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FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/19
 SPONSOR SEC LAST UPDATED 2/16/19 HB _____
 SHORT TITLE Opening Public Schools on Tribal Land SB 329/SECS
 ANALYST Gaussoin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			Indeterminate			

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB298, HB250, HB236, HB111, HB159, HB120, HB182

SOURCES OF INFORMATION

LFC Files

No Responses Received

SUMMARY

Synopsis of Bill

The Senate Education Committee Substitute for Senate Bill 329 would require the Public Education Department (PED), local school boards, and charter school to consult with tribal leaders and community members when considering opening or closing a school on tribal land.

If planning on closing a school, the bill requires the department, school district, or charter school to explain why the school is closing, why additional resources cannot be provided, transition plans for students moving to a new school, and how the new school will meet the cultural and academic needs of the students. If opening a new school, charter schools and school districts would be required to explain why the school is opening and demonstrate their commitment to improving student performance through culturally sensitive and responsive and academically rigorous curricula.

The bill allows charter school authorizers to deny an application for a charter school on tribal land if the charter school fails to get tribal approval first and requires charter schools seeking to renew their charter to document ongoing consultation with tribal leaders and community members. Failing to consult with tribal leaders and the community would be grounds for denying a charter renewal or revoking a charter.

FISCAL IMPLICATIONS

School districts and charter schools would have additional administrative costs associated with the requirement for open meetings and possibly with additional data collection and research.

SIGNIFICANT ISSUES

The district court in the *Yazzie* and *Martinez* consolidated lawsuit found Native Americans were among those student populations poorly served by the public schools. The Legislature and executive are required to take steps by April 15, 2019, to ensure at-risk students receive a uniform and sufficient education as required in the state constitution.

The Indian Affairs Department (IAD) notes the federal Every Student Succeeds Act requires states and school district to engage with meaningful consultation with tribes. The department further reports local communities and school districts that claim Federal Impact Aid for students living on tribal lands are required to develop policies and procedures in consultation with tribal officials and school families.

IAD also raises concerns about potential issues when the closest alternative to a closing school is across state lines.

In a draft document titled *Tribal Consultation Guidance* and dated November 20, 2018, PED reported 23 New Mexico school districts serve federally recognized Native American pueblos, tribes, and nations.

ADMINISTRATIVE IMPLICATIONS

If enacted, the open meetings requirement would require additional staff time from PED, school districts, and charter schools. PED would also need to promulgate rules for carrying out the provisions of the act.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 298 contains provisions for opening public and private prekindergartens on tribal lands.

House Bill 111 allows regional education cooperatives to apply to PED for grants to provide culturally and linguistically responsive technical assistance and professional development and appropriates \$1.99 million to PED for expenditure in FY20 for the grants.

House Bill 159 creates a Bilingual Multicultural Advisory Council comprising tribal members, educators, and parents and a Bilingual Multicultural Education Division within PED.

House Bill 250 requires Indian-impacted school districts and charter schools to assess the needs of Native American students and develop programs and interventions to address those needs.

House Bill 120 establishes the operation, expansion, and improvement of teacher preparation for college of education students or educational personnel who want license endorsements to teach English language learners, in particular Hispanic or American Indian students or bilingual multicultural education.

House Bill 182 amends state law to replace “reading” in references to the PED reading initiative to “literacy and biliteracy” and expands the reading initiative in PED to include reading, writing and spelling that is culturally and linguistically relevant to each student.

OTHER SUBSTANTIVE ISSUES

Indian Affairs Division (IAD) analysis notes PED, school boards, and charter school applicants and authorizers area already required to consult with local tribes regarding Indian education in the State-Tribal Collaboration Act, Sections 11-18-1 through 11-18-5 NMSA 1978 and the federal Every Student Succeeds Act.

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