

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill No:** HB 27

**48th Legislature, 2nd Session, 2008**

**Short Title:** Expand Funding for Indian Education Act

**Sponsor(s):** Representatives Ray Begave and Patricia A. Lundstrom

**Analyst:** Pamela Herman

**Date:** January 20, 2008

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**Bill Summary:**

HB 27 appropriates funds to the Public Education Department (PED) to expand implementation of the provisions of the *Indian Education Act*.

**Fiscal Impact:**

HB 27 appropriates \$2.5 million from the General Fund to PED for expenditure in FY 09. The bill contains a reversion clause.

For 2008, HB 3 includes \$2.5 million in recurring funds for the Indian Education Fund. The reverting appropriation in HB 27 would apparently represent an additional appropriation to PED for Indian education, outside the non-reverting fund.

**Issues:**

Since the passage of the *Indian Education Act*, the Legislature has appropriated approximately \$12.0 million in non-reverting funds to the Indian Education Fund, as follows:

- in 2003, \$2.0 million;
- in 2004, \$2.5 million;
- in 2005, \$2.5 million;
- in 2006, approximately \$2.5 million; and
- in 2007, \$2.5 million.

Since the inception of the act, the Legislative Education Study Committee (LESC) has heard periodic presentations from PED on the progress of the department in implementing the act and using the appropriations to ensure that Native American children are benefiting from the act. Testimony focused on the following topics:

- the accumulation of money in the Indian Education Fund. During the 2005 interim, PED staff indicated that approximately \$2.1 million of the amount appropriated to the fund at that time remained unencumbered; as of June, 2006, the unencumbered balance had been reduced to \$1.6 million. PED has not provided the LESC with up to date information on the current unencumbered balance in the Indian Education Fund;

- the first annual status report on Indian Education required by the *Indian Education Act*, presented in 2006 for school year 2004-2005, which indicated that a smaller percentage of Native American students score proficient or better in reading, math and science than any other ethnic or racial group in the state;
- a 2006 LFC audit of the effectiveness of implementation of the act in closing the achievement gap, and PED's responses to the LFC findings. PED indicated at that time that it was developing a five-year strategic plan to address such issues as responsibility for curriculum, research on culturally based education, and collaborations between school districts and higher education to provide teacher preparation programs that meet language and cultural needs for schools with a high proportion of Native American students; and
- the rural literacy initiative identified for \$1.0 million of the 2006 appropriation and \$500,000 from the 2007 appropriation by language in the *General Appropriation Act*. The initiative is provided by Save the Children, a national nonprofit education and humanitarian organization that has contracted with PED to implement the initiative and supply the required \$500,000 annually in matching funds. Testimony focused on the structure of in-school, after-school and summer components of the program and the results of program evaluations.

**Background:**

In 2003 the Legislature enacted the *Indian Education Act* to address the unique cultural and educational needs of Native American students statewide, who constitute approximately 11 percent of New Mexico public school enrollment. Among its provisions, the act created the Indian Education Division overseen by an Assistant Secretary within PED, and the non-reverting Indian Education Fund, to be administered by PED to make awards to implement its provisions. In 2007, the Legislature amended the act to clarify the uses of the fund and the responsibility of the department to collaborate with the higher education community and other sectors to improve Native American student success.

**Related Bills:**

HB 3 *Education Appropriation Act*

HB 26 *American Indian Post-secondary Ed Act*