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

Bill Number	<u>HM48/aHEC</u>	Sponsor	<u>Johnson</u>
Tracking Number	<u>.217303.1</u>	Committee Referrals	<u>HEC</u>
Short Title	<u>Native American Children Working Group</u>		
Analyst	<u>Canada</u>	Original Date	<u>2/11/2020</u>
		Last Updated	<u>2/13/2020</u>

BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee Amendment to House Memorial 48 (HM48/aHEC) expands the membership for the working group to include the Indian Affairs Department (IAD), the Children, Youth and Families Department (CYFD) tribal liaison, the state's urban Indian centers, and the early Childhood Education and Cared Department (ECECD).

Synopsis of Original Memorial

House Memorial 48 (HM48) creates a working group to develop a comprehensive needs assessment of Native American students with special needs, disabilities, and autism spectrum disorder.

FISCAL IMPACT

Memorials do not contain appropriations.

SUBSTANTIVE ISSUES

There are 23 Indian tribes located in New Mexico – 19 pueblos, three Apache tribes, and the Navajo Nation. Each tribe is a sovereign nation with its own government, traditions and culture. HM48/aHEC would require the Indian Education Division of the Public Education Department (PED) to consult and collaborate with New Mexico's Indian nations, tribes and pueblos, to convene a working group to develop a comprehensive study of the needs of Native American children with special needs, disabilities, and autism spectrum disorder. The 1st Judicial District Court found in the *Martinez* and *Yazzie* consolidated lawsuit the state has not upheld its constitutional obligation to ensure at-risk students, including Native American students, have the opportunity to obtain access to a free and uniform system of public schools.

Historical Trauma and Adverse Childhood Experiences. Native American children are subject to adverse childhood experiences at higher rates and with greater complexity than other students

that impact child development in these communities. In New Mexico, the Native American population is relatively young, 29 percent is under 18 years old and are affected by poverty at higher rates than their peers; over 40 percent compared to 20 percent of other children in the U.S. Research shows risk for emotional, developmental, and behavior challenges for Native American children increase because of social and economic factors; including disproportionately affected by childhood trauma, abuse, neglect, and family violence. Disparities that lead to adverse childhood experiences in Native American children is also attributed to cultural degradation resulting from multigenerational historical colonization and trauma. Legacies of boarding school displacement on Native American youth has seen to have continued strong impacts on the mental health and physical health of Native Americans. Research continues to document the wide disparity between the ethnic group representation of Native Americans in the general public school student population and the significantly lower percentages represented in programs for the gifted and talented. Historically, Native American students in New Mexico have lagged behind other student groups in several indicators of academic achievement.

Special Education and Autism. HM48/aHEC outlines that Native American students are currently being misdiagnosed and have a lack of resources in identifying students' needs related to special education and autism. The National Indian Education Association has noted that Native American students are identified as in need of special education at higher rates than their peers. Over 15 percent of Native American students have received some form of special education, higher than any other racial minority in the United States. Native Americans are specifically overrepresented in disorders such as a learning deficient, intellectual deficient, and emotional or behavioral disorder.

HM48/aHEC states that studies show that 1 in 110 children in the U.S. will receive a diagnosis on the autism spectrum, but the occurrence of autism spectrum disorder in Native American children is unknown at the national and state levels. Native Americans have the lowest rate of any racial group in the U.S. in terms of autism diagnosis. Autism diagnosis of children in Native American communities, is often skewed by diagnostic challenges, communication barriers, and culture misunderstandings that lead to clinicians to misdiagnose or miss children on the spectrum in diverse communities. Researchers are working to create screening tools to be used across different populations, which will bring more insight on the potential causes of autism. This strategy can help autism screeners differentiate between cultural differences and classic autism traits.

Access to Care. HM48/aHEC tasks the working group with filling the gap in research on what barriers New Mexico Native American students face that lead to lack or delayed evaluation, diagnosis and services for special needs and disabilities. Native Americans lack access to care for diagnosis due to cultural norms, remote location, and access to the federal health program. Indian Health Services, a federal program to provide behavioral and mental health services to Native Americans, has only 20 facilities nationwide. Additionally, they have tele behavioral services, but many Native American communities lack infrastructure such as Internet connection to access these services.

Equitable Education and Resources for Native American Students. 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 (HB250) 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

ADMINISTRATIVE IMPLICATIONS

PED would be requested to convene a working group in consultation and collaboration with New Mexico's Indian nations, tribes, and pueblos, with members from: the Indian nations, tribes, and pueblos; schools with a high percentage of Native American students; Native American advocacy organizations; and Native American health care providers.

The working group would be required to undertake a comprehensive needs assessment of Native American students with special needs and disabilities. The report must consider the impacts of trauma and adverse childhood experiences on Native American children. It also is required to identify the barriers to early identification and access to services and supports for Native American children with autism spectrum disorder. The report must be delivered to LESC and the appropriate interim committee dealing with Indian affairs issues by November 1, 2020.

TECHNICAL ISSUES

HM48/aHEC has a technical error on pg. 4 line 24. The sponsor should change the language to state "twenty-three," consistent with the number of Indian nations, tribes, and pueblos in New Mexico.

RELATED BILLS

Relates to HB136, American Indian Student College Readiness PGM, which directs the Higher Education Department (HED), in conjunction with public institutions of higher education (IHEs) and tribal colleges, to establish an American Indian college readiness program.

Relates to HB137, Native American Projects, which appropriates funds to the IAD for library, Internet access, and educational resource center projects for Native American nations, tribes, and pueblos.

Relates to HB55, Autism Disorder Supports & Services, which appropriates funds to the Department of Health and CYFD to fund supports and services related to autism spectrum disorder.

Relates to HB 363, which requires regional education cooperatives to employ Navajo education liaisons to work with member school districts to deliver culturally and linguistically relevant education to Navajo students and to serve as ombudspersons.

SOURCES OF INFORMATION

- LESC Files
- Indian Affairs Department (IAD)