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HOUSE BILL 28

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Ray Begaye

AN ACT

**RELATING TO EDUCATION; ENACTING THE INDIAN EDUCATION ACT;
PRESCRIBING POWERS AND DUTIES; CREATING A FUND; REPEALING
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.**

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

**Section 1. A new section of the Public School Code is
enacted to read:**

**"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as
the "Indian Education Act". "**

**Section 2. A new section of the Public School Code is
enacted to read:**

**"[NEW MATERIAL] PURPOSE OF ACT. -- The purpose of the
Indian Education Act is to:**

**A. ensure equitable educational opportunities for
American Indian students residing in New Mexico;**

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- 1 B. ensure maintenance of native languages;
- 2 C. develop and implement educational systems that
- 3 positively impact the educational success of American Indian
- 4 students; and
- 5 D. structure a formal government-to-government
- 6 relationship with New Mexico tribes. "

7 Section 3. A new section of the Public School Code is

8 enacted to read:

9 "[NEW MATERIAL] DEFINITION.--As used in the Indian

10 Education Act, "tribe" means an Indian nation, tribe or pueblo

11 located within the state. "

12 Section 4. A new section of the Public School Code is

13 enacted to read:

14 "[NEW MATERIAL] INDIAN EDUCATION DIVISION--CREATED.--The

15 "Indian education division" is created within the department

16 of education. "

17 Section 5. A new section of the Public School Code is

18 enacted to read:

19 "[NEW MATERIAL] APPOINTMENT OF DIVISION HEAD.--The state

20 superintendent shall appoint an assistant for Indian

21 education. "

22 Section 6. A new section of the Public School Code is

23 enacted to read:

24 "[NEW MATERIAL] DUTIES AND RESPONSIBILITIES.--The Indian

25 education division shall:

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1 A. provide assistance to school districts and
2 tribes to meet the educational needs of American Indian
3 students;

4 B. provide assistance to school districts and
5 tribes in the planning, development, implementation and
6 evaluation of curricula designed for American Indian students;

7 C. provide assistance to school districts and
8 tribes to develop curriculum and instructional materials in
9 languages native to New Mexico in conjunction and by contract
10 with native language experts and practitioners;

11 D. establish an advisory council;

12 E. by January 2005, enter into agreements with
13 each tribe or authorized tribal educational entity to share
14 programmatic information and to coordinate technical
15 assistance for public schools that serve American Indian
16 students;

17 F. seek funds to establish an Indian education
18 office in the northwest corner of the state to implement
19 agreements with each tribe or authorized tribal educational
20 entity, monitor the progress of American Indian students and
21 coordinate technical assistance at the public schools that
22 serve American Indian students;

23 G. require school districts to obtain a signature
24 of approval by the tribal governments that reside within
25 school district boundaries, verifying that the tribes agree to

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1 Indian policies and procedures pursuant to federal
2 requirements; and

3 H. for the purpose of increasing the number of
4 American Indian teachers and principals, in conjunction with
5 an established policy advisory group to the state board and
6 the commission on higher education, seek funds to establish,
7 develop and implement the following support services:

- 8 (1) recruitment;
- 9 (2) academic financial support;
- 10 (3) teacher preparation;
- 11 (4) teacher induction; and
- 12 (5) professional development. "

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

15 "[NEW MATERIAL] ADVISORY COUNCIL. --

16 A. The advisory council established by the Indian
17 education division shall consist of not more than seven
18 American Indian educators and others needed to assist in
19 evaluating, consolidating and coordinating all activities
20 relating to education of American Indian students.

21 B. On a semiannual basis, representatives from all
22 tribes, members of the state board, the governor's office, the
23 New Mexico office of Indian affairs, the legislature and the
24 state superintendent shall meet with the advisory council to
25 assist in evaluating, consolidating and coordinating all

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1 activities relating to the education of American Indian
2 students.

3 C. Members of the council shall receive per diem
4 and mileage as provided for nonsalaried public officers in the
5 Per Diem and Mileage Act. "

6 Section 8. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] REPORT. --

9 A. The Indian education division shall submit a
10 statewide American Indian education status report on an annual
11 basis to all tribes.

12 B. School districts with tribal lands located
13 within their boundaries shall provide a district-wide American
14 Indian education status report on an annual basis to all
15 tribes represented within the district boundaries.

16 C. The status reports set forth in Subsections A
17 and B of this section shall include the following information,
18 through which public school performance shall be measured and
19 reported to the tribes:

20 (1) student achievement as measured by a
21 nationally norm-referenced test approved by the department of
22 education or through a performance-based instrument to measure
23 proficiency;

24 (2) school safety;

25 (3) the dropout rate;

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- 1 (4) attendance;
- 2 (5) parent and community involvement;
- 3 (6) educational programs targeting American
- 4 Indian students;
- 5 (7) financial reports; and
- 6 (8) current status of federal Indian policies
- 7 and procedures. "

8 Section 9. A new section of the Public School Code is
9 enacted to read:

10 "[NEW MATERIAL] FUND CREATED. --The "Indian and higher
11 education fund" is created in the state treasury. The fund
12 consists of appropriations, gifts, grants and donations. The
13 fund shall be administered by the department of education, and
14 money in the fund, including interest, is appropriated to the
15 department to distribute awards for the purpose of supporting
16 the Indian Education Act. The department of education shall
17 develop procedures and rules for the award of money from the
18 fund. Disbursement of the fund shall be made by warrant of
19 the department of finance and administration pursuant to
20 vouchers signed by the state superintendent. Any unexpended
21 or unencumbered balance remaining in the fund at the end of a
22 fiscal year shall not revert but shall remain to the credit of
23 the fund. "

24 Section 10. APPROPRIATION. --Two million four hundred
25 twenty-six thousand dollars (\$2,426,000) is appropriated from

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1 the general fund to the Indian and higher education fund for
2 expenditure in fiscal year 2003 to carry out the purposes of
3 the Indian Education Act. Any unexpended or unencumbered
4 balance remaining at the end of fiscal year 2003 shall not
5 revert but shall remain to the credit of the fund.

6 Section 11. REPEAL. -- Sections 22-2-11 through 22-2-13
7 NMSA 1978 (being Laws 1975 (1st S.S.), Chapter 8, Sections 1
8 through 3) are repealed.