

LESC bill analyses are available on the New Mexico Legislature website ([www.nmlegis.gov](http://www.nmlegis.gov)). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 2nd Session, 2018**

<b>Bill Number</b>	<u>HM75</u>	<b>Sponsor</b>	<u>Louis/Johnson/Lente</u>
<b>Tracking Number</b>	<u>.209895.2</u>	<b>Committee Referrals</b>	<u>HSIVC</u>
<b>Short Title</b>	<u>NM Tribal Community Needs</u>		
<b>Analyst</b>	<u>Macdonald</u>	<b>Original Date</b>	<u>2/5/18</u>
		<b>Last Updated</b>	<u></u>

---

---

**BILL SUMMARY**

Synopsis of Memorial

House Memorial 75 (HM75) is a memorial requesting that state agencies in collaboration with tribal advisory groups develop findings and recommendations for policy and legislative considerations in the areas of education, health, social welfare, behavioral health, and other essential services to better meet the needs of New Mexico's tribal communities.

**FISCAL IMPACT**

Legislative memorials do not carry appropriations. However, individuals who work in collaboration with state agencies on the findings and recommendations for policy and legislative considerations will incur costs associated with travel to and participation in any meetings under the memorial.

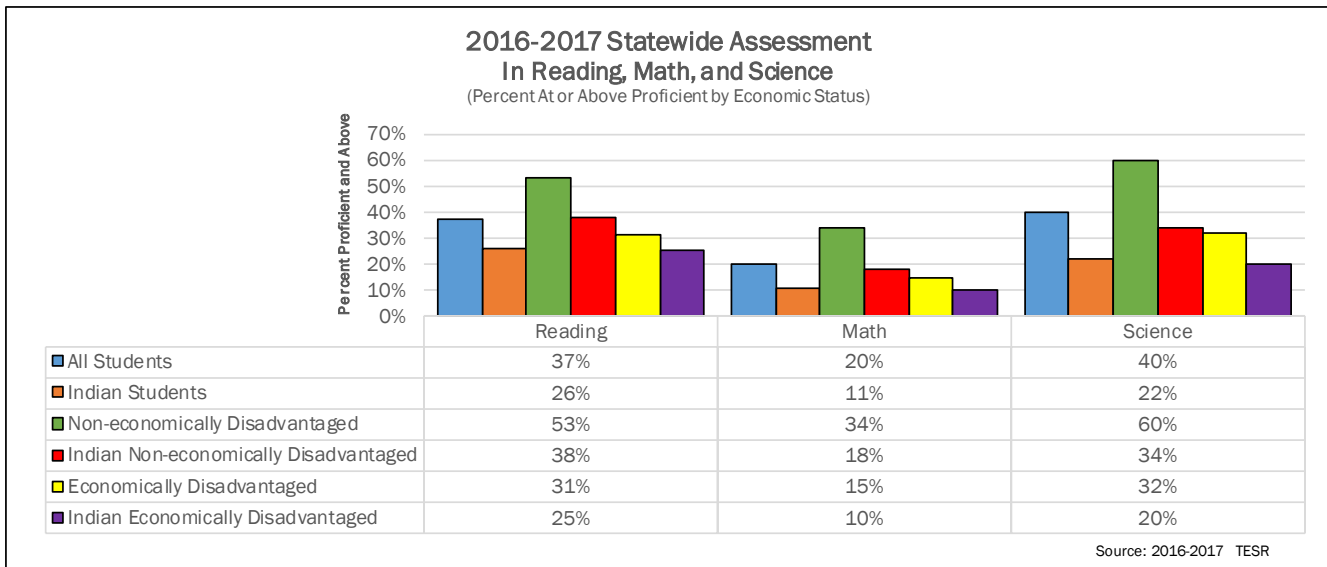
**SUBSTANTIVE ISSUES**

Under HM75, the New Mexico Clearinghouse for Native American Suicide Prevention, the Center for Native American Health, the New Mexico Indian Title VI Coalition at the Indian Area Agency on Aging, the Southwest Indian Law Clinic, the American Indian Language Policy Research and Teacher Training Center, the Institute for Indigenous Knowledge and Development, the Tribal Libraries Program, the Indian Education Advisory Council, the New Mexico Tribal Indian Child Welfare Social Workers Consortium at the Corrine Wolfe Children's Law Center, Tewa Women United, and the Tribal-State Judicial Consortium would be requested to work together to develop findings and recommendations for policy and legislative considerations in the areas of education, health, social welfare, behavioral health, and other essential services to better meet the needs of the New Mexico's tribal communities to be brought before the interim Indian Affairs Committee.

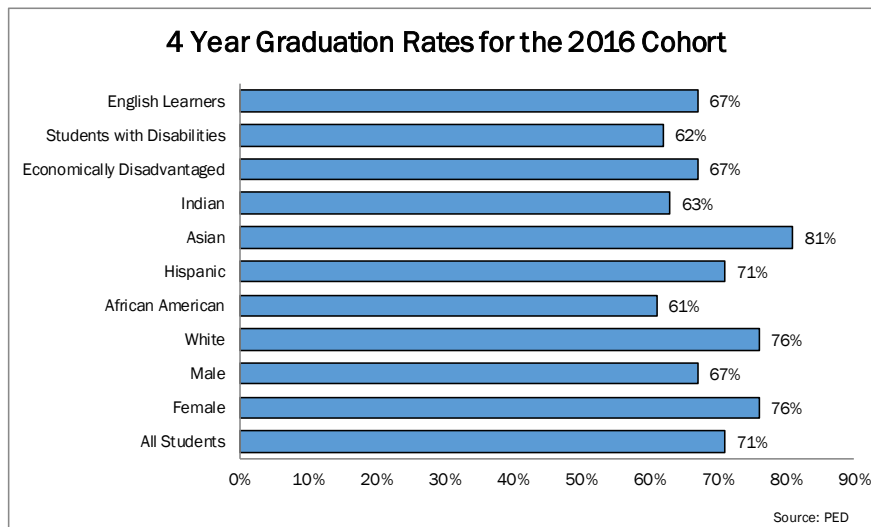
**Education.** According to the Public Education Department's (PED) Tribal Education Status Report (TESR) for the 2016-2017 school year, the Indian Education Division provided \$575 thousand to 22 school districts and one charter school, or \$25 thousand per school district and charter school, to fund school districts and charter schools with a significant number of Native

American students, for the purpose of providing effective, culturally relevant programs, opportunities, and practices which contribute to the academic and cultural success of Native American students.

An achievement gap persists between Native American students and all other students. According to the TESR for the 2016-2017 school year, 26 percent of New Mexico’s Native American students were proficient in reading, 11 percent in math, and 22 percent in science. The proficiency rates of Native American students in the 2016-2017 school year increased by 1 percentage point from the 2015-2016 school year in math, decreased by 1 percentage point in reading, and remained unchanged in science. Additionally, Native American students in New Mexico identified as economically disadvantaged are performing far worse than students who are not economically disadvantaged. Native American students who are not economically disadvantaged perform slightly better than the statewide average in reading, slightly below the statewide average in math, and below the statewide average in science. Moreover, Native American girls significantly outperform Native American boys in reading in New Mexico; however, Native American boys are slightly outperforming Native American girls in science. Both boys and girls are performing at the same achievement levels in math.



The four-year graduation rate for Native American students beginning ninth grade in the 2012-2013 school year and graduating in the 2015-2016 school year was 63 percent, 8 percentage points below the statewide average for all students.



**Health.** According to the New Mexico Department of Health’s (DOH) report, *American Indian Health Equity: Report on Health Disparities in New Mexico*, Native Americans had the second highest teen birth rates in the state and had the highest death rate due to diabetes. The report also noted Native Americans had higher obesity rates than the national rate, and Native American youth continued to have the highest obesity rates in the state. Native American motor vehicle death rates were three times higher than the white rate, Native Americans had the second highest suicide rate in the state, and Native American youth continued to have the highest youth suicide rate in the state. Finally, the report noted Native Americans have the second highest homicide rate in the state and continued to have an alcohol-related death rate substantially higher than all other subgroups.

In the past year, DOH has prioritized four key health status priorities for Native Americans: diabetes, obesity, teen pregnancy, and substance misuse. DOH’s Diabetes Prevention and Control Program has collaborated with the Native American Partnership for Diabetes Prevention and Control on strategic planning efforts regarding the prevention of diabetes. DOH’s Office of Nutrition and Physical Activity’s Healthy Kids Healthy Communities Program worked closely with five tribal communities to implement sustainable policy, systems, and environmental changes that support healthy eating and physical activity behaviors in a multi-sector community coalition-driven approach. DOH’s Teen Outreach Program provides a positive youth development program for preventing teen pregnancy and increasing student success. In the past year, the program has worked with two tribal schools. Finally, DOH’s Tobacco Use Prevention and Control Program engaged 69 tribal communities on a baseline assessment to assess readiness to take on tobacco control activities in the community and to identify technical assistance needs, and six public high schools received technical assistance to promote practices in tobacco-free policies.

**Behavioral Health.** According to *The Impact of State Behavioral Health Reform on Native American Individuals, Families, and Communities*, Native Americans suffer from greater behavioral health disparities than any other ethnic population in the United States. For example, Native Americans have higher prevalence of mental disorders and the potential for subsequent behavioral health problems; greater substance abuse risks, such as drinking at a younger age, drinking more heavily, using drugs in combination with alcohol, and experiencing negative life consequences from drinking; and higher prevalence of comorbid alcohol use and psychiatric disorders. A large epidemiological study conducted among youth and adults in two major tribes found that 15- to 54-year-olds had significantly higher rates of alcohol dependence and posttraumatic stress disorder than among the nation’s overall population.

The Human Services Department’s (HSD) Behavioral Health Services Division is charged with managing the adult public behavioral health service system. HSD staff worked with Native Americans over the past year on the following federal grants and state programs: substance abuse prevention and treatment block grants, which fund planning, implementing, and evaluating services to prevent and treat substance abuse; Native American Services Fund, which supports seven Native American and tribal providers who offer a range of behavioral health prevention and treatment services; suicide prevention efforts, which offered two suicide prevention summits for Native American youth and on-site prevention trainings were offered to staff at the Gallup Indian Medical Center.

## TECHNICAL ISSUES

The sponsors may wish to define “legislative considerations” as it is unclear what is meant by this term.

Additionally, the sponsors may wish to include additional tribal organizations, including tribal health organizations and tribal departments of education, to convene with the aforementioned entities in the memorial.

## OTHER SIGNIFICANT ISSUES

**Current Law.** The State-Tribal Collaboration Act (STCA) was enacted in 2009 to promote and strengthen the government-to-government relationship between the state and the sovereign Indian tribes in New Mexico. Under the STCA, every state agency is required to develop and implement a state-tribal collaboration policy, which promotes effective communication, collaboration, and positive government-to-government relationships between the state agency and tribes.

PED's state-tribal collaboration policy solidifies a process for consultation with tribal governments when developing programs, policies, and activities that affect Native American students, and the policy reflects the department's commitment to work with tribal leaders on a government-to-government basis and provides guidance for the implementation of the Indian Education Act. PED's state-tribal collaboration policy is located at <http://www.ped.state.nm.us/ped/IED/Documents/2016/TESR%20reports/STCR-Policy.pdf>.

Under DOH's state-tribal collaboration policy, the agency strives to promote positive government-to-government relations with tribes by interacting with tribes in a spirit of mutual respect, seeking to understand the varying tribes' perspectives; engaging in communication, understanding, and appropriate dispute resolution with tribes; and working through the government-to-government process to attempt to achieve a mutually satisfactory outcome. DOH's state-tribal collaboration policy is located at [http://www.iad.state.nm.us/docs/stca/tribal\\_ccc\\_policies/DOH%20Policy.pdf](http://www.iad.state.nm.us/docs/stca/tribal_ccc_policies/DOH%20Policy.pdf).

Under HSD's state-tribal collaboration policy, HSD seeks to improve and maintain partnerships with tribes by efficiently addressing tribal issues and concerns and promoting positive government-to-government relations with tribes. HSD's state-tribal collaboration policy is located at [http://www.iad.state.nm.us/docs/stca/tribal\\_ccc\\_policies/HSD%20STC%20Policy.pdf](http://www.iad.state.nm.us/docs/stca/tribal_ccc_policies/HSD%20STC%20Policy.pdf).

**Interim Indian Affairs Committee.** The New Mexico Legislative Council created the interim Indian Affairs Committee (IAC) on June 5, 2017. The IAC addresses issues and policies that affect Native Americans in New Mexico. During the 2017 interim, the IAC focused on the following topics: (1) state-tribal relations, including updates from tribal liaisons from state agencies on outreach efforts and challenges; (2) health, environment, and safety, including discussion on health care access, delivery, and financing for Native Americans; (3) education, including a review of school transportation and cross-boundary agreements, an update on charter school education on tribal lands, and a report on the status of funding and program implementation for increasing the number of Native American teachers, educational leaders, and administrators; and (4) courts and criminal justice, including a report on the history and issues surrounding the federal Indian Child Welfare Act of 1978 and how it intersects with criminal and family law. The IAC's 2017 interim final report is located at the following link: <https://www.nmlegis.gov/Publications/InterimReports/IAC17.pdf>.

## RELATED BILLS

HB151, Indian Students Needs Assessments, which requires historically defined Indian impacted school districts to conduct a needs assessment to determine what services are needed to assist Native American students in graduating and becoming college or career ready.

SM70, Navajo Technical University Faculty Housing, which requests the New Mexico congressional delegation to support federal funding for faculty housing at Navajo Technical University.

**SOURCES OF INFORMATION**

- LESC Files

**HM/rab**