

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 256

51st Legislature, 2nd Session, 2014

Tracking Number: .196171.1

Short Title: Tribal Land Charter School

Sponsor(s): Representative Patricia Lundstrom

Analyst: Mark Murphy

Date: February 4, 2014

Bill Summary:

HB 256 makes an appropriation to the Public Education Department (PED) for the Indian Education Division (IED) to conduct a planning and feasibility study for a charter school on tribal land to serve isolated rural communities.

Fiscal Impact:

\$75,000 is appropriated from the General Fund to PED for expenditure in FY 15. Any unexpended or unencumbered balance remaining at the end of FY 15 reverts to the General Fund.

Fiscal Issues:

Expected Use of Appropriation

HB 256 broadly requires a planning and feasibility study to be conducted by PED's IED. The bill does not, however, specify the exact planned use of the \$75,000 appropriation. It is unclear if these funds would go toward:

- supplementing costs incurred by existing staff;
- hiring temporary staff to conduct the study;
- contracting with an outside entity to carry out the study for the IED; or
- other uses.

The sponsor may wish to specify the exact expected use of the appropriation.

Substantive Issues:

Tribal Lands to Serve Isolated Rural Communities

According to the Indian Affairs Department website, there are currently 22 distinct pueblos and tribes in New Mexico. HB 256 provides an appropriation to PED for the IED "to conduct a planning and feasibility study for a charter school on tribal land to serve isolated rural communities." In 2013, HM 43, *Navajo Nation Bistate Charter School Study*, was adopted by the House, which led to significant conversations between PED and the Navajo Nation during 2013 about a potential charter school in the Red Lake Chapter of the Navajo Nation. It is unclear

from the bill, whether this study is for this particular location or if it is for a general study about charter schools on tribal lands.

If this bill is focused on a particular location, the sponsor may wish to consider specifying that location in the language of HB 256.

Reporting Requirements

HB 256 specifies that PED's IED is to conduct this study, but does not specify what the IED is to do with the results of the study. The sponsor may wish to consider including a reporting requirement for a report following the completion of the study to be submitted by a particular date and time to the Legislature, the Executive, and any other stakeholders.

Background:

According to the PED's *State-Tribal Collaboration Act Annual Report: Report on Programs and Priorities* from July 2013, the IED has engaged in multiple discussions relating to a bi-state charter school on the Navajo Nation as specified in last year's HM 43. That document also highlights that:

- there are several established charter schools that are compelling options for Native American communities within the state, including:
 - Native American Community Academy (a locally chartered charter school by the Albuquerque Public Schools);
 - Walatowa Charter School (originally a locally chartered charter school of the Jemez Valley Public Schools and now a state-chartered charter school); and
 - San Diego Riverside Charter School (a locally chartered charter school by the Jemez Valley Public Schools).

Additionally, the Indian Affairs Department bill analysis states that the:

- Native American Community Academy (NACA) is a tuition-free public charter school serving students in middle and high school. The students who attend NACA represent more than 37 tribes and the school seeks to:
 - promote leadership; and
 - see academically prepared students how are strong in identity and health;
- Walatowa Charter School is located in the Jemez Pueblo where tribal, educational, and community leaders worked collaboratively to create a school with a rigorous, interdisciplinary college preparatory curriculum that emphasizes math, science, health, and state-of-the-art technology; and
- San Diego Riverside Charter School is a K-8 charter school committed to strengthening and sustaining pride in the unique cultural identity of its students. As a community-based charter school, San Diego Riverside Charter School encourages involvement of the entire community in developing a quality education for its students by connecting learning with community values and traditions.

The IAD bill analysis also highlights that a fourth charter school, Dream Diné in Shiprock. It states that Dream Diné:

- was approved by the Public Education Commission on September 27, 2013;
- will become the first Navajo Nation charter school in New Mexico;
- will ultimately offer classes for students in grades K-8; and
- officials plan to use both Navajo and English languages to teach subjects aligned with the Common Core State Standards while using a Diné philosophy to influence lessons.

Committee Referrals:

HHGIC/HAFC

Related Bills:

HB 13a *School Equalization Guarantee “Local Revenue”*

HB 19a *Update School Finance At-Risk Index*

HB 35 *Additional Funding Units for Some Schools*

HB 37 *Equalization Distribution to Certain Schools*

SB 258 *School Transportation & Tribal Leaders*