

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HM 43

51st Legislature, 1st Session, 2013

Tracking Number: .192674.2

Short Title: Navajo Nation Bistate Charter School Study

Sponsor(s): Representatives Patricia A. Lundstrom and Sharon Clahchischilliage

Analyst: Travis Dulany

Date: February 22, 2013

Bill Summary:

HM 43 requests the Indian Education Division of the Public Education Department (PED) and the Indian Affairs Department (IAD) to create a work group to study the feasibility of a bistate charter school in the Red Lake Chapter of the Navajo Nation.

The memorial further requests that the work group report its findings and recommendations to the Governor, the Legislative Education Study Committee, and the appropriate interim legislative committee by December 2013.

Fiscal Impact:

Legislative memorials do not carry appropriations.

Memorials requesting that state agencies form work groups to conduct studies are likely to have a fiscal impact in terms of staff time, travel, office supplies, and other items.

Substantive Issues:

The memorial cites a letter from the President of the Red Lake Chapter of the Navajo Nation that expressed the intent to establish a charter school within the Red Lake Chapter, which lies both in New Mexico and Arizona. The proposed charter school, according to the letter, would be one of the first established in the Navajo Nation.

According to the PED bill analysis, the department's Charter School Division would also need to be included in the work group.

According to the IAD, if HM 43 is not passed, the charter school concept at Red Lake Chapter is still viable. It would be left up to the Chapter and the Navajo Nation to establish a work group to conduct the study, though HM 43 provides more structure and assistance from the two state departments to guide the process, according to IAD.

The work group requested in HM 43 may need to address a number of administrative and fiscal implications, such as:

- who would act as the charter school's authorizer;
- by which state would the teachers and staff be employed for purposes of determining retirement and other employment benefits;
- teacher and ancillary staff licensure;
- data alignment, preparation, and sharing;
- calculation and issuance of A-B-C-D-F school grades in both states;
- the funding source for instructional materials;
- fiscal implications with regard to the New Mexico Public School Funding Formula; and/or
- any laws that may exist in both states that prohibit the use of state funds for nonresidents.

Committee Referrals:

HEC

Related Bills:

HB 342a *Indian Education Act Goals*
 HB 418 *Navajo Nation Chapter Economic Study*
 HB 453 *School Chartering Authority to State*
 HB 522 *Charter Schools Federal Grant Requirements*
 HB 533 *School Transportation Training Fund*
 HB 622 *Charter Schools as Local Agencies*
 HJM 37 *Reading Literacy of Indian Children*
 SB 302 *Home & Charter School Student Program Units*
 SB 325 *Stop Some Indian Impact Aid Credits*
 SB 358 *School Districts Governing Charter Schools*
 SB 476 *Public Education Commission as Independent*
 SB 587 *State School Grades Council*
 SB 588 *Teacher & Principal Evaluation System Council*