

1 SENATE JOINT MEMORIAL 35

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 John Pinto

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10 A JOINT MEMORIAL

11 REQUESTING THE LEGISLATIVE EDUCATION STUDY COMMITTEE TO STUDY
12 THE USE OF IMPACT AID SET-ASIDE MONEY FOR INDIAN EDUCATION.

13
14 WHEREAS, the education of all children is critical to the
15 future of the state of New Mexico; and

16 WHEREAS, according to the 2008-2009 tribal education
17 status report, American Indian students make up eleven percent
18 of statewide student enrollment; and

19 WHEREAS, twenty-three of the eighty-nine school districts
20 in New Mexico serve American Indian students, including
21 Albuquerque public schools, Aztec municipal schools, Bernalillo
22 public schools, Bloomfield public schools, Central consolidated
23 schools, Cuba independent schools, Dulce independent schools,
24 Espanola public schools, Farmington municipal schools, Gallup-
25 McKinley county schools, Grants-Cibola county schools, Jemez

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1 Mountain public schools, Jemez Valley public schools, Los Lunas
2 public schools, Magdalena municipal schools, Penasco
3 independent schools, Pojoaque Valley public schools, Rio Rancho
4 public schools, Ruidoso municipal schools, Santa Fe public
5 schools, Taos municipal schools, Tularosa municipal schools and
6 Zuni public schools; and

7 WHEREAS, the New Mexico legislature passed the Indian
8 Education Act in 2003 to further the educational opportunities
9 for American Indian students and to enhance reporting and
10 accountability to Indian parents and tribal leaders; and

11 WHEREAS, the New Mexico legislature furthered its
12 commitment to American Indian students by passing the American
13 Indian Post-Secondary Education Act in 2009; and

14 WHEREAS, studies by the office of education accountability
15 show that, as a group, American Indian students are poorly
16 prepared for college; since 2000, two-thirds or more of all
17 American Indian students have taken remedial courses during
18 their first semester of college; and

19 WHEREAS, current school performance data, as documented by
20 the public education department for the twenty-three identified
21 school districts, indicate extremely low levels of school
22 performance and little advancement in reading, math and
23 sciences among American Indian students; and

24 WHEREAS, the recently concluded audit commissioned by the
25 senate finance committee found major discrepancies in the

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1 allocation and use of supplemental Public Law 81-874 set-aside
2 funds within several of the twenty-three school districts
3 serving American Indian populations; and

4 WHEREAS, four funding programs, including the Indian
5 Education Act, were used by school districts for American
6 Indian students; and

7 WHEREAS, Public Law 81-874, also known as impact aid,
8 provides funding to districts and is intended to supplement
9 district operational efforts to meet the academic and social
10 needs and priorities of American Indian students, as those
11 needs and priorities are collaboratively defined by tribal
12 parents, leaders and the districts; and

13 WHEREAS, decisions on how to allocate impact aid funding,
14 which is twenty-five percent above base, reside with the local
15 school district and tribal leaders; and

16 WHEREAS, the eight northern pueblos have approved a
17 resolution calling for increased accountability in the use of
18 impact aid set-aside funds to meet the educational needs and
19 priorities of American Indian students and for strengthened
20 collaboration with pueblo leadership;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
22 STATE OF NEW MEXICO that the legislative education study
23 committee be requested to evaluate the status of Public Law
24 81-874, regarding impact aid set-aside funds, to determine if
25 the local process used by districts ensures collaboration with

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1 tribal leaders and leads to an accurate identification of local
2 needs through meaningful assessment processes in fulfillment of
3 the requirements of law and American Indian policies and
4 procedures; and

5 BE IT FURTHER RESOLVED that the study examine the use of
6 impact aid supplemental funds within the twenty-three districts
7 to ensure that those funds are used to meet statutory
8 requirements and to address educational needs to support the
9 success of American Indian students; and

10 BE IT FURTHER RESOLVED that the legislative education
11 study committee hold hearings to receive testimony from the
12 assistant secretary of the Indian education division of the
13 public education department, the secretary of Indian affairs, a
14 representative from the American Indian post-secondary
15 education division of the higher education department, tribal
16 leaders, representatives from tribal colleges, parents of
17 American Indian students, school district superintendents and
18 other interested individuals or organizations; and

19 BE IT FURTHER RESOLVED that copies of this memorial be
20 transmitted to the co-chairs of the New Mexico legislative
21 council and to the chair and vice chair of the legislative
22 education study committee.