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

Bill Number	<u>HB363</u>	Sponsor	<u>Johnson/Allison</u>
Tracking Number	<u>.216476.1</u>	Committee Referrals	<u>HEC/HAFC</u>
Short Title	<u>Navajo Education Liaisons</u>		
Analyst	<u>Waite</u>	Original Date	<u>2/11/2020</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Bill 363 (HB363) creates a new section of the Regional Educational Cooperative Act directing the Four Corners Regional Educational Cooperative (REC) to employ one or more Navajo education liaisons to work with its member school districts in developing and implementing culturally and linguistically relevant education to Navajo students. The liaison(s) shall:

- Be knowledgeable about the educational, cultural, linguistic and psychosocial supports needed by Navajo students;
- Be appointed after consultation with the Navajo Nation Department of Diné Education and Tribal Colleges;
- Work closely with school districts, tribal government and colleges, the Indian Education Division (IED) of the Public Education Department (PED), the Indian Affairs Department, and public-post secondary institutions to ensure that Navajo students are prepared for college and career;
- Serve as the RECs Navajo ombudsperson for complaints from Navajo students or their families, public schools, tribal government and others that pertain to Indian Education; and
- Perform other duties as assigned by the executive director, provided those assignments do not interfere with the primary functions of the position.

HB363 also clarifies the role of the ombudsperson and stipulates that the liaison provide a report of activities, findings and recommendations to the Four Corners REC members, the IED, the Department of Diné Education, the president of the Navajo Nation, the governor, the Legislature and the public by January 1 of each year. HB363 appropriates \$150 thousand to the Four Corners REC to appoint one or more liaisons and pay for associated expenses.

FISCAL IMPACT

HB363 makes an appropriation of \$150 thousand from the general fund to the Four Corners REC for expenditure in FY21. Any unexpended or unencumbered balance remaining at the end of FY21 shall revert to the general fund.

SUBSTANTIVE ISSUES

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) includes an appropriation of \$110 thousand from the general fund to PED for each REC, including Four Corners. HB2/HAFCS also appropriates other state funds to RECs; Four Corners REC will get \$610 thousand total, making it the lowest-funded REC.

State Responsibility for Native American Education. The federal Every Student Succeeds Act (ESSA) requires states to support the cultural and academic needs of Native American students by ensuring students have an understanding of tribal culture and language and have access to school personnel and programming that are culturally responsive. ESSA also notes Native American students must have access to mental and behavioral health support. New Mexico’s Indian Education Act requires PED to provide resources and guidance for school districts and charter schools to support Native American student’s language, culture, and academic progress.

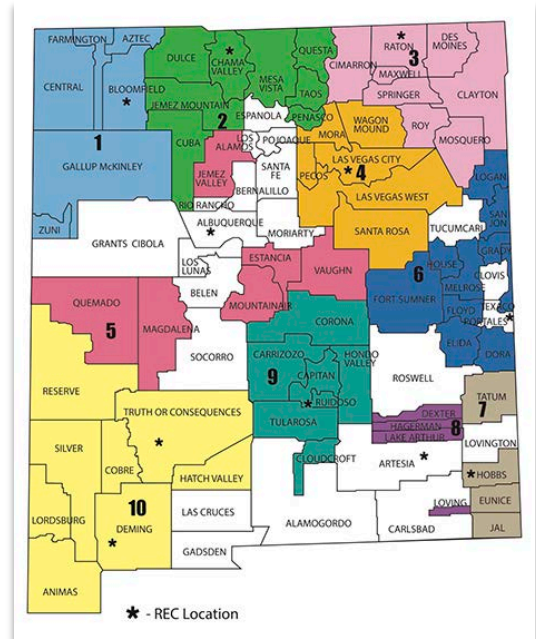
HB363 seeks to meet the needs of Diné students. Native American students in public schools are missing rich cultural instruction embedded throughout the curriculum. According to a 2017 study by the University of New Mexico for PED, inclusive environments are key to the empowerment of under-represented Native students. The study reports, “School commitment – demonstrated by administrators and faculty/teachers who acknowledge, honor, and preserve Native students’ cultural values – inspires students to be engaged at the school and university and ultimately attain their respective diploma or higher education degree.”

Laws 2019, Chapter 16 (HB250) amended the Indian Education Act to require all historically defined Indian impacted school districts and charter schools to conduct a needs assessment to determine the services Native American students need to graduate and become college- or career-ready and to prioritize funds to address the findings of the needs assessment. As amended, the Act now considers the “whole child” needs of Native American students by acknowledging the need for support at home and in the community, psychological and health needs, and the potential for students to integrate into the community through cultural and career pathways.

Profile of Indian Education. There are 23 districts and six charter schools identified as Native-serving Institutions. Approximately 34,000 American Indian students are in NM public schools and approximately 5,000 American Indian students are in Bureau of Indian Education-operated and tribally-controlled schools. There are seven Native languages taught in public schools: Jicarilla, Apache, Keres, Navajo (Diné), Tewa, Towa, and Zuni.

Challenges of Geographic Isolation. Authors of a recent study in *Education Policy* (Curran & Kitchin, 2019) calculated that 17 percent of elementary schools, 34 percent of middle schools, and 43 percent of high schools in New Mexico are geographically isolated, as measured by being 10 or more miles (by car) from the nearest school of the same type. Geographically isolated schools can have trouble exploiting economies of scale and are limited in their ability to share resources and staff, such as school nurses, social workers and IT service providers. Isolated schools are also less likely to attract educators with advanced degrees. Students in isolated schools face many real and perceived barriers to post-secondary education such as poverty, lack of institutional support, such as guidance counseling services, and a narrower curriculum. In addition to the expense of tuition and fees, students from rural areas almost always have to move away to take advantage of higher education opportunities. Having to leave a close-knit, supportive community can be stressful.

Regional Educational Cooperatives. To better serve rural and geographically isolated schools in New Mexico, the Regional Educational Cooperative Act of 1993 granted the state board the ability to authorize the existence and operation of RECs, which are comprised of local school boards and other state-supported educational institutions. RECs provide education-related services to qualified schools and school-age residents, such as: bus driver training; charter school support and training; education data collection and analysis; instructional materials; Medicaid school-based health services, distance learning, and technical assistance. RECs are individual state agencies administratively attached to the PED. RECs get some funding from PED and other monies through the provision of products and services. There are currently 10 RECs serving 58 rural school districts and state-supported schools. The provisions in HB363 apply only to the Four Corners REC which serves an area with a high population of Navajo students in public schools (map, #1).



Regional Educational Cooperative Territories

ADMINISTRATIVE IMPLICATIONS

The long-term sustainability of the liaison position(s) may be threatened if this appropriation does not recur annually.

TECHNICAL ISSUES

The appropriation should go to PED for Four Corners REC.

SOURCES OF INFORMATION

- LESC Files

JLW/tb/mc/sgs