

LFC Requester:

Sunny Liu

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 1/23/25

Check all that apply:

Bill Number: SB 13

Original  Correction   
Amendment  Substitute

Sponsor: Sen. Benny Shendo, Jr.

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: State-Tribal Education Compact Schools Act

Person Writing Analysis: Michael Kiehne  
Phone: 505-537-7676  
Email: legisfir@nmag.gov

#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

##### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: SB 13 would create a new section of the Public School Code to allow for the creation

of state-tribal education compact schools. The bill would provide authorization to the New Mexico Public Education Department (NMPED) to enter into compacts with Nations, Pueblos, and Tribes located either wholly or partially within the state of NM. It would also provide an application process by which Nations, Pueblos, and Tribes could request to create a state-tribal education compact school. Further, it would provide guidelines regarding funding, hiring of staff and admission of students, and performance reviews, compliance, and reporting requirements.

SB 13 would exempt state-tribal education compact schools from all state statutes and rules applicable to school districts, state-chartered charter schools, local school boards. However, state-tribal education compact schools would be subject to statutes and rules made applicable pursuant to the State-Tribal Education Compact Schools Act. These schools will also be bound by the terms of the compacts which created them.

**FISCAL IMPLICATIONS**

N/A

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

- 1) In Section 4, Subsection D (page 6, beginning line 13), “sectarian practices” is an undefined term. Consider adding a definition to avoid confusion or ambiguity about which practices are prohibited.
- 2) In Section 5, Subsection B (page 7, beginning line 2), the word “capacity” is an undefined term and is ambiguous as used. The term as used here could refer to the school’s physical capacity at accommodate new students, or, considering its proximity to “grade level,” could also refer to the mental capacity of a potential

student. The latter could be problematic in terms of potential discrimination. Consider amending to clarify this ambiguity.

**PERFORMANCE IMPLICATIONS**

None to this office.

**ADMINISTRATIVE IMPLICATIONS**

None to this office.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None noted.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

None.