

1 SENATE BILL  
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY  
4 Benny Shendo, Jr.  
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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; ENACTING THE STATE-TRIBAL  
12 EDUCATION COMPACT SCHOOLS ACT; PROVIDING AUTHORIZATION TO THE  
13 PUBLIC EDUCATION DEPARTMENT TO ENTER INTO STATE-TRIBAL  
14 EDUCATION COMPACTS; PROVIDING FOR THE APPLICATION PROCESS OF  
15 BECOMING A STATE-TRIBAL EDUCATION COMPACT SCHOOL; PROVIDING  
16 RULEMAKING AUTHORITY; PROVIDING REQUIREMENTS FOR THE OPERATION  
17 OF STATE-TRIBAL EDUCATION COMPACT SCHOOLS; EXEMPTING STATE-  
18 TRIBAL EDUCATION COMPACT SCHOOLS FROM CERTAIN STATE STATUTES  
19 AND RULES; PROVIDING REPORTING REQUIREMENTS; ALLOWING STATE-  
20 TRIBAL EDUCATION COMPACT SCHOOLS TO RECEIVE STATE AND FEDERAL  
21 FUNDING; ALLOWING FOR EMPLOYMENT PREFERENCES AND ADMISSIONS  
22 PRIORITIZATION; INCLUDING STATE-TRIBAL EDUCATION COMPACT  
23 SCHOOLS IN THE PUBLIC SCHOOL CAPITAL OUTLAY ACT.  
24

25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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1           SECTION 1. A new section of the Public School Code is  
2 enacted to read:

3           "[NEW MATERIAL] SHORT TITLE.--Sections 1 through 8 of this  
4 act may be cited as the "State-Tribal Education Compact Schools  
5 Act"."

6           SECTION 2. A new section of the Public School Code is  
7 enacted to read:

8           "[NEW MATERIAL] DEFINITION.--As used in the State-Tribal  
9 Education Compact Schools Act, "state-tribal education compact"  
10 means a compact that has been entered into by the department  
11 and an Indian nation, tribe or pueblo located wholly or  
12 partially in New Mexico."

13           SECTION 3. A new section of the Public School Code is  
14 enacted to read:

15           "[NEW MATERIAL] AUTHORIZATION OF DEPARTMENT TO ENTER INTO  
16 STATE-TRIBAL EDUCATION COMPACTS--APPLICATION PROCESS AND  
17 CONTENTS--TRIBAL RESOLUTION--STATE-TRIBAL EDUCATION COMPACTS  
18 CONTENTS--RULEMAKING AUTHORITY.--

19           A. The department is authorized to enter into  
20 state-tribal education compacts for language- and culture-based  
21 schools.

22           B. No later than one year after the effective date  
23 of the State-Tribal Education Compact Schools Act, the  
24 department shall establish an application and approval process,  
25 procedures and time lines for negotiations between the

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1 department and an Indian nation, tribe or pueblo and approval  
2 or disapproval and execution of state-tribal education  
3 compacts.

4 C. The process pursuant to the provisions of  
5 Subsection B of this section may be initiated by submission to  
6 the department of a resolution by the governing body of an  
7 Indian nation, tribe or pueblo in the state of New Mexico.

8 D. The resolution pursuant to the provisions of  
9 Subsection C of this section shall be accompanied by an  
10 application to create a state-tribal education compact school  
11 that indicates the grade or grades from pre-kindergarten  
12 through twelfth grade that shall be offered at the state-tribal  
13 education compact school and that demonstrates that the school  
14 shall operate in compliance with all applicable laws, any rules  
15 adopted pursuant to the provisions of the State-Tribal  
16 Education Compact Schools Act and the terms and conditions set  
17 forth in the application. Both the resolution and the  
18 application to create a state-tribal education compact school  
19 shall be submitted to the department.

20 E. Within ninety days of receipt of a resolution  
21 and application pursuant to the provisions of this section, the  
22 department shall convene a government-to-government meeting for  
23 the purpose of considering the resolution and application and  
24 initiating negotiations between the department and the Indian  
25 nation, tribe or pueblo. The department and the Indian nation,

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1       tribe or pueblo that is submitting the resolution and  
2       application shall determine the terms of the state-tribal  
3       education compact.

4               F. State-tribal education compacts shall have a  
5       term of five years and shall include the following provisions:

- 6                       (1) compliance;
- 7                       (2) notices of violation;
- 8                       (3) dispute resolution, which may include  
9       nonjudicial processes such as mediation;
- 10                      (4) recordkeeping and auditing;
- 11                      (5) the delineation of the respective roles  
12       and responsibilities;
- 13                      (6) whether the compact is renewable; and
- 14                      (7) compact termination.

15               G. The department shall promulgate rules for the  
16       implementation of the State-Tribal Education Compact Schools  
17       Act.

18               H. The department shall post each state-tribal  
19       education compact to the department's web page."

20               SECTION 4. A new section of the Public School Code is  
21       enacted to read:

22                       "[NEW MATERIAL] OPERATION OF STATE-TRIBAL EDUCATION  
23       COMPACT SCHOOLS--EXEMPTION FROM CERTAIN STATE STATUTES AND  
24       RULES--REQUIREMENTS FOR A STATE-TRIBAL EDUCATION COMPACT  
25       SCHOOL--PROHIBITION OF SECTARIAN PRACTICES--ENROLLMENT AND

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1 SCHOOL CHOICE.--

2 A. A state-tribal education compact school shall  
3 operate according to the terms of the school's compact executed  
4 pursuant to the provisions of Section 3 of the State-Tribal  
5 Education Compact Schools Act.

6 B. A state-tribal education compact is exempt from  
7 all state statutes and rules applicable to school districts,  
8 state-chartered charter schools, local school boards or  
9 governing bodies of charter schools regarding the curriculum,  
10 assessment and evaluation requirements of a school, except for  
11 those statutes and rules made applicable pursuant to the  
12 provisions of the State-Tribal Education Compact Schools Act  
13 and in the state-tribal education compact executed pursuant to  
14 the provisions of Section 3 of that act.

15 C. Each state-tribal education compact school  
16 shall:

17 (1) create a curriculum and conduct an  
18 educational program that is controlled and evaluated by the  
19 Indian nation, tribe or pueblo and is language and culture  
20 based;

21 (2) employ licensed school employees or  
22 language-proficient employees, as determined by the Indian  
23 nation, tribe or pueblo, who are seeking department licensure;

24 (3) comply with the licensed school employee  
25 criminal history record check as provided in Section 22-10A-5

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1 NMSA 1978 and comply with the provisions of Section 22-10A-5.2  
2 NMSA 1978 and the termination and notification provisions of  
3 Section 22-10A-22 NMSA 1978;

4 (4) comply with nondiscrimination laws;

5 (5) adhere to generally accepted accounting  
6 principles and be subject to financial examinations and audits  
7 as determined by the state auditor, including annual audits for  
8 legal and fiscal compliance; and

9 (6) be subject to and comply with legislation  
10 enacted after the effective date of the State-Tribal Education  
11 Compact Schools Act governing the operation and management of  
12 state-tribal education compact schools.

13 D. A state-tribal education compact school shall  
14 not engage in sectarian practices in the school's educational  
15 program, admissions or employment policies or operations.

16 E. Nothing in the State-Tribal Education Compact  
17 Schools Act may limit or restrict any enrollment or school  
18 choice options provided for by law."

19 SECTION 5. A new section of the Public School Code is  
20 enacted to read:

21 "[NEW MATERIAL] STATE-TRIBAL EDUCATION COMPACT SCHOOLS--  
22 TUITION CHARGE--EXTRACURRICULAR FEES--ADMISSION--EXCEPTIONS TO  
23 ADMISSION.--

24 A. A state-tribal education compact school shall  
25 not charge tuition but may charge fees for participation in

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1 optional extracurricular events and activities.

2 B. A state-tribal education compact school shall  
3 not deny admission on any basis other than age group, grade  
4 level or capacity and shall otherwise enroll all students who  
5 apply.

6 C. If capacity is insufficient to enroll all  
7 students who apply, a state-tribal education compact school may  
8 prioritize the enrollment of tribal members and siblings of  
9 students who are already enrolled at the state-tribal education  
10 compact school."

11 SECTION 6. A new section of the Public School Code is  
12 enacted to read:

13 "[NEW MATERIAL] REPORTING REQUIREMENTS--SCHOOL FUNDING.--

14 A. A state-tribal education compact school shall  
15 report student enrollment to the department. Reporting shall  
16 be done in the same manner as reporting for and use the same  
17 definitions of enrolled students and annual average full-time-  
18 equivalent enrollment as is required of school districts. The  
19 reporting requirements in this subsection are required for a  
20 school to receive state or federal funding that is allocated  
21 based on student enrollment and demographics.

22 B. Funding for a state-tribal education compact  
23 school shall be determined by the public school funding formula  
24 pursuant to the provisions of the Public School Finance Act.  
25 Salary amounts for licensed school employees shall be based on

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1 the salary amounts of the school district in which a state-  
2 tribal education compact school is located. A state-tribal  
3 education compact school shall use the statewide salary  
4 minimums pursuant to the provisions of the School Personnel  
5 Act. A state-tribal education compact school is eligible to  
6 apply for state grants on the same basis as a school district.

7 C. Money received by a state-tribal education  
8 compact school from any source that remains in the school's  
9 accounts at the end of any budget year shall remain in the  
10 school's accounts for use by the school during subsequent  
11 fiscal years."

12 SECTION 7. A new section of the Public School Code is  
13 enacted to read:

14 "[NEW MATERIAL] EMPLOYMENT PREFERENCE--ADMISSION  
15 PRIORITY.--Nothing in the State-Tribal Education Compact  
16 Schools Act prohibits schools established pursuant to the  
17 provisions of that act from:

18 A. implementing a policy of preference to tribal  
19 members in employment; or

20 B. prioritizing the admission of tribal members  
21 when the capacity of the school's programs or facilities is not  
22 as large as demand."

23 SECTION 8. A new section of the Public School Code is  
24 enacted to read:

25 "[NEW MATERIAL] COMPLIANCE WITH THE OPEN MEETINGS ACT.--

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1 All actions, negotiations and business of the department and an  
2 Indian nation, tribe or pueblo entering into a state-tribal  
3 education compact shall be conducted pursuant to the provisions  
4 of the Open Meetings Act."

5 SECTION 9. Section 22-24-3 NMSA 1978 (being Laws 1975,  
6 Chapter 235, Section 3, as amended) is amended to read:

7 "22-24-3. DEFINITIONS.--As used in the Public School  
8 Capital Outlay Act:

9 A. "authority" means the public school facilities  
10 authority;

11 B. "building system" means a set of interacting  
12 parts that makes up a single, nonportable or fixed component of  
13 a facility and that, together with other building systems,  
14 makes up an entire integrated facility or property, including  
15 roofing, electrical distribution, electronic communication,  
16 plumbing, lighting, mechanical, fire prevention, facility  
17 shell, interior finishes, heating, ventilation and air  
18 conditioning systems and school security systems, as defined by  
19 the council;

20 C. "constitutional special schools" means the New  
21 Mexico school for the blind and visually impaired and the New  
22 Mexico school for the deaf;

23 D. "constitutional special schools support spaces"  
24 means all facilities necessary to support the constitutional  
25 special schools' educational mission that are not included in

1 the constitutional special schools' educational adequacy  
2 standards, including performing arts centers, facilities for  
3 athletic competition, school district administration and  
4 facility and vehicle maintenance;

5 E. "council" means the public school capital outlay  
6 council;

7 F. "education technology infrastructure" means the  
8 physical hardware and services used to interconnect students,  
9 teachers, school districts and school buildings necessary to  
10 support broadband connectivity and remote learning as  
11 determined by the council;

12 G. "fund" means the public school capital outlay  
13 fund;

14 H. "maximum allowable gross square foot per  
15 student" means a determination made by applying the established  
16 maximum allowable square foot guidelines for educational  
17 facilities based on type of school and number of students in  
18 the current published New Mexico public school adequacy  
19 planning guide to the department's current year certified first  
20 reporting date membership;

21 I. "replacement cost per square foot" means the  
22 statewide cost per square foot as established by the council;

23 J. "school district" includes state-chartered  
24 charter schools, state-tribal education compact schools and the  
25 constitutional special schools;

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1           K. "school district population density" means the  
2 population density on a per square mile basis of a school  
3 district as estimated by the authority based on the most  
4 current tract level population estimates published by the  
5 United States census bureau; [~~and~~]

6           L. "school district population density factor"  
7 means zero when the school district population density is  
8 greater than fifty people per square mile, six-hundredths when  
9 the school district population density is greater than fifteen  
10 but less than fifty-one persons per square mile and twelve-  
11 hundredths when the school district population density is less  
12 than sixteen persons per square mile; and

13           M. "state-tribal education compact schools" means  
14 schools established pursuant to the provisions of the State-  
15 Tribal Education Compact Schools Act."

16           SECTION 10. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2025.