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SENATE BILL 13

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Benny Shendo, Jr.

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE STATE-TRIBAL
EDUCATION COMPACT SCHOOLS ACT; PROVIDING AUTHORIZATION TO THE
PUBLIC EDUCATION DEPARTMENT TO ENTER INTO STATE-TRIBAL
EDUCATION COMPACTS; PROVIDING FOR THE APPLICATION PROCESS OF
BECOMING A STATE-TRIBAL EDUCATION COMPACT SCHOOL; PROVIDING
RULEMAKING AUTHORITY; PROVIDING REQUIREMENTS FOR THE OPERATION
OF STATE-TRIBAL EDUCATION COMPACT SCHOOLS; EXEMPTING STATE-
TRIBAL EDUCATION COMPACT SCHOOLS FROM CERTAIN STATE STATUTES
AND RULES; PROVIDING REPORTING REQUIREMENTS; ALLOWING STATE-
TRIBAL EDUCATION COMPACT SCHOOLS TO RECEIVE STATE AND FEDERAL
FUNDING; ALLOWING FOR EMPLOYMENT PREFERENCES AND ADMISSIONS
PRIORITIZATION; INCLUDING STATE-TRIBAL EDUCATION COMPACT
SCHOOLS IN THE PUBLIC SCHOOL CAPITAL OUTLAY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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1 SECTION 1. A new section of the Public School Code is
2 enacted to read:

3 "[NEW MATERIAL] SHORT TITLE.--Sections 1 through 8 of this
4 act may be cited as the "State-Tribal Education Compact Schools
5 Act"."

6 SECTION 2. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] DEFINITION.--As used in the State-Tribal
9 Education Compact Schools Act, "state-tribal education compact"
10 means a compact that has been entered into by the department
11 and an Indian nation, tribe or pueblo located wholly or
12 partially in New Mexico."

13 SECTION 3. A new section of the Public School Code is
14 enacted to read:

15 "[NEW MATERIAL] AUTHORIZATION OF DEPARTMENT TO ENTER INTO
16 STATE-TRIBAL EDUCATION COMPACTS--APPLICATION PROCESS AND
17 CONTENTS--TRIBAL RESOLUTION--STATE-TRIBAL EDUCATION COMPACTS
18 CONTENTS--RULEMAKING AUTHORITY.--

19 A. The department is authorized to enter into
20 state-tribal education compacts for language- and culture-based
21 schools.

22 B. No later than one year after the effective date
23 of the State-Tribal Education Compact Schools Act, the
24 department shall establish an application and approval process,
25 procedures and time lines for negotiations between the

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1 department and an Indian nation, tribe or pueblo and approval
2 or disapproval and execution of state-tribal education
3 compacts.

4 C. The process pursuant to the provisions of
5 Subsection B of this section may be initiated by submission to
6 the department of a resolution by the governing body of an
7 Indian nation, tribe or pueblo in the state of New Mexico.

8 D. The resolution pursuant to the provisions of
9 Subsection C of this section shall be accompanied by an
10 application to create a state-tribal education compact school
11 that indicates the grade or grades from pre-kindergarten
12 through twelfth grade that shall be offered at the state-tribal
13 education compact school and that demonstrates that the school
14 shall operate in compliance with all applicable laws, any rules
15 adopted pursuant to the provisions of the State-Tribal
16 Education Compact Schools Act and the terms and conditions set
17 forth in the application. Both the resolution and the
18 application to create a state-tribal education compact school
19 shall be submitted to the department.

20 E. Within ninety days of receipt of a resolution
21 and application pursuant to the provisions of this section, the
22 department shall convene a government-to-government meeting for
23 the purpose of considering the resolution and application and
24 initiating negotiations between the department and the Indian
25 nation, tribe or pueblo. The department and the Indian nation,

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1 tribe or pueblo that is submitting the resolution and
2 application shall determine the terms of the state-tribal
3 education compact.

4 F. State-tribal education compacts shall have a
5 term of five years and shall include the following provisions:

- 6 (1) compliance;
- 7 (2) notices of violation;
- 8 (3) dispute resolution, which may include
9 nonjudicial processes such as mediation;
- 10 (4) recordkeeping and auditing;
- 11 (5) the delineation of the respective roles
12 and responsibilities;
- 13 (6) whether the compact is renewable; and
- 14 (7) compact termination.

15 G. The department shall promulgate rules for the
16 implementation of the State-Tribal Education Compact Schools
17 Act.

18 H. The department shall post each state-tribal
19 education compact to the department's web page."

20 SECTION 4. A new section of the Public School Code is
21 enacted to read:

22 "NEW MATERIAL] OPERATION OF STATE-TRIBAL EDUCATION
23 COMPACT SCHOOLS--EXEMPTION FROM CERTAIN STATE STATUTES AND
24 RULES--REQUIREMENTS FOR A STATE-TRIBAL EDUCATION COMPACT
25 SCHOOL--PROHIBITION OF SECTARIAN PRACTICES--ENROLLMENT AND

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1 SCHOOL CHOICE.--

2 A. A state-tribal education compact school shall
3 operate according to the terms of the school's compact executed
4 pursuant to the provisions of Section 3 of the State-Tribal
5 Education Compact Schools Act.

6 B. A state-tribal education compact is exempt from
7 all state statutes and rules applicable to school districts,
8 state-chartered charter schools, local school boards or
9 governing bodies of charter schools regarding the curriculum,
10 assessment and evaluation requirements of a school, except for
11 those statutes and rules made applicable pursuant to the
12 provisions of the State-Tribal Education Compact Schools Act
13 and in the state-tribal education compact executed pursuant to
14 the provisions of Section 3 of that act.

15 C. Each state-tribal education compact school
16 shall:

17 (1) create a curriculum and conduct an
18 educational program that is controlled and evaluated by the
19 Indian nation, tribe or pueblo and is language and culture
20 based;

21 (2) employ licensed school employees or
22 language-proficient employees, as determined by the Indian
23 nation, tribe or pueblo, who are seeking department licensure;

24 (3) comply with the licensed school employee
25 criminal history record check as provided in Section 22-10A-5

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1 NMSA 1978 and comply with the provisions of Section 22-10A-5.2
2 NMSA 1978 and the termination and notification provisions of
3 Section 22-10A-22 NMSA 1978;

4 (4) comply with nondiscrimination laws;
5 (5) adhere to generally accepted accounting
6 principles and be subject to financial examinations and audits
7 as determined by the state auditor, including annual audits for
8 legal and fiscal compliance; and

9 (6) be subject to and comply with legislation
10 enacted after the effective date of the State-Tribal Education
11 Compact Schools Act governing the operation and management of
12 state-tribal education compact schools.

13 D. A state-tribal education compact school shall
14 not engage in sectarian practices in the school's educational
15 program, admissions or employment policies or operations.

16 E. Nothing in the State-Tribal Education Compact
17 Schools Act may limit or restrict any enrollment or school
18 choice options provided for by law."

19 SECTION 5. A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] STATE-TRIBAL EDUCATION COMPACT SCHOOLS--
22 TUITION CHARGE--EXTRACURRICULAR FEES--ADMISSION--EXCEPTIONS TO
23 ADMISSION.--

24 A. A state-tribal education compact school shall
25 not charge tuition but may charge fees for participation in

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1 optional extracurricular events and activities.

2 B. A state-tribal education compact school shall
3 not deny admission on any basis other than age group, grade
4 level or capacity and shall otherwise enroll all students who
5 apply.

6 C. If capacity is insufficient to enroll all
7 students who apply, a state-tribal education compact school may
8 prioritize the enrollment of tribal members and siblings of
9 students who are already enrolled at the state-tribal education
10 compact school."

11 SECTION 6. A new section of the Public School Code is
12 enacted to read:

13 "[NEW MATERIAL] REPORTING REQUIREMENTS--SCHOOL FUNDING.--

14 A. A state-tribal education compact school shall
15 report student enrollment to the department. Reporting shall
16 be done in the same manner as reporting for and use the same
17 definitions of enrolled students and annual average full-time-
18 equivalent enrollment as is required of school districts. The
19 reporting requirements in this subsection are required for a
20 school to receive state or federal funding that is allocated
21 based on student enrollment and demographics.

22 B. Funding for a state-tribal education compact
23 school shall be determined by the public school funding formula
24 pursuant to the provisions of the Public School Finance Act.
25 Salary amounts for licensed school employees shall be based on

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1 the salary amounts of the school district in which a state-
2 tribal education compact school is located. A state-tribal
3 education compact school shall use the statewide salary
4 minimums pursuant to the provisions of the School Personnel
5 Act. A state-tribal education compact school is eligible to
6 apply for state grants on the same basis as a school district.

7 C. Money received by a state-tribal education
8 compact school from any source that remains in the school's
9 accounts at the end of any budget year shall remain in the
10 school's accounts for use by the school during subsequent
11 fiscal years."

12 SECTION 7. A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] EMPLOYMENT PREFERENCE--ADMISSION
15 PRIORITY.--Nothing in the State-Tribal Education Compact
16 Schools Act prohibits schools established pursuant to the
17 provisions of that act from:

18 A. implementing a policy of preference to tribal
19 members in employment; or

20 B. prioritizing the admission of tribal members
21 when the capacity of the school's programs or facilities is not
22 as large as demand."

23 SECTION 8. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] COMPLIANCE WITH THE OPEN MEETINGS ACT.--

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1 All actions, negotiations and business of the department and an
2 Indian nation, tribe or pueblo entering into a state-tribal
3 education compact shall be conducted pursuant to the provisions
4 of the Open Meetings Act."

5 SECTION 9. Section 22-24-3 NMSA 1978 (being Laws 1975,
6 Chapter 235, Section 3, as amended) is amended to read:

7 "22-24-3. DEFINITIONS.--As used in the Public School
8 Capital Outlay Act:

9 A. "authority" means the public school facilities
10 authority;

11 B. "building system" means a set of interacting
12 parts that makes up a single, nonportable or fixed component of
13 a facility and that, together with other building systems,
14 makes up an entire integrated facility or property, including
15 roofing, electrical distribution, electronic communication,
16 plumbing, lighting, mechanical, fire prevention, facility
17 shell, interior finishes, heating, ventilation and air
18 conditioning systems and school security systems, as defined by
19 the council;

20 C. "constitutional special schools" means the New
21 Mexico school for the blind and visually impaired and the New
22 Mexico school for the deaf;

23 D. "constitutional special schools support spaces"
24 means all facilities necessary to support the constitutional
25 special schools' educational mission that are not included in

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1 the constitutional special schools' educational adequacy
2 standards, including performing arts centers, facilities for
3 athletic competition, school district administration and
4 facility and vehicle maintenance;

5 E. "council" means the public school capital outlay
6 council;

7 F. "education technology infrastructure" means the
8 physical hardware and services used to interconnect students,
9 teachers, school districts and school buildings necessary to
10 support broadband connectivity and remote learning as
11 determined by the council;

12 G. "fund" means the public school capital outlay
13 fund;

14 H. "maximum allowable gross square foot per
15 student" means a determination made by applying the established
16 maximum allowable square foot guidelines for educational
17 facilities based on type of school and number of students in
18 the current published New Mexico public school adequacy
19 planning guide to the department's current year certified first
20 reporting date membership;

21 I. "replacement cost per square foot" means the
22 statewide cost per square foot as established by the council;

23 J. "school district" includes state-chartered
24 charter schools, state-tribal education compact schools and the
25 constitutional special schools;

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1 K. "school district population density" means the
2 population density on a per square mile basis of a school
3 district as estimated by the authority based on the most
4 current tract level population estimates published by the
5 United States census bureau; [~~and~~]

6 L. "school district population density factor"
7 means zero when the school district population density is
8 greater than fifty people per square mile, six-hundredths when
9 the school district population density is greater than fifteen
10 but less than fifty-one persons per square mile and twelve-
11 hundredths when the school district population density is less
12 than sixteen persons per square mile; and

13 M. "state-tribal education compact schools" means
14 schools established pursuant to the provisions of the State-
15 Tribal Education Compact Schools Act."

16 SECTION 10. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2025.