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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 2nd Session, 2020

Bill Number HB138 **Sponsor** Lente

Tracking Number .216469.2 **Committee Referrals** HEC/HAFC

Short Title Funding for Yazzie Lawsuit Responses

Analyst Andrews **Original Date** 1/29/2020
Last Updated _____

BILL SUMMARY

Synopsis of Bill

House Bill 138 (HB138) appropriates funds to the Indian Affairs Department (IAD) for tribal departments of education to accomplish the following: develop and implement culturally and linguistically relevant education blueprints and governance structures; early childhood curriculum, assessment, and teacher and program evaluation instruments; for tribal libraries to develop and staff after-school and community-based summer school programs; and to develop and staff information technology departments to increase high-speed Internet connections for tribal education departments and other tribal education entities.

FISCAL IMPACT

This bill would appropriate a total of \$16.2 million from the general fund to IAD for expenditure in FY21 and FY22. Any unexpended or unencumbered balance remaining at the end of FY22 shall revert to the general fund. HB138 appropriates a total of \$16.2 million as shown in the table below.

HB138 Expenditures
(dollars in thousands)

	Jicarilla Apache Nation	Mescalero Apache Tribe	Navajo Nation in New Mexico	Each of the 19 Pueblos	Total
Tribal governments to develop and implement education blueprints and governance structures	\$150	\$150	\$500	\$2,850	\$3,650
Tribal departments of education to develop early childhood culturally and linguistically relevant curriculum, assessment and evaluation tools, and facilities	\$150	\$150	\$250	\$2,850	\$3,400
Tribal libraries to develop and staff culturally and linguistically relevant after-school and community-based summer programs	\$250	\$250	\$500	\$2,850	\$3,850
Tribal education departments to create, develop, and staff information technology departments	\$150	\$150	\$250	\$2,850	\$3,400

SUBSTANTIVE ISSUES

HB138 addresses concerns raised in the *Martinez* and *Yazzie* consolidated lawsuit ruling. The court ruled that the State has failed to provide Native American students – in addition to other at-risk populations, defined as low-income students, English learners, and students with disabilities – with a constitutionally sufficient education, violating the New Mexico Constitution Article XII, Section 1. The judge in the consolidated *Martinez* and *Yazzie* lawsuit indicated at-risk students do not have access to quality programs targeted to meet their specific needs, often score lower than their peers on the state’s reading assessments, graduate from high school at lower rates, and matriculate to college less often.

HB138 appropriates funding to tribal communities to meet the diverse needs of New Mexico’s students. IAD notes in their analysis that tribal communities are most familiar with their history, language and culture, and their lived experiences enrich the pedagogies for tribal education departments and support the development of early childhood education, culturally and linguistically relevant curriculum, and community-based education.

Education Blueprints and Governance Structures for Native American Students. HB138 appropriates funding for tribal governments to develop and implement education blueprints and governance structures for Native American students. Currently in New Mexico, the University of New Mexico (UNM) houses both the American Indian Language Policy Research and Teacher Training Center and the Institute for American Indian Education. The American Indian Language Policy Research and Teacher Training Center aims to serve as a local and national center of collaborative research that examines major policy issues affecting the survival and maintenance of American Indian languages. Developing and providing native language teacher training programs and technical assistance support for American Indian tribes engaged in language maintenance and preservation initiatives is another key aspect of the Center’s outreach and service. UNM’s Institute for American Indian Education (IAIE) was originally created in 2004 by Native education faculty in the College of Education in response to the overwhelming need to increase the number of Native American teachers and to improve Native American student retention and achievement in schools. IAIE is committed to engage in teaching, service, and scholarship by our shared concern for the quality of education that Native American students, Native People and Nations receive.

Culturally and Linguistically Relevant Early Childhood Education. HB138 appropriates funding to tribal departments of education to develop early childhood culturally and linguistically relevant curriculum, assessment and evaluation tools, and facilities. Currently in New Mexico, and across the nation, the Head Start Program Performance Standards provide for the full integration of tribal language and culture in Head Start classrooms, in the curricula, and in program systems and services. Many tribes implement a culturally and linguistically responsive curriculum. The Head Start Cultural and Linguistic Responsiveness Resource Catalogue (volumes one, two, and three) is designed to provide programs with evidence-based materials, research, promising practices, and other information to help develop culturally and linguistically responsive systems and services. The catalogue includes books, articles, videos, and other useful resources—most of which are available free of charge.

Tribal Libraries. HB138 appropriates funding for tribal libraries to develop and staff culturally and linguistically relevant after-school and community-based summer programs. Tribal libraries may want to consider working with New Mexico State Library’s Tribal Libraries Program. Their mission is to promote and support information access in tribal communities with emphasis on current technology and tribal library development. The Tribal Libraries Program is unique in the

nation with specialized library development services to tribal communities on a statewide basis. The main administrative office is located in Santa Fe with staff in Crownpoint serving the Northwestern New Mexico Navajo area. The Development Bureau of the New Mexico State Library provides consulting services for tribal librarians on a wide range of topics including technology, policies and planning, and library best practices as well as training for tribal library staff and community members. Workshop topics are based on local need. There are currently 19 tribal libraries in New Mexico.

Information Technology Infrastructure. HB138 appropriates funding for tribal education departments to create, develop and staff information technology departments. Tribal education departments may want to consider that tribal schools and libraries are eligible for federal E-rate funding, which provides on average 80 percent to 90 percent of the cost to upgrade broadband infrastructure. While tribal schools are not covered under the Public School Facilities Authority's (PSFA) broadband deficiencies correction program, the PSFA broadband team assisted and coordinated the development of two successful broadband partnerships – Middle Rio Grande and Jemez-Zia – that took advantage of E-rate funding and improved broadband connectivity for six pueblos. According to PSFA, further expansion and upgrades are needed for a functional network. According to the Department of Cultural Affairs, tribal libraries are also currently eligible for broadband infrastructure funding from the New Mexico State Library, in collaboration with the Department of Information Technology and PSFA, through the broadband for libraries program funded by the library broadband infrastructure fund.

ADMINISTRATIVE IMPLICATIONS

According to IAD, implementation of HB138 may require an additional advanced financial analyst position.

RELATED BILLS

Relates to HB137, Native American Projects, which appropriates funds to IAD for library, Internet access, and educational resource center projects for Native American nations, tribes, and pueblos.

Relates to HB139, Zuni Pueblo Education Improvements, which appropriates funding to IAD for education-related improvements for the Pueblo of Zuni.

Relates to HB140, Mescalero Apache Education Improvements, which appropriates funding to IAD for education-related improvements for the Mescalero Apache Tribe.

Relates to HM12, Cultural Diversity & Bilingual School Pgms, which requests the secretary of PED to convene a working group to share best practices for implementing bilingual and multicultural programs.

SOURCES OF INFORMATION

- LESC Files
- Indian Affairs Department (IAD)
- Higher Education Department (HED)

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