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FISCAL IMPACT REPORT

SPONSOR Lundstrom **ORIGINAL DATE** 02/03/14
LAST UPDATED _____ **HB** 256
SHORT TITLE Tribal Land Charter School **SB** _____
ANALYST Chavez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		
	\$75.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Indian Affairs Department (IAD)

SUMMARY

Synopsis of Bill

House Bill 274 appropriates \$75 thousand to the Indian Education Division of PED to conduct a planning and feasibility study for a charter school on tribal land to serve isolated rural communities.

FISCAL IMPLICATIONS

The bill's appropriation of \$75 thousand is a nonrecurring expense to the General Fund. Any unexpended or unencumbered balance at the end of FY15 shall revert to the general fund.

SIGNIFICANT ISSUES

Since 1993, the Public School Code has provided for charter schools to operate in New Mexico. From the original five that were authorized under the 1993 legislation, the number of charter schools in New Mexico has grown to 72 operating in school year 2009-2010 and another nine authorized to open for school year 2010-2011. Of those 81 charter schools altogether, 22 have been either authorized or renewed by the Public Education Commission as state-chartered charter schools, and the rest have been authorized by their respective local school boards

Currently, there are four tribal charter schools in New Mexico: (1) Native American Community Academy (NACA) in Albuquerque; (2) Walatowa Charter High School (Walatowa) at Jemez Pueblo; (3) San Diego Riverside Charter School (SDRCS) at Jemez Pueblo; and (4) Dream Dine' (DD) in Shiprock.

IAD notes that HM 43 from the 2013 legislative session led to a work group that studied the feasibility of a bi-state charter school in the Red Lake chapter of the Navajo Nation. The proposed charter school would be a joint project between the states of New Mexico and Arizona because the chapter lies on the border of both states and serves community members on both sides of the state line, and would be the first charter school established in the Navajo Nation.

IAD continues that on September 26, 2013, an update was given to the interim Indian Affairs Committee on the progress on HM 43 in Church Rock. The initial issue that needed to be addressed was to clarify whether it was legally possible for the state to establish a charter school within the sovereign lands of the Navajo Nation in New Mexico that would serve students from both New Mexico and Arizona; it was concluded that New Mexico's laws and statutes would allow for the establishment of such a charter school. The work group discussed the various issues related to the creation of a charter school, including feasibility, jurisdictional issues, funding, and curriculum. A more comprehensive report was to be presented at the final meeting of the IAC in December; however, it is not clear if such a report was given.

It is not clear if this appropriation is intended to continue the work of HM 43 or if it is a new project entirely. If it is to establish a charter school in the Navajo Nation, IAD indicates that the Navajo Nation supports the establishment of this type of charter school.

KC/svb