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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 2nd Session, 2020**

<b>Bill Number</b>	<u>HB140</u>	<b>Sponsor</b>	<u>Lente/Johnson/Allison/Roybal Caballero/ Cook</u>
<b>Tracking Number</b>	<u>.216471.1</u>	<b>Committee Referrals</b>	<u>HEC/HAFC</u>
<b>Short Title</b>	<u>Mescalero Apache Education Improvements</u>		
<b>Analyst</b>	<u>Waite</u>	<b>Original Date</b>	<u>2/5/2020</u>
		<b>Last Updated</b>	<u>2/10/2020</u>

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**BILL SUMMARY**

Synopsis of Bill

House Bill 140 (HB140) makes appropriations to the Indian Affairs Department (IAD) for the Mescalero Apache Tribe for education-related improvements. The appropriations would fund scholarships for prospective teachers, the creation of a youth leadership institute, the development of culturally and linguistically relevant curriculum and instructional materials, social and behavioral health services to youth, and college and career readiness programs.

**FISCAL IMPACT**

HB140 appropriates a total of \$950 thousand from the general fund to the IAD for the Mescalero Apache Tribe for expenditure in FY21 and FY22. This appropriation includes:

- \$150 thousand for scholarships for members of the Mescalero Apache Tribe who want to become teachers;
- \$150 thousand for the creation of a leadership institute that offers internship and apprenticeship programs;
- \$350 thousand to develop culturally and linguistically relevant curriculum and instructional materials for use in New Mexico's public schools;
- \$150 thousand to provide Mescalero Apache education liaisons to the Ruidoso and Tularosa municipal school districts;
- \$150 thousand to provided social services, behavioral health services, and suicide prevention services for youth; and
- \$150 thousand to develop community profiles, college and career readiness, and workforce alignments.

Any unexpended or unencumbered balance remaining at the end of FY22 shall revert to the general fund.

## SUBSTANTIVE ISSUES

House Appropriations and Finance Committee Substitute for House Bills 2 and 3 includes \$5.5 million for Indigenous education initiatives and \$6 million for the Indian education fund. The fund is administered by the Public Education Department (PED), and money in the fund is appropriated to PED to distribute awards to support implementation of the Indian Education Act.

HB140 responds to the lack of culturally and linguistically-responsive curriculum and instructional materials, at-risk youth support services and college and career readiness programs, as identified by the court in the consolidated *Martinez* and *Yazzie* lawsuit. The appropriation outlined in HB140 would allow the Pueblo of Zuni to take the initiative in developing culturally appropriate, locally acceptable programming.

**State Responsibility for Native American Education.** The federal Every Student Succeeds Act (ESSA) requires states to support the cultural and academic needs of Native American students by ensuring students have an understanding of tribal culture and language and have access to school personnel and programming that are culturally responsive. ESSA also notes Native American students must have access to mental and behavioral health support. New Mexico's Indian Education Act requires PED to provide resources and guidance for school districts and charter schools to support Native American student's language, culture, and academic progress.

Laws 2019, Chapter 16 (House Bill 250) amended the Indian Education Act to require all historically defined Indian impacted school districts and charter schools to conduct a needs assessment to determine the services Native American students need to graduate and become college- or career-ready and to prioritize funds to address the findings of the needs assessment. As amended, the Act now considers tribal students' health, community, and cultural needs and addresses the "whole child" needs of Native American students by acknowledging the need for support at home and in the community, psychological and health needs, and the potential for students to integrate into the community through cultural and career pathways.

### Profile of Indian Education

- 23 districts and 6 charter schools are identified as Native-serving Institutions
- Approximately 34,000 American Indian students are in NM public schools
- Approximately 5,000 American Indian students are in Bureau of Indian Education-operated and tribally-controlled schools
- Seven Native languages are taught in public schools: Jicarilla, Apache, Keres, Navajo (Diné), Tewa, Tow, a and Zuni.

**Funding for Native American Initiatives.** Pursuant to the Indian Education Act, PED awards grants to tribes, pueblos, school districts, and charter schools that focus on at least one of the following areas in their grant application: attendance and truancy; cultural competency and culturally responsive learning environments; college- and career-readiness; supporting native language programs and English learners; and implementing systems for alignment between PED, federal Bureau of Indian Education, and tribally controlled schools. In FY18, 19 tribes and pueblos received funding ranging from \$19,000 to \$59,000 each. Of the 19 awardees, seven, expended less than half of their grant funds by the end of the fiscal year. The Mescalero Apache Tribe did not receive a grant in FY18 or FY19.

**OTHER SIGNIFICANT ISSUES**

To address the achievement gap for Native American students, PED has noted their priorities are to offer extended learning time programs, after-school and summer enrichment, community school grants, equitable instructional materials, targeted and comprehensive support for struggling schools, breakfast for elementary school students, and teen pregnancy support. Supporters of HB139 and similar bills express a desire for more local control in setting priorities.

**RELATED BILLS**

Relates to HB134, Funding to Improve Educational Outcomes, which makes nearly \$20 million in consolidated *Martinez* and *Yazzie* lawsuit-related appropriations.

Relates to HB137, Native American Projects, which makes an appropriation to the Indian Affairs Department (IAD) for library, Internet access, and educational resource center projects for Indian nations, tribes and pueblos.

Relates to HB138, Funding for *Yazzie* Lawsuit Responses, which makes an appropriation from the general fund to the IAD for New Mexico tribes, nations and pueblos to respond to the consolidated *Martinez* and *Yazzie* lawsuit.

Relates to HB139, Zuni Education Improvements, which makes an appropriation to the IAD for the Pueblo of Zuni for education-related programs.

**SOURCES OF INFORMATION**

- LESC Files

**JLW/tb/mc/sgs**