the money out to our tribes, and when we can start utilizing the funding for our tribes?

AS Tso: the Department of cultural affairs (DCA) has a long history of working with tribal libraries and can administer funding relatively quickly and not on a reimbursement basis (preferred and requested by tribal libraries). PED entered an MOU with DCA to administer funds. The tribes can fully utilize these funds retroactive to July 1 so that they can request for reimbursement back to the beginning of the fiscal year.

Q2. I know that some tribes don't have libraries, but I think that you need to think about if the tribes don't have libraries, how can these tribes get funding to build facilities? We use are library as a community library.

AS Tso: DCA will work with tribes that do have tribal libraries established. A process is in development.

Q3. How do we give input to the action plan that was talked about earlier for another draft for implementation? Along with input for the remedy framework?

AS Tso: A series of stakeholder engagements meetings will be held to receive feedback, and input on implementation.

Q4. What happens to the impact aid funding when there are times when this funding isn't given to the public schools that our kids attend? I've heard a couple of Governors saying that some of that funding should be brought back, but we don't know where that funding has gone when times that we didn't receive those funds.

For LEAs to receive Impact Aid, an application must be submitted by the district. Eligibility and approval are determined by US DOE. If a School District did not receive funds, it is possible school officials did not apply.

R1. I think that a lot of the kids had a hard time trying to get in their classes, I've heard some of them say yesterday that they had a hard time because they couldn't get on board with their teachers, or they can't log on.

Dr. Stewart: We have set up a statewide help desk for any family or student who are struggling with internet and needs either technical support or resource support around that and so I'll ask our chief information officer Mary Montoya to put that information in the chat box, so that said everybody has that information, and you can get that number out to your communities.

<https://nmstudentconnect.org/>

R2. A lot of times we don't receive the date or information on some of the things that are supposed to happen. I think that, in one way or another, you need to get all the information to all the people that are involved with trying to help our kids that's another point I like to make

R3. Request funding for tribally controlled or grant schools through PED

R4. PED requires consultations for the Impact aid funding, one of the things we lack is guidelines as what the consultation should include. Guidelines would assist with better relationships with the school systems or their Board of education.

Secretary Steinhaus- we'll also circle back with you that Assistant Secretary has already talked about some guidelines for consultations that she's working on, so thank you.

R5. Complete an assessment on the transition from high school into college regarding the curriculum teachers are using in the public education department vs. those in tribal schools such as Santa Fe Indian School, how is math being taught in high school vs. college.

R1. I think that there's a lot of different ways for college kids to get money. But the one thing that's very hard to get money are for graduate students that are trying to receive their masters degrees or PhDs it's harder for those students to get funding.

Director Jeremy Oyenque- Santa Clara Pueblo (Proxy)

R1. The executive branch has done a good job in the resources that they've been allocated from the legislature. But I would like to ask Governor Lujan Grisham if you could ask the legislative branch on the behalf of tribal leaders to attend these meetings. I did see the honorable Representative Lente, Representative Dow and Representative Allison and I would like to ask them as well if they could ask their counterparts on both sides to be at these meetings. The legislative Finance Committee, the LSC committee to be in attendance, as well, because they are the ones that are allocating these resources in that fashion.

R2. Funding that could potentially support the tribal remedy framework- extended learning programs, K through five plus there is funding there that is being reverted as well as the Indian Education Act Funds. Instead of adding 10 to 25 days, it is helpful and may impact our kids and our community where we could be using those funds through our tribal libraries, or our tribal education departments to assist these kids.

R3. Tribal Education Departments need to be involved in LEAs calendars as it interferes with annual feast days. To be culturally and linguistically responsive in that fashion, this is something that tribal leaders have asked for years, if not decades.

Governor Anthony Ortiz- San Felipe Pueblo

R1. Districts are not providing us the budget of Impact aid; it has taken up to six months to receive the information which they have been hesitant to provide.

Secretary Steinhaus: I'll just add that as Secretary Stewart is transitioning out and I'm transitioning in I am committed to following up with you and making sure that the Bernalillo public schools consult with you about how the impact aid funds will be used and are accountable for those funds.

R2. The Government-to-Government consultation is not happening from the public school district.

AS Tso: In terms of the tribal consultation guide the document has been in developed for quite some time we do apologize for the delay. I am happy to report that the draft is complete, and we will be scheduling a couple of meetings with our tribal leaders to solicit feedback and input to that document, to ensure that it captures all the unique needs from our tribal communities and with that, please be on the lookout for a calendar invite or a formal invite.

R3. Requesting that carry over in districts be used for tutors/lessons or counselors for our students to be working with them one on one.

Dr. Stewart: House bill six outlines what the priorities need to be for school districts or charter schools operating in the educational plan, they do need to prioritize the items that are there, including Indian Education Act, capital expenditures, capital improvements or research-based interventions academic or social emotional.

One thing I would also say, is the information I was sharing earlier about the improvements to the tribal consultation process. I think the way that you're describing your experience right now is exactly the reason why that's so critical, because we want to make sure that you have a good productive meaningful tribal consultation process in a timely manner that puts you and your school districts on a collaborative foot and clearly it's from your experience we're not there yet, and so that's why that work is so important. We appreciate you bringing it to our attention because its understanding what your exact experiences are, helps us understand where we need to provide better support and guidance.

We want to work with you directly on ways to improve that process with you and with the leadership there at the school district.

Q1. Can Districts carry over Impact Aid, or other monies us these funds on to impact our students?

Secretary Steinhaus: I will also make myself available, we don't want your students failing in the earliest schools and we want to make some changes to make sure that that's improved. My understanding, based on the federal law is that the answer is yes impact aid funds are allowed for carryover.

Governor Brian Vallo- Acoma Pueblo

R1. The tribal remedy framework does put forward solutions to rectify the deep educational inequities that the private or native students have their right to an adequate education. I can't stress enough that the importance and the significance of the tribal remedy framework as developed by Native American educators and experts and tribal leaders. We are putting forth the solutions. We want these solutions to transform education.

Q1. Did the state collaborate with the players in developing the draft plan?

Dr. Stewart: there was a question in there about collaboration with the plaintiff groups, and so I want to talk a little bit about that and I'm going to separate out the many advocacy and student groups who are represented under Yazzie Martinez, and then the legal process that we're also going through and you'll see as you go through the draft plan, the very, very many organizations and individuals, representing those organizations that have provided feedback and input on what they think are the clear priorities and we've tried to represent those and even have a very clear appendix about all of the very things that we heard from each of those groups, so I think you'll see in there, that this is a very clear and intentional effort to be inclusive, about the work that we're trying to do with all the groups who are represented addition to that there's a legal process that we're going through, and right now we're in the discovery process with the plaintiffs groups, we have been for several months now and, of course, through the legal channels cooperating and fully providing all of the requested information that goes along with the lead the ongoing legal and litigation process there.

A couple of different channels that we're working on, I want everyone to walk away, knowing that this is a process that, not just somebody at PED behind a closed door putting this together, but really something that is a living breathing many, many agency stakeholder collaboration that will continue to evolve over time, as we get your feedback and like as the governor said, as we see what's working what's having an impact and what's not and we have to make those adjustments.

Q2. Concerning permanent funding and this is directed to governor long question and I am curious to know their opinion. Regarding small grants and a nice and flat or sufficient. Or what the governor commits to fully funding Indian education, including prep programs and tribal communities.

Governor Lujan Grisham: Well, Governor Vallo and my hope is that because we're already investing in the tribal remedy and in a pipeline and in I think everything you've indicated the accountability issues with the current school districts on any funding is certainly something that we continue to be concerned about and how we can be better aligned as accountability partners, I think we should explore every legal and not that what you're suggesting is illegal, but I mean creating an environment where schools can't fight us right, that we really shore up our abilities to have much more transparency, including when things don't go right the courts aren't looking to the pueblos and tribes, or the school districts aren't holding the state responsible, which they should, but also I'm really worried and I've said this about a consent decree, and I just can't see a reason why anyone in the State of New Mexico would want total regard for the courts, why we

would want the courts to be running education. That hasn't worked on any of our other consent decrees, certainly not working in the context of public safety and I am a bit concerned that we continue to sort of bump up against that potential reality and I'm hoping that, with the specificity, and I thank you on those questions that we are developing more teeth, more investment specific. More plan reactions through this consultation, so instead of having one group say will you commit to X. I don't know what that is we're doing that collectively today and it doesn't end today it's just another beginning, and so I appreciate that the areas that we still feel like there's not enough clarity there's not enough specific and where we want a flow of resources into tribal education departments, I think those are all areas that we need to do a better job at and be directly engaged in, like you have today.

Our collective commitment to do those and I haven't said anything about the Yazzie Martinez draft plan you know we wanted most folks here to get a sense about the breadth of areas, we have to be responsible and we should that's not a complaint just it's huge and unwieldy in a way that I think is going to be very difficult to be able to check off where we are and where we aren't and then I don't want just boxes checked, I want to know that the students feel like this is making a difference and educators, in a variety of classrooms. There needs to be a vehicle to really use even our Youth Council what is their experience in the classroom what do they think makes a difference and we need you today and every day, and I know you will, and I know I've got your commitment you've been really clear and an effective leader in this space, as have all of the governors, tribal leaders Presidents and the Chairwoman.

We want to get this condensed in a way that is we're talking to other advocates that we can really articulate what we think the end results are and that's part of what we're doing today and the Secretaries and Dr Steinhaus will tell you I had some trepidation about this plan, because you know I want action items I want to be able to see if we did A, B, C D and E resulted, which is what we wanted to have happen if that doesn't happen, then I want to know why, and then we have to re address the plan right, we want to be able to see tangible outcomes.

We want to build this financial apparatus that's meant to improve educational outcomes cradle to career for tribal students, minority students and all students statewide and I am serious about achieving our moonshot so thank you for holding us accountable, being fearless and participating as meaningfully as you always do thank you governor and, and that should, I hope, serve some of the questions that governor Mitchell had as well, that you have my commitments to stay in until we're all feeling like this is exactly what we need, what we want and what we need to have happen in order to get these results for all these kiddos.

Q3. My third question is regarding PEDs commitment to using intergovernmental agreements for the disbursement of future education funding to tribes?

Secretary Steinhaus: A commitment to using intergovernmental agreements, I think that's a great idea, I will just flat out say I'm not an expert on exactly how we make that work, but I will work with Assistant Secretary Tso and we can figure out how to get a mechanism that includes intergovernmental agreements.

Q4. Concerning the plan and again the development of a native teacher pipeline, the court clearly pointed into the lack of native teachers so I'm wondering the commitment to a systemic long term strategy for increasing the number of native teachers. In your presentation, you did provide some information about some of these next steps,

Secretary Steinhaus: Governor Vallo our commitment to funding a Native American teacher pipeline and the answer is absolutely yes that's in the plan, and I think you're suggesting that this be one of the priorities. When I was a school superintendent I asked the school board to approve funding for a pipeline just for our school district, and I learned that. If we work with members of the Pueblo or the Community to know the language and culture, history, traditions, if we can find them to be part of that pipeline to be an instructional assistant and then maybe a teacher and then even a principal. They are more likely to stay and they are better at connecting with the students and helping them see their culture in the education. So I look forward to working with you on that pipeline for Native American teachers.

R2. I want to ensure we have the opportunity to comment on some of the details of the plan, and I suppose that during consultation that we will have that opportunity. Again, I just want to stress that. We want to see meaningful consultation happen and see favorable outcomes, as a result of that consultation.

Secretary Steinhaus: To ensure that you have the opportunity to comment on the details, we do have Former education Secretary Veronica Garcia former school superintendent who has agreed to work with us and reaching out. Then the whole team of people to public education department will be working to seek your input and comment on the details of the plan and make it a meaningful consultation, so thank you for those suggestions and specific questions, and I look forward to working with you, thank you, sir.

R3. Concerning Impact Aid, I just want to reiterate some of the comments made by Governor Ortiz we are faced with the same challenges here with Grant Cibola County School District trying to obtain any data or other information requested, rather than engaging us the consultation is dictated on how funds are spent.

Q5. One of the things that we have been asking is why is it that some of these impact aid dollars cannot be brought back to tribal education departments to conduct additional services and programs and support to our students and our families, not only around cultural education, but other aspects of education, we have direct access to our students and families and it only makes sense to provide. Funding directly to our tribal education departments to do that work in tandem with the school districts.

Impact Aid funds are administered by the federal government and are intended specifically for local school districts. For tribes to receive federal impact aid funding may require change in federal statutes.

Governor Mark Mitchell - Tesuque Pueblo

Q1. What is the Governors commitment in funding the tribal remedy framework?

The Governor is committed to working with tribes to meet the unique educational needs of their respective communities this includes advocating for additional funding that tribes deem important in their communities.

Q2. What is PEDs commitment to funding the tribal remedy framework?

Dr. Stewart: Thank you, Governor Mitchell and I'll speak a little bit about the tribal remedy framework in the work that we did in this past session. We came together across agencies to really look at where we can work comprehensively together on the tribal remedy framework priorities and move items forward. (PED, ECECD, HED, DCA, DoIT and IAD), because we know when we look through the tribal remedy framework comprehensively and all the different elements that are there, there are pieces of it that live in each of those agencies so coming together we looked at those priorities, we looked at things that we already have in our budgets aligned to those priorities, and we looked at opportunities to find and identify new funding that we could bring toward that and put forward a \$30 million executive agency requests around the tribal remedy framework as a starting point over two years, and we know that is not the entirety of the tribal remedy framework it's only step one.

As an executive, we came together around that work and we're able to get 15.6 million of it, funded for year one and are committed to coming back and continuing to work together, in fact we as a cross agency group have had numerous meetings to look through that and continue to advocate for increased funding for those priorities so. From that perspective, please know that it is something that we take very seriously and it's not just a one agency effort, but really a multi-agency effort that reflects the commitment of the administration.

Q3. How does the state plan to deal with racial equality with regards to native students?

Secretary Steinhaus: Governor Mitchell in the draft action plan, page 68 is our initial work to align with the tribal remedy framework, it is my understanding that this is based on three shared strategic solutions. The first one is a *shared responsibility and increased tribal control over the schooling of native children*, and we will continue to work in that direction and support that strategic direction the second one is in the *community based education* created by and centered within tribal communities and our community schools initiative and some of the funding, I talked about this earlier is a first step, but we have a lot of work to do to meet that second strategy and the third one, I talked a lot about this morning, *a balanced, culturally and linguistically relevant education that revitalizes and strengthen children in the communities* and I appreciate tribal leaders and getting together and developing that TRF and we'll do everything possible to continue to work with you, to get your feedback on how we approach the legislature and get those strategic directions funded and the last thing I'll mention is. I think my first day on the job, which was only a couple of weeks ago I was given the opportunity to be a part of a multi-agency working group with the secretaries who have a responsibility in the tribal remedy framework and I just want to add that I will activity work in the workgroup to find solutions and implement what's needed in the framework.

Governor Craig Quanchello- Picuris Pueblo

R1. Here in Picuris we're seeing a lack of support for Picuris, and our students who are going virtual. As everybody knows, Picuris is the smallest pueblo, and we have very limited kids we're doing everything we can to protect them, but we're not getting that support.

For our kids who are going virtual it's been rough too it's been a rough start for all of us, I mean I understand the funding and I understand. You know all the policies and documents and everything that we have to go through, but that's not helping us right now. Especially being in a rural setting where our population is very little, and a lot of the funding is based on population but being a rural setting, you know that doesn't it doesn't go a long way for us and by the time it trickles down to us it's already the end of the year.

R2. I would like to also invite you Dr. Steinhaus, up to a pueblo and see our district in a rural setting and see the problems that we go through here. Some of the areas that we need improvement and areas of strengths, you know I like to see I like to see that, and if we can, if we can set that up as soon as possible.

Secretary Steinhaus: I would greatly appreciate that.

R3. Right now, my primary concern is making sure my kids are safe, making sure that they have equal opportunity being virtual. Making sure that you know they have that teacher involvement, because right now I mean they're going to a software-based program where my kids were already out of a year and a half into this pandemic and the mental health of my kids is being addressed and every morsel having to utilize, So if you could give me a call.

Governor Lujan Grisham: Governor Quanchello we want to lean in harder for all of the tribal communities, pueblos who are making the decisions to stay virtual, I think we did a remarkable job, during the pandemic, a year ago, but there's no question that there were real gaps and issues and Secretary Stewart and Dr Steinhaus have both talked about many of those challenges, and what we learned what we can do better, so thank you, Dr Steinhaus for committing to getting up to Picuris and I'm sure we'll hear from other governors about how we can have a particular focus sort of in this interim phase as we're rebuilding, rebranding reinvesting and meeting our legal requirements for all students in New Mexico, so I just wanted to say thank you.

Legal Counsel Kip Bobroff – Laguna Pueblo (Proxy)

R1. I want to make sure we have the support of Governor Lujan Grisham, and the PED is facilitating information when there is a breakout in a school to make sure that the pueblos in particular can get that information on who those students are right away, because what we're doing is very aggressive contact tracing and making sure that the breakouts that happened in schools, both on and off. The pueblos don't, in turn, infect, our pueblos and so under HIPPA and FERPA there are ways to make that happen, and particularly under the emergency regulations.

R2. Tribal consultation and accountability, which is just districts telling us what they're going to do. We think that the language that was inserted into the impact a bill is a start, but as the PED is drafting regulations to implement accountability for how impact aid is done, we hope that the

PED really looks for teeth. We had one of the best consultations that that we've had after the initial consultation and the Pueblo refused to sign off on the PDS consultation certification, so we then got another one and it got their attention and so looking for ways to really put teeth in that consultation process and requiring agreements from tribal governments as to how these monies that are being spent off of that are being generated off of tribal lands are really spent in ways that the tribes believe is going to benefit their children.

R3. Native Teacher Pipeline, strong education for our native students it's when people from the pueblos from the tribes have become teachers and it's so much more powerful and so much stronger to provide culturally relevant instruction when the people, providing it are from those cultures and have that understanding and as Governor Garcia mentioned when he was talking about Santa fe Indian school that's a huge reason why, when those children go to college they typically are better prepared for college than students that are coming out of public schools. In large districts that are serving many native children, and so we think that we appreciate that commitment to the teacher pipeline, especially.

R4. We want to make sure there is support for parents organizing. Through the Community schools and through other means, because one of the things that you know we've made tremendous progress on making sure that there's a significant increase in funding to districts, I mean the increase of money to districts, as a result of impact aid, but unless there are ways for the parents and families and tribes to hold those districts accountable and to have the kind of understanding of education issues that takes time to develop, there needs to be support for such things as community or as parents organizing, family's organizing working with tribes through Community schools and through the equity Councils.

R5. Look for steady funding sources for tribal education departments, one of the things that anyone who has tried to do work to hold local school districts accountable understands is that school funding and school programs and education is so complicated and so full of acronyms that any bureaucrat worth their salt can hold parents and tribes at bay unless those tribes, those parents and families have access to. The kind of technical expertise that allows them to know when they're getting a story that really isn't reflecting the reality and tribal education departments if they have a steady well-funded funding stream can provide that role, to make sure that those school districts are accountable because the pueblo of Laguna understands that the PED only has limited authority over school districts and that, if we really want to transform Education for native students, it means becoming and remaining deeply engaged at the level of the local school districts.

Appendix B: Questions, Recommendations and Responses to- Social Studies/Family Index Presentations

Councilman Peter Garcia- Ohkay Owingeh (Proxy)

Q1. Can you explain where they fall under the at risk students.

Director Sena: Thank you for the question councilman at risk, is a statutory definition in New

Mexico, so those three categories Title I, Mobility, English language learners are the three categories that the state of New Mexico has used to identify at risk students. Of course, that's different than the definition of student groups identified in the in the Yazzie Martinez lawsuit. The family income index does not use any identifiers to identify students or to qualify students for funding what the income index does is it actually relies solely on household income data again that we use that we were able to partner with the tax and revenue department and human services department and again that's based on research that shows that schools that that serve students high populations of concentrated poverty.

Director Jeremy Oyenque- Santa Clara Pueblo (Proxy)

R1. I would just like to commend the work that's been done on the social studies standards we've been advocates for this, and you have Santa Clara's full support in this, you know, we would like to see the Final Rule draft we did review it. We would like to reserve our full comments for the rulemaking session.

R2. Thank you to your staff in regards to the family income index, we also followed this and we are very supportive of Secretary Stewart for bringing this forward and just looking at the innovative ways to get the money to exactly where the students are and I will just tell my fellow tribal education directors and our tribal leaders on the line, if you take a look at the LFC analysis from senate bill 17 you can see exactly what schools are getting the funding, you know so for us, you know even seeing for the our own public school district, seeing that money go to Los Ninos for even some of my nieces and nephews go, you know it's going to be a good thing to see them and their counterparts to be able to take part in that, so thank you for your support ideas.

Director Sena: Thank you for that Jeremy, I just want to clarify very quickly that the amounts that are that are included in the LFC analysis for the bill were preliminary and based on our preliminary works and so some of the Schools that were listed in that analysis may not have actually received the award once we completed our analysis with human services department so just as a caveat to that, but, generally speaking, thank you.

Governor Brian Vallo- Acoma Pueblo

Q1. Regarding the family income index, in our opinion benefits a few native serving schools many others are left out. The grants do not necessarily target the programs and services that native students need the most. This funding could potentially bypass our native students and that's our biggest concern.

R1. The tribal remedy framework, proposals are changing the state education funding formula to target funds directly to native children and to make tribal education departments eligible to receive regular funding just as the school districts do. So if you can please take these into consideration.

Q2. As this is developing and being implemented, I do have also some specific questions to the family index, and my first question is why did PED not support improvements to the family and endurance that would have better directed funds to programs that native students actually need

and, for example, funding tribal community based programs and services and just wondering what the PEDs and the governor's office is willing to support where such proven improvements are concerned

Dr. Stewart: We actually did work with members of the tribal education alliance, including offered amendments that we actually brought back to the sponsor of the bill and of those two one of them went into the bill, and I believe that Amendment I'm sorry I don't have legislation in front of me, but very clearly outlines that these funds can go toward programs for community programs for tribal students so we did support that work and brought both of those amendments directly to the sponsor for her consideration as moving the bill forward.

Q4. As the state legislature requested a review of the state education funding formula. Well, the governor committed to supporting a more equitable funding formula that explicitly includes native students and tribes, thank you.

Dr. Stewart: I think we mentioned earlier around the at-risk index, and one of the big pushes of this administration has been to put more money in, to try to get students who we feel need the most family income index is a different way of approaching that we're very excited about, but we also worked in the previous session to significantly increase the at risk index from .13 to .3, and so again that's hundreds of millions of dollars that we added to go out through that formula with regard to whether that formula can be improved, I think we're always open to looking at how we get the funding to the students who do need it the most to get the funding to the schools, who do need those resources and so we're certainly open to looking at what the impacts of that are and where we have opportunities to improve that make improvements to that work.

Q3. Why the governor and PED did not support house ability for the tribal remedy framework that would have directed much needed funds to native students by changing the at-risk formula.

Governor Lujan Grisham: I appreciate Secretary Stewart and Governor Vallo, we need to figure out a way, to adequately represent what happens in the legislature and what we put forward. Some well-meaning effective advocates, are not evidence-based school experts, and I think sometimes misinterpret what is occurring and how it's occurring as an example that these funds somehow are not eligible for the programs that you identified and you know it may be that we need a better global (that's us), I mean a regular check in during the legislature to make sure everyone's on the same page about what's being said how it's being responded to that the record is correct, and it is this isn't intended to be defensive or difficult or accusatory to anyone, but you know that happens to us a tunnel example for schools, somebody in a hearing that wasn't even you know really working with education and unions stood up and said that the governor's office wouldn't support a bill, I think it was in Senator Munoz his committee. That we wouldn't support a bill to do the ventilation systems in schools and then somehow that got translated to we killed the bill that we were actually trying to get over the finish line that same committee made mistakes in reporting out our patient affordability fund and said that because it was again a person said it was a tax and because our office said we didn't want to impose taxes on working families, therefore, we didn't support our own bill, so it should be table and you know we're trying to kill it and I do get a sense that these the virtual legislative sessions exacerbated those

kinds of flow of information that were never intended.

To create those problems, I mean somebody who said those things was being earnest. You know they took one thing about taxes and applied it to a patient affordability fund, and it didn't work they took our work. In schools to get ventilation systems and miss interpreted and applied it and, in the same way. You know the tribal remedy aspects there's a lot of stuff that gets identified as part of that and not part of that in one bill or another bill, some of it in a junior bill in house bill two and it doesn't all work very well together, sometimes, and then the differences between senate education and house education and I did mention to the leadership of both the House and the Senate I'm a little concerned that we aren't coming together in a productive fashion as we could, and they've assured me that they're going to come back to the table and help us work through some of those things because we think we're all on the same side is sort of how I pitched it to the legislature, which is the intention, I took from your questions we're all on the same side and we're all working on making sure that tribal students and all students. You know, we have Asian American students that aren't getting what they need in their communities or in their households or their classrooms. And our successes here are going to be life changing for everyone else in addition. So can you help us think through ways in the interim committees and in the session, to make sure that what's being said, as it relates to who's on first and who's on second more of a collaboration, environment and consultation is occurring because I would be really open to that, I think we could do a better job in those communications. And I'm dedicated to doing our part to make sure the executive, meets your expectations in that regard.

I thank you very much governor and I'll reach out and through PED and Indian affairs and figure out a regular way to check in and all the education bills, in particular, and see if we can tighten that up a bit and that way we're not both responding to issues that are laid before us by folks who may not put it in the right context and sometimes my answers may seem awkward because I'm not even sure the context of the question and you know that's on me to make sure that I dig a little deeper, but I think that would really make a difference, going forward I know it'll help me and I want to be helpful and be respectful and accountable in education. Thank you, Sir.

Legal Counsel Kip Bobroff- Laguna Pueblo (Proxy)

Q1. Title one distributions made by districts at least APS have missed some native students who do don't show up on the State snap 10 referrals. Is that problem corrected for the new estimated that this cost NACA were a significant number of Laguna students attended around \$60,000 a year.

Dr. Stewart: So I'll weigh in and John, please feel free to jump in with any additional thoughts, but one of the things about the family income index that is powerful is that it is earmarked directly for that school and so it's not a decision that happened at the district to determine how much gets distributed to whom and whereby what methodology, but we identify the school's PR the PR the math and the formula and then send the money. Earmark money directly for that school, so it wouldn't miss the school that was intended for, so I hope, hopefully, that answers your question, but you can let me know if I'm missing your question or team, if you have any additional thoughts today.

Director Sena: Thank you, Secretary, I just have one more thing which I think is the part of the question is, you know what happens if students aren't on a particular set of data right and how do we account for that, and so the initial match with tax and revenue again was able to match about 75% of students across the state. I can't remember the exact number, but I want to say that our work with human services got that number up to something like literally 99% of students. Between tax and REV and human services and the way that we account for students who are not directly matched to any particular data set as we work with statistician to essentially create proxies and again we're not delivering funds to an individual student or based on individual student, what we're doing is creating a scoop school profiles and by using all of that data and the accuracy of the overall data, then within the matches we feel pretty confident that schools are going to receive appropriate funding for that.

Appendix C: Questions, Recommendations and Responses to- HED, ECECD and Special Ed. Ombud Presentation

Director Jeremy Oyenque- Santa Clara Pueblo (Proxy)

R1. With the education institute's that we've had in regard to early childhood, we are a partner in the facilities and assessment, and we commend the work that's been done on that using the house bill to fund that was partnered with Indian Affairs Department and ECECD. We look forward to that next assessment.

R2. I do ask that you do take a look at the tribal remedy framework again, specifically house bill 87 in that fashion to look at some of these teacher pipelines and the cohorts that you're talking about, the guidance has been put there by tribal education experts and other people in the field that have actually looked at this, we know that there's a lot of research being done in that aspect, but a lot of this work has been done for you so in the concept of saving time and money, we would like to make that request is going back to the early childhood part we do appreciate the expansion and pre K, because a lot of our tribal citizens live off the reservation, but in regards to maximizing services, we would like to reiterate our request about braiding funding.

ECECD Response: ECECD continues to promote a mixed delivery system for early childhood. We can look at programs that have successful and established braided and blended models and highlight them in our communication with the tribes- either through individual consultation or the Tribal bi-weekly communication meetings.

R3. For tribal head start specifically, using that 20% match that we're always getting asked for seeing how that we can leverage state funds because looking at that the state could actually interact and provide it with a head start in pre K facilities for I believe it's 16 and Assistant Secretary will Correct me, I believe that 16 tribal head starts across the state, and you know that's a win, win situation if the state can actually support those and operate those 16 facilities at 20% of the cost with tribal input.

ECECD Response: ECECD did attempt to collect a concrete figure of what the total 20% match would look like from Tribal Head Starts. Once we can begin populating a figure- this will help with budget forecasting and set-aside. ECECD will create a format to better collect this data.

Appendix D: Questions, Recommendations and Responses to-Closing Statements

Director Kevin Shendo- Jemez Pueblo

R2. The priority of language with the different tribes, we know that we're all in different stages with maintaining our traditional language, tribal languages and that's one of the things that we don't see fully reflected in a lot of the priorities or investments that have been made.

R3. There needs to be a focused effort in language immersion specific programs or strategies that are going to support the maintenance and survival of our tribal languages.

R4. The priority of language keeps coming up, but yet the focus in investment in research, based strategies in education preparation programs that are specifically language immersion base that can support tribes with strengthening their tribal languages, do not continue to be reflected. We hope that more emphasis on funding and support will be put towards the strengthening of tribal languages. Whether it's looking at tribally controlled initiatives at the local level that the state can invest in or coordinated efforts through our public school systems. Providing some of the resources, our research support and funding to be able to develop language programs that are going to truly benefit the survival of our traditional home languages for communities.

Councilman Peter Garcia – Ohkay Owingeh (Proxy)

R1. One of the things that I find hard and Espanola finds hard is finding people that can provide the services and have the credentials for special needs kids, behavioral health and mental health. It's hard to find through their school systems because there's not that many that are licensed to do that work, so I think this needs to be looked at and find the people with credential.