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FISCAL IMPACT REPORT

SPONSOR Johnson ORIGINAL DATE 2/13/2020
LAST UPDATED _____ HM 48/aHEC
SHORT TITLE Native American Children Working Group SB _____
ANALYST Gaussoin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			No Fiscal Implications			

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB174

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)

No Response Received

Public Education Department (PED)

Albuquerque Public Schools (APS)

New Mexico School for the Blind and Visually Impaired (NMSBVI)

New Mexico School for the Deaf (NMSD)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to House Memorial 48 adds a representative from the Indian Affairs Department to the work group.

Synopsis of Original Bill

House Memorial 48 requests the Indian Education Division of the Public Education Department, in collaboration with New Mexico tribe and pueblos, to convene a working group to develop a study of the needs of Native American children with special needs and disabilities.

The group would include representatives of tribes and pueblos, schools with high percentages of Native American students, Native American advocacy organizations, and Native American

healthcare providers and would develop a comprehensive needs assessment, study the impacts of trauma and adverse childhood experiences on indigenous children, and identify barriers to access to services.

HM48 asks that the group present its finding to the Legislative Education Study Committee (LESC) and the other appropriate interim committees by November 1, 2020, and that copies of the memorial be transmitted to the director of the Indian Education Division, New Mexico's tribes and pueblos, the chair of LESL, and co-chairs of the Legislative Council.

There is no effective date of this bill. It is assumed the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

The creation of any work group involves agency staff and resources to develop the workplan, convene the members, and produce a report. In many cases, the agency can absorb these costs; however, work groups and study divert agency staff from other, perhaps equally important, responsibilities.

SIGNIFICANT ISSUES

From IAD:

HM48 highlights that Native Americans suffer the greatest number of disabling conditions of all ethnic groups in the United States, and that Native American children showed the second-highest incidence of students with disabling conditions among minority groups in public schools. Native American students are also over-represented in special education programs, with more than 16 percent of Native American students identified for special needs programs compared to the nationwide average of 12 percent. For Native American boys, they are one and one-half times more likely than their peers to be identified for special education services.

These ... realities ... may be further exacerbated by a tribe's rural location and limited resources to develop its special education program as well as mental health services. Additionally, there is insufficient data regarding New Mexico's Native American children in special education programs, their challenges in mental health, and the intergenerational effects of historical trauma and adverse childhood experiences. ...

It may be beneficial if HM48 requests the participation of the IAD (or its designee), the Children, Youth, and Families Department (CYFD) tribal liaison, and the state's urban Indian centers in this working group. The IAD and CYFD's participation may assist the division to promote positive government-to-government relations with the states' Tribes, Nations, and Pueblos. The urban Indian centers' participation may more effectively ensure the participation by the state's urban Indian population whose tribes may not be represented in the state's 23 federally recognized tribes, nations, and pueblos.

RELATIONSHIP

Senate Bill 174 would create a special education division in the Public Education Department.

TECHNICAL ISSUES

IAD points out HM48 mentions 22 nations, tribes and pueblos, and New Mexico has 23.

OTHER SUBSTANTIVE ISSUES

A focus of the court ruling in the *Martinez* and *Yazzie* education sufficiency lawsuit was the needs of students at risk because of poverty, English proficiency, or disabilities. As a result, the Legislature has increased funding for the at-risk differential in the public school funding formula to allow school districts and charter schools to pay for programs and services aimed at directing the special needs of at-risk students.

ALTERNATIVES

New Mexico has an existing Indian Education Advisory Committee and an Indian Education Division, as well as numerous bureaucracies targeting multicultural and bilingual education. Nevertheless, LFC and LESC analysis indicates the state's efforts in these areas have been ineffective. While the work group proposed by HM48 is more precisely focused than existing, permanent groups, an alternative to the creation of a new group could be action that encourages better performance from existing groups.

HFG/rl/sb