

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Lente ORIGINAL DATE 3/02/17
 LAST UPDATED 3/04/17 HB 484/aHEC

SHORT TITLE School Indian Student Needs Assessment SB _____

ANALYST Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY17 | FY18 | FY19 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|---------------|------|----------------------|------------------------------|------------------|
| Total | | Indeterminate | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB209

SOURCES OF INFORMATION

LFC Files
 Legislative Education Study Committee (LESC) Files

Responses Received From
 Public Education Department (PED)
 Indian Affairs Department (IAD)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to House Bill 484 changes provisions requiring a needs assesment in “every school district in which Indian students are enrolled” and provisions requiring the development of a systemic framework in “every school district located on or near tribal lands or that has at least twenty-five urban Indian students” to “historically defined Indian impacted school districts.”

Synopsis of Original Bill

House Bill 484 creates new sections in the Indian Education Act, requiring local education agencies (LEA) to:

- conduct needs assessments for enrolled Indian students,
- prioritize budgets based on the needs assessed of Indian students, and
- develop systemic frameworks for improving Indian student educational outcomes, which may include some or all of the following elements:

- academic and innovative programs;
- high-quality professional development for educators;
- identification of early childhood education programs;
- educational, remedial, or enrichment programs that raise student achievement;
- bilingual, bicultural, or culturally-responsive programs;
- college and career preparation programs;
- special compensatory, graduation, or dropout prevention programs;
- early intervention and after-school programs;
- guidance, counseling, and intervention services;
- family literacy and parental engagement services; and
- violence, suicide, and substance abuse prevention programs.

FISCAL IMPLICATIONS

The bill does not contain an appropriation. Any costs from implementing provisions of this bill would be borne by school districts and charter schools. Most school districts and charter schools report implementing at least one of the listed elements within the systemic framework outlined in the bill; however, it cannot be determined at this time if these elements are executed at a level that will meet the future assessed need. As such, the fiscal impacts on this bill are indeterminate.

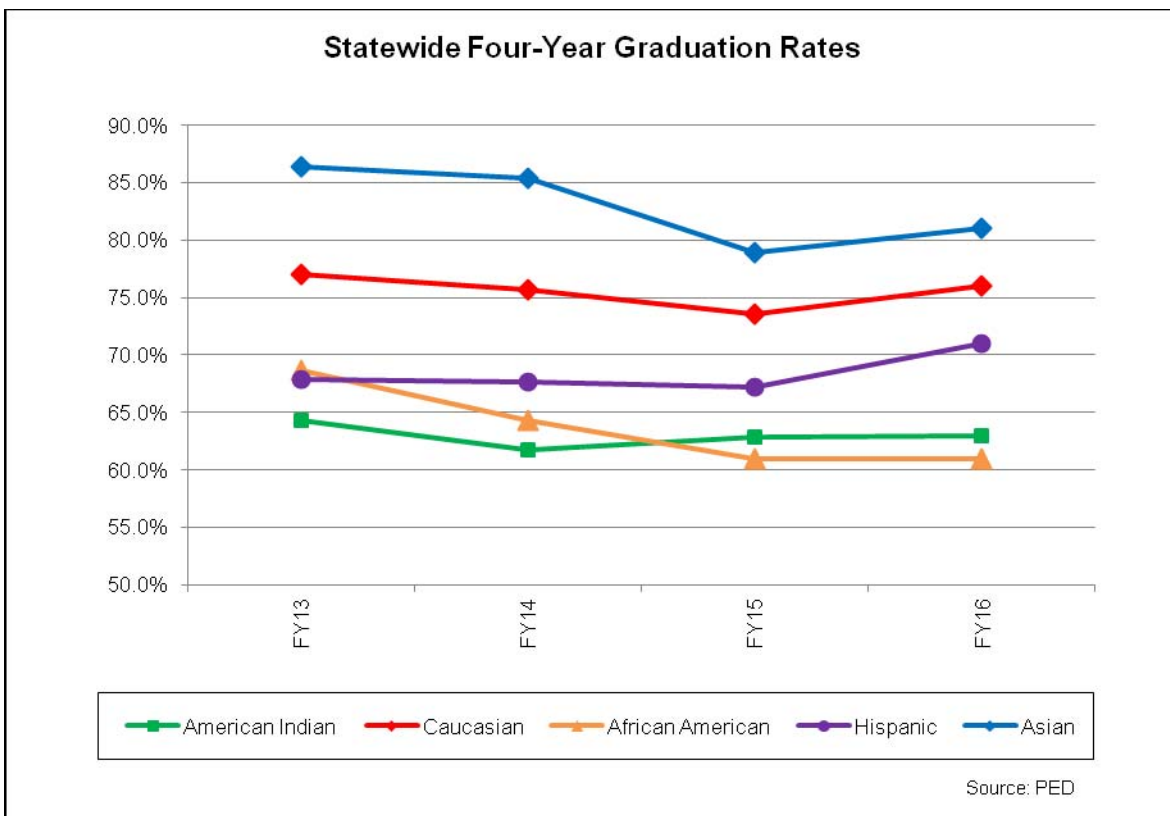
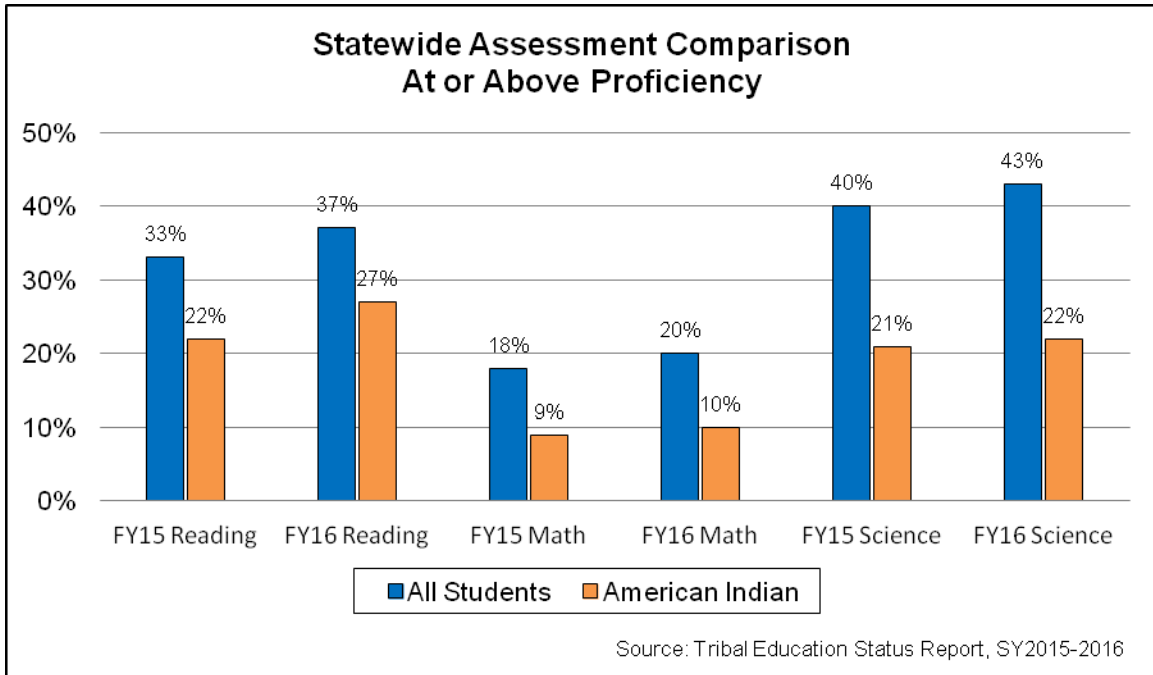
The bill does not allocate funding for every school district with Indian students enrolled statewide to support the needs assessment process or the development of a systemic framework and accountability tool for improving education outcomes for Indian students. However, according to the Tribal Education Status Report for the 2015-2016 school year, 23 school districts received over \$31.5 million in funding related to American Indian (AI) students, or an average of \$950 per student (see Attachment). Most of these funds have been used to provide services and resources at school districts with consultation from local tribal governments, and many eligible uses are aligned with provisions of this bill. Additionally, language in the General Appropriations Act has typically included a \$400 thousand general fund appropriation from the Indian Education fund for a nonprofit organization that recruits recent college graduates and professionals who have demonstrated a record of achievement to teach in low income urban and rural public schools to provide teaching support in schools with a high proportion of AI students.

SIGNIFICANT ISSUES

Provisions of the bill require every school district and charter school with AI students to conduct a needs assessment, consult with tribes on matters related to the needs assessment, and develop an accountability tool to measure the success and failures of LEA efforts. This provision would require certain school districts and charter schools that do not currently receive Indian education funding allocations to develop and publish a systemic framework for AI students.

Currently, 23 school districts and six charters that have schools on or near tribal land are required to provide local data for PED's Tribal Education Status Report and are eligible for school district Indian Education Act grants. The bill indicates LEAs on or near tribal lands or LEAs that have at least 25 urban Indian students will develop a systemic framework for improving educational outcomes. The HEC amendment changes this provision, applying the mandate to "historically defined Indian impacted school districts." The bill makes PED responsible for assisting LEAs on developing systemic frameworks and for considering whether each LEA's budget prioritizes the needs identified in the needs assessment.

An average 27 percent of AI students are proficient in reading, 10 percent in math, and 22 percent in science. The average proficiency rate of AI students in the 2015–2016 school year increased slightly from the 2014–2015 school year. Proficiency rates for AI students are considerably lower than other ethnicity students. Additionally, AI students show consistently lower graduation rates than most other ethnicities in New Mexico.



ADMINISTRATIVE IMPLICATIONS

The bill outlines responsibilities for PED to support local education agencies (LEA) in the needs assessment and systemic framework development and to monitor LEA budgets to determine prioritization of funding for activities and programs that will close the achievement gap.

The original bill requires every school district and charter school with AI students to conduct a needs assessment. LESC notes this provision would require 75 of the 89 school districts, 53 of the 62 state-chartered charter schools, and 30 of the 37 locally-chartered charter schools to conduct a needs assessment. Additionally, the bill requires every school district and charter school “located on or near tribal lands or that has at least twenty-five urban Indian students shall develop and publish a systemic framework for improving educational outcomes for Indian students.” The HEC amendment changes this provision, applying the mandate to “historically defined Indian impacted school districts.”

The bill requires PED’s Indian Education Division (IED) to assist, as needed, school districts and charter schools during the development and implementation of the proposed systemic framework. In addition, the IED would meet with each school district and charter school at least twice a year to hear a report on the needs assessment. LESC notes IED would need to meet with 75 of the 89 school districts, 53 of the 62 state-chartered charter schools, and 30 of the 37 locally-chartered charter schools. The HEC amendment changes this provision, applying the mandate to “historically defined Indian impacted school districts.” It is not entirely clear what ‘historically defined Indian impacted school districts’ implies; however, if the intent is to apply these mandates to school districts receiving federal Impact Aid payments for AI students that are federally connected, 23 school districts and one charter school would need to meet these requirements.

RELATIONSHIP

This bill relates to SB209, which requires school districts to provide additional and student data on interventions, remediation, and teacher professional development.

OTHER SUBSTANTIVE ISSUES

Districts that claim federally identified AI students residing on Indian lands for Title VIII Impact Aid funding are required to develop and implement policies and procedures in consultation with tribal officials and parents. The New Mexico Indian Education Act requires school districts to obtain a signature of approval by the New Mexico tribal governments or their designees residing within school district boundaries, verifying that New Mexico tribes agree to Indian education policies and procedures (IPP) pursuant to federal Title VIII Impact Aid funding requirements. In FY16, 20 school districts received federal Indian Education Title VIII Impact Aid funds. According to PED, compliance with submission of required IPP signatures has improved in the last five years.

In FY16, 23 school districts and one charter school provided the development and submission of their annual IPP, and 72 percent of established IPPs were used to ensure equitable services and resources at the school districts. At least 71 percent of districts reported meeting quarterly with tribal educational service entities for AI students, and 86 percent of districts offered public

hearings to consult with parents, community members, and tribal entities on how to improve educational opportunities for AI students.

The Johnson-O'Malley Act of 1934 authorizes contracts for the education of eligible Indian students enrolled in public schools and previously private schools. This local program is operated under an educational plan, approved by the Bureau of Indian Education (BIE), which contains educational objectives to address the needs of the eligible AI students. Johnson-O'Malley programs offered vary by each Indian Education Committee, which are established and include members elected from among parents of AI students, and may include such programs as culture, language, academics and dropout prevention. In FY16, 11 school districts received Johnson-O'Malley Act funds totaling \$1.8 million.

In 2015, PED partnered with Northern New Mexico College (NNMC) to enhance the pipeline of Native American teachers into their communities through P'oe Pathways, a collaborative project involving both the Northern Pueblos Institute and the College of Education at NNMC. Program service for the school year 2015–2016 was aimed at training teacher candidates of New Mexico's 22 tribes, pueblos, and urban American Indian populations to become effective teachers. The program, which provides flexible training options for candidates and focuses on culturally relevant instruction for Native American students, will train up to 30 Native American teachers to teach in schools and in neighboring communities that serve a substantial American Indian student population.

In 2016, PED partnered with the Native American Community Academy (NACA)–Inspired Schools Network (NISN) to 1) recruit, train, and support school leaders and leadership teams, 2) provide guidance on culturally relevant school design and program implementation, and 3) provide leadership coaching and targeted technical assistance among NISN fellows and schools. This school leadership pipeline initiative developed and implemented training and mentoring of talented educators to reshape low-performing schools and establish new schools that are designed for Native American student success. A total of five NISN fellows participated during the 2015–2016 school year, and it is anticipated that they will be placed at the Pueblo of Acoma Day School (tribally-controlled transition from BIE), Pueblo of Cochiti–Keres Children's Learning Center, Pueblo of Santa Clara Day School (tribally-controlled transition from BIE), and Six Directions Indigenous School in Gallup.

PED's Indian Education Division (IED) provides \$30 thousand to each of New Mexico's tribes and pueblos (\$660 thousand total) to "ensure maintenance of native languages" as prescribed by the Indian Education Act. The 22 tribes and pueblos receive funds to implement language revitalization, maintenance, and sustainability activities. The tribes and pueblos are at different stages in their development of language policy; the certification of Native American language and culture teachers; support of language committee members; the professional development of teachers; their collaboration with schools to teach language, language curriculum development, and implementation. The newest phase currently being implemented is the assessment and evaluation of teachers and speakers.

IED provides \$25 thousand to 22 of 23 New Mexico school districts and two charter schools (\$600 thousand total) that have a significant AI student enrollment to implement one of the following six purposes contained within the Indian Education Act:

- Ensure equitable and culturally relevant educational opportunities, instructional material, and learning environments;

- Ensure maintenance of native language;
- Provide for the study, development, and implementation of education systems that positively affect the educational success of American Indian students;
- Encourage parental involvement;
- Ensure that parents, community-based organizations, tribal departments of education, the U.S. Department of Education, universities, and policymakers work together to improve educational opportunities for AI students; or
- Develop collaborative partnerships with school districts, BIE, urban AI organizations, and tribal governments.

PED awarded a \$348.2 thousand teaching support grant to Teach for America (TFA) for the 2015–2016 year. TFA has recruited, mentored, and trained teachers who teach AI students in the Gallup-McKinley County Schools, Central Consolidated Schools, and Zuni Public Schools. Two proposals were received through a competitive RFP process in 2012, and TFA was awarded up to four program years. Currently, TFA serves 21 communities; the forward outlook is to expand services to more communities. This year, over 100 of their corps members taught on the Acoma/Laguna Pueblos, Navajo Nation, Zuni Pueblo, and other communities.

The State-Tribal Collaboration Act (Sections 11-18-1 through 11-18-5 NMSA 1978) provides a framework for collaboration with the Indian nations, tribes, and pueblos in the development and implementation of policies, agreements, and programs. IAD notes this process can be time-consuming and resource-draining to properly administer in accordance with the law. The school districts will need to utilize the State-Tribal Collaboration Act's legal framework as the basis for their meetings with local tribes to prioritize the needs of AI students and determine ways to address the needs.

The State-Tribal Collaboration Act also requires an annual state-tribal summit in which the governor of the state meets with the leaders of the Indian nations, tribes and pueblos in a state-tribal summit to address issues of mutual concern. For the past several state-tribal summits, education of Indian students has been a major topic of discussion.

SL/jle/sb

District Funding 2015-2016: Funds Generated by American Indian (AI) Students

| Districts | Total Enrollment (N) | AI Enrollment (N) | AI (%) | Fund 25184 | Fund 25147 | Fund 25131 | Fund 27150 | Fund 25201 | Fund 25209 | Total AI Programs | Amt. per student |
|----------------|----------------------|-------------------|--------------|-----------------------------------|--|---------------------|-------------------------|----------------|--------------------------|----------------------|------------------|
| | | | | Indian Ed Formula Grant Title VII | Impact Aid Indian Education Title VIII | Johnson-O'Malley | NM Indian Education Act | Navajo Program | Native American Programs | | |
| Albuquerque | 91,816 | 4,357 | 4.7% | \$ 1,059,323 | \$ 8,164 | \$ 159,051 | \$ 25,000 | | | \$ 1,251,538 | \$ 287 |
| Aztec | 3,226 | 437 | 13.5% | \$ 90,019 | | \$ 22,339 | \$ 25,000 | | | \$ 137,358 | \$ 314 |
| Bernalillo | 3,139 | 1,358 | 43.3% | \$ 250,404 | \$ 1,313,512 | | \$ 25,000 | | | \$ 1,588,916 | \$ 1,170 |
| Bloomfield | 3,023 | 1,088 | 36.0% | \$ 187,156 | \$ 172,070 | \$ 66,210 | \$ 25,000 | | | \$ 450,436 | \$ 414 |
| Central | 6,380 | 5,578 | 87.4% | \$ 962,486 | \$ 7,207,719 | \$ 473,855 | \$ 25,000 | \$ 338,000 | | \$ 9,007,060 | \$ 1,615 |
| Cuba | 563 | 343 | 60.9% | \$ 63,918 | \$ 327,545 | \$ 35,133 | \$ 25,000 | | | \$ 451,596 | \$ 1,317 |
| Dulce | 699 | 664 | 95.0% | | \$ 1,005,248 | | \$ 25,000 | | | \$ 1,030,248 | \$ 1,552 |
| Espanola | 3,941 | 196 | 5.0% | \$ 44,918 | \$ 35,834 | | \$ 25,000 | | | \$ 105,752 | \$ 540 |
| Farmington | 11,623 | 3,612 | 31.1% | \$ 799,527 | \$ 18,889 | \$ 208,359 | \$ 25,000 | | \$ 32,485 | \$ 1,084,260 | \$ 300 |
| Gallup | 11,947 | 9,375 | 78.5% | \$ 1,599,227 | \$ 8,826,693 | \$ 593,981 | \$ 25,000 | | | \$ 11,044,901 | \$ 1,178 |
| Grants | 3,812 | 1,745 | 45.8% | \$ 268,360 | \$ 722,942 | | \$ 25,000 | | | \$ 1,016,302 | \$ 582 |
| Jemez Mountain | 267 | 86 | 32.2% | \$ 15,917 | \$ 57,661 | \$ 5,132 | \$ 25,000 | | | \$ 103,710 | \$ 1,206 |
| Jemez Valley | 413 | 290 | 70.2% | | \$ 542,166 | | \$ 25,000 | | | \$ 567,166 | \$ 1,956 |
| Los Lunas | 8,578 | 536 | 6.2% | \$ 81,260 | \$ 66,181 | | \$ 25,000 | | | \$ 172,441 | \$ 322 |
| Magdalena | 372 | 171 | 46.0% | \$ 32,357 | \$ 113,116 | \$ 11,671 | \$ 25,000 | | | \$ 182,144 | \$ 1,065 |
| Penasco | 359 | 30 | 8.4% | \$ 4,812 | \$ 47,908 | | | | | \$ 52,720 | \$ 1,757 |
| Pojoaque | 1,900 | 276 | 14.5% | \$ 61,926 | \$ 204,802 | | \$ 25,000 | | | \$ 291,728 | \$ 1,057 |
| Rio Rancho | 16,880 | 597 | 3.5% | | | | \$ 25,000 | | | \$ 25,000 | \$ 42 |
| Ruidoso | 1,993 | 355 | 17.8% | \$ 79,973 | \$ 143,961 | | \$ 25,000 | | | \$ 248,934 | \$ 701 |
| Santa Fe | 13,494 | 284 | 2.1% | \$ 77,919 | | \$ 23,198 | \$ 25,000 | | | \$ 126,117 | \$ 444 |
| Taos | 2,870 | 189 | 6.6% | \$ 50,680 | \$ 15,774 | | \$ 25,000 | | | \$ 91,454 | \$ 484 |
| Tularosa | 929 | 288 | 31.0% | \$ 42,285 | \$ 209,153 | | | | | \$ 251,438 | \$ 873 |
| Zuni | 1,340 | 1,314 | 98.1% | \$ 241,574 | \$ 1,776,864 | \$ 199,571 | \$ 25,000 | | | \$ 2,243,009 | \$ 1,707 |
| TOTAL | 189,564 | 33,169 | 17.5% | \$ 6,014,041 | \$ 22,816,202 | \$ 1,798,500 | \$ 525,000 | | | \$ 31,524,228 | \$ 950 |

Source: Tribal Education Status Report SY2015-2016