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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>SB329/SECS</u>	Sponsor	<u>SEC</u>
Tracking Number	<u>.213783.2</u>	Committee Referrals	<u>SIAC/SEC;HEC/HSEIC</u>
Short Title	<u>Opening Public Schools on Tribal Land</u>		
Analyst	<u>Ochoa</u>	Original Date	<u>1/28/19</u>
		Last Updated	<u>3/4/19</u>

BILL SUMMARY

Synopsis of Bill

The Senate Education Committee Substitute for SB329 (SB329/SECS) would require the Public Education Department (PED), school boards and charter schools to consult with tribal leaders and community members when considering to open or close a public or charter school on tribal land. If planning to open a school, school boards and charter school applicants would be required to provide a culturally relevant plan intended to improve educational outcomes for Indian students. If planning to close a school, PED, school boards, and charter school authorizers would be required to provide a comprehensive rationale for closing the school as well as a transition plan for affected students and facilities. In addition to adding new material to the Public School Code, the bill would also amend parts of the Charter Schools Act to hold all school districts and charter schools to the standards noted in SB329/SECS.

FISCAL IMPACT

The bill does not contain an appropriation. The Legislative Finance Committee analysis notes that requiring open meetings to address the opening or closing of a school would present costs in the form of personnel and time requirements.

The Public Schools Facility Authority notes charter schools may be eligible for lease assistance pursuant to the Public School Capital Outlay Act.

SUBSTANTIVE ISSUES

Opening a School. SB329/SECS would require school boards and charter school applicants wishing to open a school on tribal land to consult with tribal leaders, families, and students. The consultation would be required to consist of the following attributes: rationale for opening a school; level of commitment to Indian students; culturally and linguistically responsive policies, materials, and professional development; sensitivity to tribal and religious calendars; and preferred locations and building designs.

Closing a School. If PED, school boards, or charter school authorizers wish to close a school on tribal land, SB329/SECS would require the entity to consult with tribal leaders, families, and students. The consultation would be required to consist of the following attributes: rationale for closing the school; the interventions that have been put into place to prevent closing; and a comprehensive transition plan for students affected by the school closing including how the new school will meet students' needs through culturally and linguistically responsive policies, materials, and professional development.

ADMINISTRATIVE IMPLICATIONS

PED would need to promulgate rules to carry out the provisions of SB329/SECS so a standardized procedure is followed during the consultation process prior to opening or closing a school on tribal lands.

OTHER SIGNIFICANT ISSUES

There may be alignment issues concerning consultation requirements under SB329/SECS. Bureau of Indian Education schools would not be required to fulfill the provisions of the bill.

Indian Affairs Department (IAD) analysis notes multiple provisions are currently in place to ensure PED, school boards, and charter school applicants and authorizers consult with local tribes regarding Indian education. IAD cites The State-Tribal Collaboration Act, Sections 11-18-1 through 11-18-5 NMSA 1978, PED's State-Tribal Collaboration Act Policy, the federal Every Student Succeeds Act, and Indian Policies and Procedures for use of Title VIII Impact Aid funds. Each document contains provisions that ensure entities consult with local tribes and community members ensuring Indian students and the community drive the decision-making process.

RELATED BILLS

HB 250, Native American Student Needs Assessment

SOURCES OF INFORMATION

- LESC Files
- Indian Affairs Department (IAD)
- Legislative Finance Committee (LFC)
- Public Schools Facility Authority (PSFA)

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