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FISCAL IMPACT REPORT

ORIGINAL DATE 3/16/09

SPONSOR HEC LAST UPDATED _____ HM 75/HECS

SHORT TITLE Study Education Access in Ramah SB _____

ANALYST Baca

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department to the Original Bill

SUMMARY

Synopsis of Bill

House Memorial 75 requests the Indian Education Division of the PED convene a task force no later than July 1, 2009 to study access to public education in the Ramah area and report its findings to the appropriate interim legislative committees and to the governor no later than December 1, 2009.

The task force would be composed of three representatives appointed by the Indian Education Division of the PED, two representatives appointed by the governing body of Ramah village, two representatives appointed by the Gallup-McKinley County School Board, two representatives appointed by the Grants-Cibola County School Board and two representatives appointed by the Ramah Navajo School Board, Incorporated.

Copies of the memorial would be transmitted to the Assistant Secretary for Indian Education, the governing body of Ramah village, the Gallup-McKinley county school board, the Grants-Cibola county school board and the Ramah Navajo School Board, Incorporated.

FISCAL IMPLICATIONS

The memorial indicates the Indian Education Division of the Public Education Department has the resources to conduct the study. Thus, there is no fiscal impact.

SIGNIFICANT ISSUES

The Ramah area of New Mexico encompasses the southeast corner of McKinley county and portions of Cibola county and is contained within two public school districts, the Gallup-McKinley county school district and the Grants-Cibola county school district.

The nearest public schools for students in the Ramah area are located in McKinley county, but the majority of students live in Cibola county.

Four-fifths of the Navajo school-age population in the area attend federally funded, Navajo Nation-sanctioned schools known as the Pine Hill schools operated by the Ramah Navajo school board, incorporated, a Navajo Nation school board, with dual status as a privately incorporated nonprofit educational and charitable entity under the laws of New Mexico.

The combined Indian and non-Indian school-age population in the area totals well over five hundred students.

There may be ways in which federal money could continue to be used to support Navajo students within a public school district created for the area.

The Indian education division of the public education department has access to funds for the completion of a study on the public education situation in the area.

In its response to the original memorial the PED comments:

- The bill does not appropriate any monies to conduct the feasibility study to establish a new school district. The Indian Education Division relies on general fund dollars. The New Mexico Indian Education Division operates within general fund appropriations as well as monies identified for the NM Indian Education Act. Funding for 2009 provides limited access to funds that could be resourced for new initiatives. This is expected to continue for 2010. (However, the memorial states the Indian Education Division has the resources to conduct the study without additional state funding.)
- The geographic land base being proposed for the new school district currently overlaps with the Ramah Band of Navajo Indian Tribal reservation, located in both McKinley and Cibola Counties.
- The Ramah Pine Hill Schools' boundary is established through the Bureau of Indian Education system and overlaps both the Gallup-McKinley County and Grants-Cibola County school districts. Clarification would be needed regarding legal status and jurisdictions.
- The Ramah Navajo Chapter and the Ramah Navajo School, Inc. initiated a lawsuit in January 1995 against the New Mexico State Board of Education and the Gallup-McKinley County school district for violating a Joint Powers Agreement of July 1994, which defined the terms and conditions permitting public school pupil transportation on the Ramah Navajo Reservation. The disputed issues of the lawsuit were resolved by mediation on April 12, 1995, with the outcome being a settlement agreement that recognizes the rights of the Ramah Navajo Chapter to enter into such agreements and to participate as an equal entity in decisions regarding public school activities within the service area boundaries of the Pine Hill Schools, as the community operated schools of the Ramah Navajo people.

House Memorial 75/HECS -Page 3

- In 1995 an agreement was reached among the Ramah Navajo School Board, Inc., Ramah Navajo Chapter, New Mexico State Department of Education, Grants-Cibola County school district and Gallup-McKinley County school district, which dealt with the terms and conditions under which Gallup-McKinley County school buses, which transport students to Gallup-McKinley county schools, would operate in that part of the Ramah Navajo Community, which lies in Cibola County, New Mexico. The agreement was for a term of 10 years from 1995-2005.
- The original 1995 agreement was first extended for one year in 2005. A second extension was agreed to in 2006 for two years. A third extension is currently in effect for the 2008-2010 school years with a new ending date of June 30, 2010.
- Any and all changes being proposed that would impact the existing services and responsibility for the education of the Ramah Band of Navajo tribal children will require government-to-government consultation, input and agreements.

RELATIONSHIP

House Memorial 75 is related to House Joint Memorial which addresses the same topic.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The study will not be conducted.

LRB/mt

