

LFC Requestor: Self Assigned

2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 13

Type: Introduced

Date (of THIS analysis): 1.29.25

Sponsor(s): Benny Shendo, Jr.

Short Title: State-Tribal Education Compact Schools Act

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	0	0

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	0	0

0

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

No additional cost to NMDOH.

### **Section III: Relationship to other legislation**

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

### **Section IV: Narrative**

#### **1. BILL SUMMARY**

##### a) Synopsis

Senate Bill 13 creates the State-Tribal Education Compact Schools Act and authorizes the Public Education Department (PED) to enter into state-tribal education compacts with Indian Nations, Tribes, or Pueblos in New Mexico to establish language- and culture-based schools.

SB13 requires PED to establish an application and approval process for state-tribal education compact schools, which may be initiated by the governing body of an Indian nation, tribe, or pueblo. SB13 requires PED to convene government-to-government meetings to consider proposed state-tribal education compact schools within ninety (90) days; PED and the Indian nation, tribe, or pueblo that is submitting the resolution and application must determine the terms of the state-tribal education compact. SB13 specifies requirements for state-tribal education compact provisions, requires PED to promulgate rules for the implementation of the State-Tribal Education Compact Schools Act, and requires PED to post each state-tribal education compact to its website.

The bill would make state-tribal education compact schools' tuition free and would provide for the prioritization of tribal members and siblings of students already enrolled at the school when capacity is insufficient to enroll all who apply.

SB13 requires state-tribal education compact schools to report student enrollment to PED to receive state or federal funding. SB13 specifies funding for state-tribal education SB13 compact schools will be determined by the public-school funding formula, and that funding cannot revert. Finally, SB13 allows state-tribal education compact schools to implement "a policy of preference to Indians in employment" and to prioritize the admission of tribal members when capacity of the school's programs or facilities are not as large as demand. The effective date of this bill is July 1, 2025.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

**Outcomes for Native American Students.** Historically, educational outcomes for Native American students in New Mexico have been consistently below their non-Native peers. According to the 2021-2022 Tribal Education Status Report ([ERIC - ED628100 - Tribal Education Status Report, School Year 2021-2022, New Mexico Public Education Department, 2022-Nov-15](#)), proficiency rates for Native American students were considerably lower than those of students of other ethnicities:

- In reading, half as many proficient Native American students were proficient compared to the percentage of proficient Asian American students.
- In math, one-fifth of Native American students were proficient; and
- In science, just under one-third of Native American students were proficient.

Research suggests that incorporating Native American languages and cultures into academic settings can improve educational engagement and outcomes, including improved retention, graduation rates, college attendance rates, and standardized test scores.

Assuming the potential state-tribal education compact schools will be located on tribal land, the schools would not have a definable taxable base, nor a legal mechanism by which the schools could levy taxes on residents. Therefore, the schools may potentially have a 0 percent local share and be fully financed by the state, much like the Zuni school district. State-chartered charter schools are assigned the local share of the school district in which the charter school is geographically located, and it may be appropriate to apply the same rule to the state-tribal education compact schools.

**The Consolidated Martinez-Yazzie Education Sufficiency Lawsuit.** In 2019, the 1st Judicial Court issued a final judgement and order in the consolidated Martinez-Yazzie education sufficiency lawsuit, finding New Mexico's public education system failed to provide a constitutionally sufficient and adequate education for at-risk students, defined as English language learners, Native American students, students with disabilities, and students from low-income families. The court pointed to low high school graduation rates, low student test proficiencies, and high college remediation rates as indicators of how the state is not meeting its constitutional obligation to ensure all students are college, career, and civics ready. The court's findings suggested overall public school funding levels, financing methods, and PED oversight were deficient. As such, the court enjoined the state to provide sufficient resources, including instructional materials, properly trained staff, and curricular offerings, necessary for providing the opportunity for a sufficient education for all at-risk students. Additionally, the court noted the state would need a system of accountability to measure whether the programs and services provided an opportunity for a sound basic education and to assure that local school districts spent funds are provided in a way that efficiently and effectively met the needs of at-risk students. The court stopped short of prescribing specific remedies and deferred decisions on how to achieve education sufficiency to the legislative and executive branch instead.

**The Zuni Lawsuit: History and Current Status.** In 1999, the 11th Judicial District Court issued its initial ruling in the Zuni lawsuit, finding New Mexico did not have an equalized

system of public school capital outlay funding, especially for school districts with significant amounts of federal Indian reservation land, such as the plaintiffs, Zuni Public Schools and Gallup McKinley County Schools. The court found the lack of equity in capital revenues violated the New Mexico Constitution, which requires a “uniform system of public schools sufficient for the education of all school age.” Between 1999 and 2004, the state designed a system of public school capital outlay based on “adequacy,” such that schools in the worst condition in the state would be eligible for funding through a standards-based process. This system has been revised since 2004 but is still primarily based on the values of equity, uniformity, sufficiency, and adequacy. Between 2004 and 2013, no filings were made in the Zuni lawsuit, and the case was administratively dismissed.

## 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes  No

If yes, describe how.

- Is this proposal related to the NMDOH Strategic Plan?  Yes  No

**Goal 1:** We expand equitable access to services for all New Mexicans

**Goal 2:** We ensure safety in New Mexico healthcare environments

**Goal 3:** We improve health status for all New Mexicans

**Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

## 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

Yes  No  N/A

- If there is an appropriation, is it included in the LFC Budget Request?

Yes  No  N/A

- Does this bill have a fiscal impact on NMDOH?  Yes  No

## 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

## 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

## 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

## 7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written?  Yes  No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No
- Does this bill conflict with federal grant requirements or associated regulations?  
 Yes  No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  No

## 8. DISPARITIES ISSUES

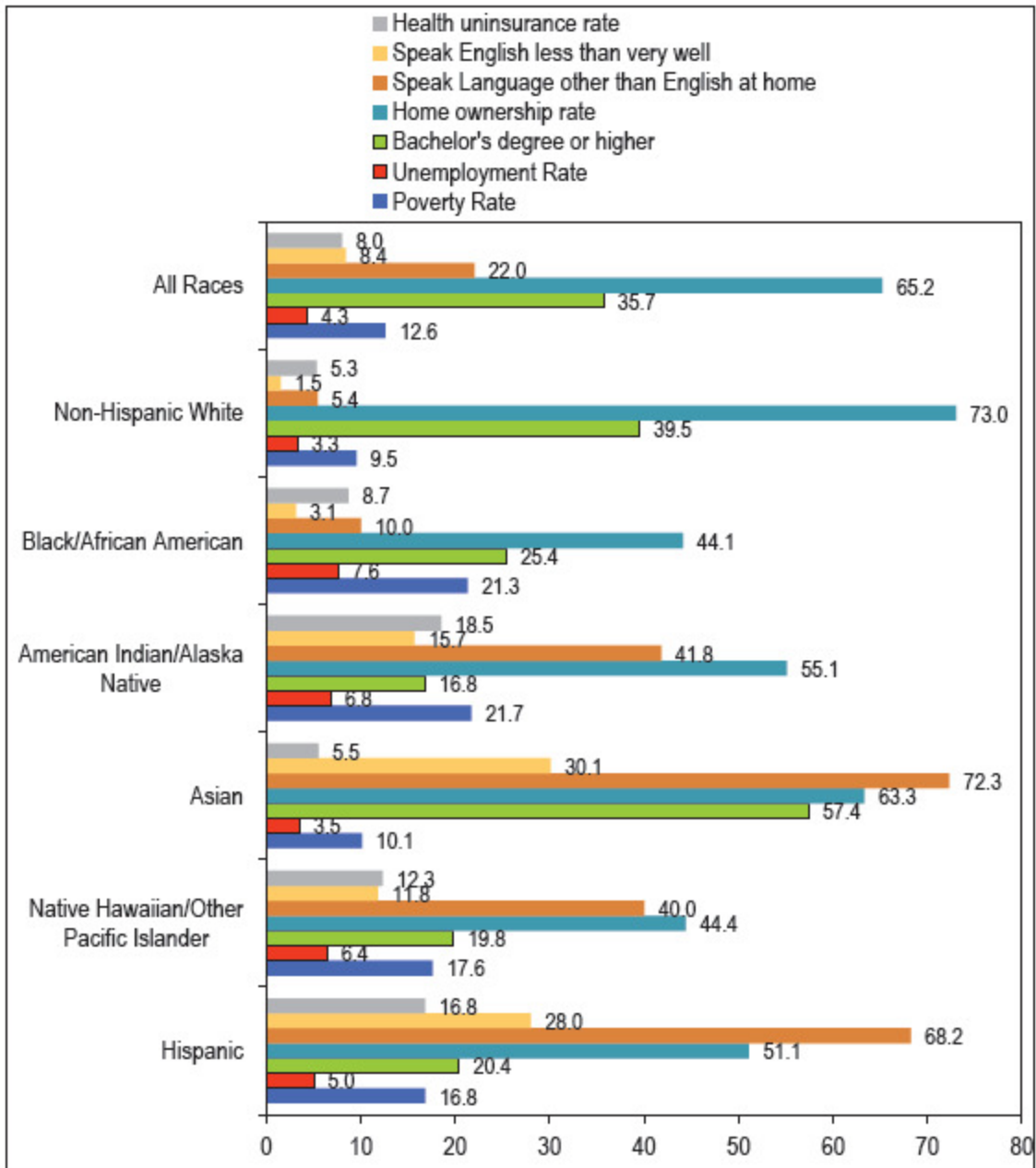
Indigenous youth in New Mexico have lower proficiency rates and higher rates of Social Drivers of Health, SB 13 aims to address and redress some of those items by creating education compacts with Indian Nations, Tribes, or Pueblos in New Mexico to establish language- and culture-based schools.

Research suggests that incorporating Native American languages and cultures into academic settings can improve educational engagement and outcomes, including improved retention, graduation rates, college attendance rates, and standardized test scores.

## 9. HEALTH IMPACT(S)

Indigenous healing, health and wellness systems are Indigenous public health. Describing it in response to standard public health definitions, it is community-centered and place-based, privileges Indigenous knowledge and systems, and is practiced from a rights holder's perspective ensuring Tribal sovereignty and self-determination.

Racial/ethnic minorities, including AIANs, have historically been disadvantaged in terms of social and economic attainment and living conditions.<sup>[1-4]</sup> The 2022 ACS data in [Figure 1](#) indicates two times higher poverty rates among AIANs (21.7%), Black/African Americans (21.3%), Hispanics (16.8%), and Native Hawaiians and other Pacific Islanders (17.6%) compared with non-Hispanic Whites (9.5%). AIANs have the lowest educational attainment and highest uninsured rate. In 2022, 16.8% of AIANs had a college degree compared with 57.4% of Asians and 39.5% of non-Hispanic Whites. In 2022, 18.5% of AIANs lacked health insurance compared with 5.5% of Asians and 5.3% of non-Hispanic Whites. Ethnic-minority groups, including AIANs, are less likely to own a house and more likely to speak a language other than English and less likely to have English language proficiency compared with non-Hispanic Whites [[Figure 1](#)].



**10. ALTERNATIVES**

*None*

**11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If SB13 is not enacted, there will not be a State-Tribal Education Compact Schools act implemented to address the educational and Social Drivers of Health issues currently being experienced by Native American students in NM; this includes issues identified in the Yazzie/Martinez court case.

**12. AMENDMENTS**

*None*