

**MINUTES
of the
FIRST MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**May 25, 2016
Santa Fe**

The first meeting of the Indian Affairs Committee for the 2016 interim was called to order at 10:12 a.m. by Representative Sharon Clahchischilliage, co-chair, on Wednesday, May 25, 2016, in Room 322 at the State Capitol in Santa Fe.

Present

Rep. Sharon Clahchischilliage, Co-Chair
Sen. John Pinto, Co-Chair
Rep. D. Wonda Johnson
Rep. Georgene Louis
Rep. James Roger Madalena
Sen. Cliff R. Pirtle
Sen. Nancy Rodriguez
Sen. Benny Shendo, Jr.
Rep. James E. Smith
Sen. William P. Soules

Absent

Sen. Ted Barela
Rep. Zachary J. Cook
Rep. Yvette Herrell
Sen. Richard C. Martinez
Sen. John C. Ryan

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Carlos R. Cisneros
Sen. Cisco McSorley
Rep. Debbie A. Rodella
Rep. Nick L. Salazar
Sen. Clemente Sanchez

Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Rep. Patricia A. Lundstrom
Sen. George K. Munoz
Rep. Patricia Roybal Caballero

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Shawna Casebier, Staff Attorney, LCS
Diego Jimenez, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

All handouts and other written testimony are in the meeting file.

Wednesday, May 25

Welcome and Introductions

Representative Clahchischilliage welcomed the committee and members of the audience and asked committee members and guests to introduce themselves.

Update on School Transportation and Boundary Issues

Public Education Department (PED) Deputy Secretary of Finance and Operations Paul Aguilar and PED Assistant Secretary for Indian Education Latifah Phillips presented an update on school transportation and boundary issues concerning the students crossing the New Mexico-Arizona border. On January 5, 2016, the PED provided guidance to four school district superintendents, the Arizona Department of Education and a member of the Arizona legislature on the topic of interstate school district boundary matters at a meeting in Gallup, the presenters said. The superintendents were provided with a written document outlining key components that should be considered as they draft an interstate school district agreement for their school boards' consideration.

On February 9, 2016, the board of the Window Rock Unified School District (Arizona) passed an interstate school district intergovernmental agreement (IGA) and sent the IGA to the Gallup-McKinley County School District (GMCSO) (New Mexico) for review and consideration. The GMCSO is performing a legal review of the IGA before taking further steps.

On May 5, 2016, superintendents and staff from the Central Consolidated School District (New Mexico) and the Red Mesa Unified School District (Arizona) met and drafted an inter-district IGA for their school boards' review and consideration. They created an addendum to ensure that the agreement addresses the matter of tuition. Currently, in the addendum, tuition is set at \$3,426.74 for Arizona students and \$4,227.48 for New Mexico students. Across all of the districts, there are an estimated 425 students coming into New Mexico from Arizona and an estimated 600 students leaving New Mexico to attend school in Arizona.

Several outstanding questions still need discussion and resolution. The main issues raised by several school districts are:

- (1) the exchange of tuition in the IGA; and
- (2) New Mexico's supplemental funding provision, which New Mexico resident school districts can apply for and use, to pass state support funding to the educating school district across the state line in Arizona.

Also needing discussion and resolution is the Arizona "Certificate of Convenience" provision to determine if it would be appropriate to use in helping to resolve boundary issues. Arizona school districts need clarity and consistency with regard to the definition of state support funding. Questions that still need clarification include whether the funding:

- (1) is base-level funding;
- (2) is weighted-level funding; and
- (3) includes other state support funding; for example, Arizona's additional assistance.

The school districts requested guidance regarding reporting and implications for other funding sources. The school districts do not want to jeopardize federal funding allocations or disrupt its flow to the districts and will need to know if receiving or sending school districts are to include the non-state resident students in their reporting and application process. These other funds include impact aid, title funds and other federal funding support.

The school districts requested guidance on data sharing and data requirements among the school districts and across states; in particular, how states' student information systems will be able to disaggregate data on students crossing state lines to provide necessary tracking and accountability. The school districts also requested guidance on whether there will be a cap set on the number of students who can participate in cross-state school district IGAs.

Priscilla Manuelito, GMCSO board secretary, informed the committee that the GMCSO superintendent is on board for the IGA and that after review by the board's legal counsel, the board will vote on the IGA.

Jeff Bond, GMCSO transportation director, stands in favor of the agreement. Mr. Bond informed the committee about the Pigeon Springs area on the New Mexico-Arizona border with homes located in New Mexico and a school located only a half-mile away in Arizona. The school district is currently unable to provide funding for the transportation of Arizona students. Mr. Bond reminded the committee that the tuition fee does not apply to transportation.

In response to a question, Mr. Bond confirmed that the transportation budget is separate from the PED budget and that the PED transportation budget only provides support for students in the school district. Mr. Aguilar added that Arizona students are counted for assessment and accountability, but they cannot be counted for transportation funding.

In response to a question, Mr. Bond confirmed that there are school bus routes where a student is picked up in New Mexico and attends a school in New Mexico, but must travel across and back over the state line en route to school. Mr. Bond also confirmed that if a student's home is on the Arizona side of the border, the bus cannot stop in front of the home to pick up the student; however, if the student walks across the street to the New Mexico side of the border, the bus can pick up the student from that point, but the student is not counted for transportation funding purposes. There is currently no funding granted to pick up a student who lives in Arizona, even if the student is actually picked up in New Mexico.

Discussion of Focus Areas, Work Plan and Meeting Schedule

Mr. Kovnat presented a summary of the proposed work plan and meeting schedule for the 2016 interim. He discussed issues of ongoing concern to New Mexico's Native American

community and the importance of the committee's outreach efforts during the interim. Mr. Kovnat stood for questions on the details of the work plan and the proposed schedule.

Committee members discussed the work plan and recommended adding a presentation regarding the 1952 agreement between the state's pueblos and the University of New Mexico (UNM) Hospital, as well as adding a discussion regarding the UNM Board of Regents, revenue pitfalls and services provided by UNM.

Committee members discussed the proposed interim meeting schedule and adjusted the order of meeting locations for logistical purposes. The committee decided to move one meeting from Standing Rock to Gallup. Upon a motion, then seconded, and without opposition, the work plan and meeting schedule and locations were approved by the committee.

Adjournment

There being no further business, the committee adjourned at 12:48 p.m.