



**Date:** August 21, 2019

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**Purpose:** Explore policies and programs impacting Native American students in New Mexico.

**Hearings:** Items 3, 9, 11

**Expected Outcome:** Understand resources available for meeting the needs of Native American students.

## Policies and Practices for Native American Education in New Mexico

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 the Public Education Department (PED) to provide resources and guidance for school districts and charter schools to support Native American student's language, culture, and academic progress.

This brief will examine the state's efforts in serving the educational needs of more than 33,000 Native American students belonging to the 23 tribes nations, and pueblos, and how PED, school districts, charter schools, institutions of higher education, and other stakeholders implement programs to comply with federal and state requirements regarding Native American students.

Although tribal consultation is required pursuant to ESSA, several states encourage tribal-state collaboration through the creation of offices and commissions. For example, Utah created a position to support the superintendent of public instruction by creating a Native American education state plan. Similarly, Washington, New Mexico, and Arizona created Indian education offices and divisions to assist school districts in supporting Native American students.

### Addressing the Needs of Native American Students Statewide

**Indian Education Act.** The New Mexico Legislature passed the Indian Education Act in 2003 to improve educational outcomes for Native American students. The Act requires the assistant secretary for Indian education to guide school districts and tribes to ensure resources are allocated to implement and develop culturally relevant curriculum and programs; establish and support the Indian Education Advisory Council; ensure school districts and charter schools are engaging in tribal consultation; and seek funds to implement a plan to increase tribal teachers and school leaders. The secretary of education and the assistant secretary for Indian education are required to implement the Act by coordinating with other PED administrators; collaborating with state and federal agencies and tribal governments; and convening semiannual government-to-government meetings to receive feedback on the education of tribal students. Currently, Kara Bobroff is the Acting Assistant Secretary for Indian Education.

Pursuant to the Act, the Indian Education Advisory Council must consist of 16 members representing Native American tribes and pueblos in rural and urban communities throughout the state as well as representation from the federal bureau of Indian affairs, a head start organization, and a member from the general public. The council is required to make recommendations to PED to ensure Native American students' needs are met statewide.

Laws 2019, Chapter 48 (Senate Bill 22) creates an assistant secretary for Native American early childhood education and care who will also receive recommendations from the Indian Education Advisory Council.

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. It is important to note, HB250 does not define “historically defined Indian impacted” making it unclear which school districts and charter schools will be required to conduct the needs assessment. PED has noted guidance in the implementation of this new legislation is forthcoming. HB250 considers tribal students’ health, community, and cultural needs not addressed in the Indian Education Act. For example, it outlines the need for mental health programming, guidance and counseling services, nutrition and health services, cultural and language programs led by traditional leaders, and after-school and community-based intervention programs. HB250 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.

**Indian Education Funds.** 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 thousand to \$59 thousand each. See, **Attachment 1, PED-IED-Strengthening Tribal Programs Grant Profile 2015-2018**. Of the 19 awardees, seven expended less than half of their grant funds by the end of the fiscal year. Historically, this has been problematic as it leads to consistently high fund balances at the end of each fiscal year. The current PED administration may wish to provide targeted support to promote the purposeful use of these funds to benefit all Native American students.

**Indian Education Fund Balance**  
Five Year History

Fiscal Year	Total Expenditures	Change in Fund Balance	End-of-Year Fund Balance
FY14	\$2,394.3	-\$253.0	\$2,737.5
FY15	\$1,402.2	\$514.8	\$3,252.3
FY16	\$2,580.9	-\$723.0	\$2,529.2
FY17	\$1,768.9	-\$72.3	\$2,456.9
FY18	\$2,669.5	-\$816.2	\$1,640.7

Source: SHARE and Public Education Department Audits

For FY20, the 2019 Legislature appropriated \$6 million to PED for the Indian education fund, a significant increase from the \$2.5 million appropriation in FY19—although the appropriation only amounted to \$1.8 million because of the amount already in the fund balance. Additionally, PED received \$1 million in FY20 for Indigenous education initiatives. It is important to note, in previous years, expenditures from the Indian education fund often fall short of the amount appropriated. In light of the court decision in the consolidated *Martinez* and *Yazzie* lawsuit, the department should more strategically budget Indian education funds to maximize impact for Native American students. Additionally, it is unclear whether the department has monitored the effectiveness of programs that have received Indian education funds. The new administration should put systems in place to monitor effectiveness and reinvest in programs that produce improved academic outcomes for Native American students.



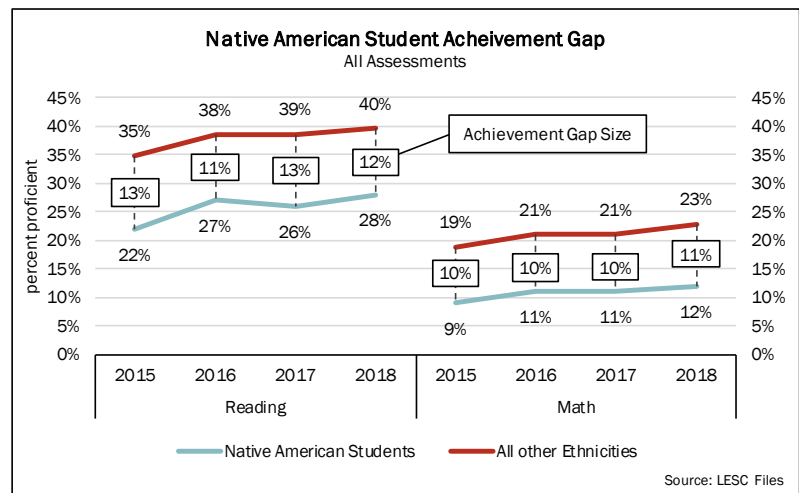
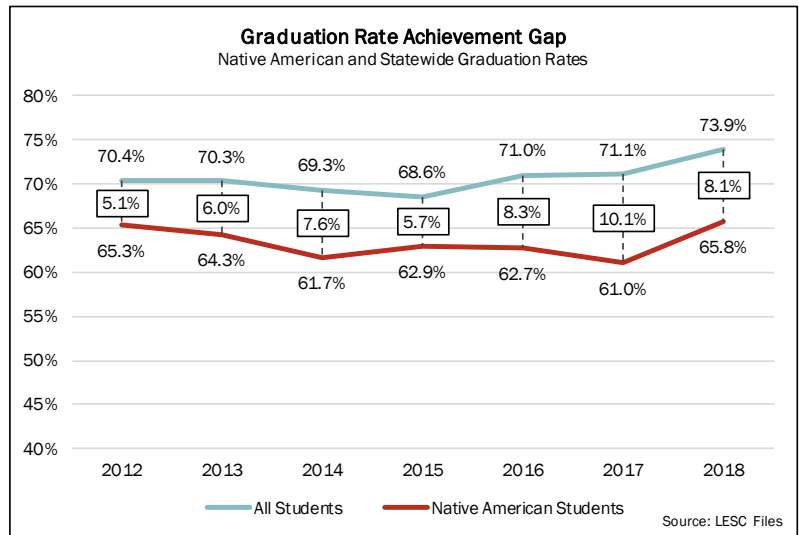
PED is currently in the process of reviewing Indian education fund applications and is planning to make awards by the end of August, 2019. In the request for application, PED noted grants will be made available to tribal departments of education, local education agencies, and charter schools serving significant numbers of Native American students. Applications for grant funding should address the requirements outlined in the Indian Education Act. See **Attachment 2, Indian Education Act**.

The department will also be reviewing Indigenous education initiative grant applications and making awards to three schools in September of 2019. PED has indicated these funds are to support transformational educational opportunities implemented over a three-year period. Grants will be awarded to support innovation and community engagement work that promotes academically excellent and culturally relevant educational opportunities that also align to the Indian Education Act. See **Attachment 3, Request for Applications: Indigenous Education Initiative**.

**Programmatic Support.** The district court decision in the consolidated *Martinez* and *Yazzie* lawsuit found that although the Indian Education Act outlines best practices in meeting the academic needs of Native American students, PED is not monitoring school districts and charter schools in the implementation of the Act.

The department has noted they will be providing increased support and guidance for districts to implement the Indian Education Act by considering the recommendations from the government-to-government meetings, ensuring all school districts and charter schools engage in tribal consultation if they serve Native American students, providing school districts and charter schools with “Indian Policies and Procedures”, continuing the Indigenous education curriculum initiative, and providing support for Native language programs.

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. See **Attachment 4, Federal Impact Aid Districts Uptake Rates**.



Thousands of Native American students across the state are enrolled in federally-funded Bureau of Indian Education (BIE) operated and tribally-controlled schools. Often students switch enrollment between public schools and BIE schools. BIE schools are often not eligible for PED-funded initiatives. If BIE schools are not required to implement PED initiatives to serve Native American students, and BIE interventions do not align to what occurs in public school districts and charter schools, it may be challenging to implement systemic change.

### **Institutions of Higher Education**

Across the state of New Mexico, institutions of higher education are implementing programs to recruit and train Native American educators as well as train other non-Native educators in culturally and linguistically responsive practices to meet the needs of Native American students.

Teacher candidates across the state struggle to pass the New Mexico teacher licensure tests. SJC provides teacher candidates with a course that strategically prepares teachers to pass the licensure tests.

***San Juan College.*** San Juan College (SJC), located in Farmington, has formed a partnership with the Farmington Municipal School District (FMSD) and the Central Consolidated School District (CCSD) to prepare teacher candidates through an alternative licensure program to serve Native American students in the Four Corners region. For the first year of implementation, the program received funding through a 2018 PED-initiative aimed at increasing the diversity of teacher candidates. For its second year of implementation, the program will be one of four programs across the state to receive funding from the \$1 million Teacher Residency Pilot appropriation to PED in the General Appropriations Act (GAA) of 2019. SJC provides scholarships to individuals who hold a bachelor's degree and enroll in the college's alternative teaching licensure program. Scholarship recipients must commit to teach for three years in a school that serves a high percentage of Native American students within FMSD or CCSD. Scholarships cover the cost of tuition, books, fees, licensure tests, and some travel.

***University of New Mexico.*** The University of New Mexico (UNM) is building a pipeline for Native American educators that begins recruiting and engaging students in elementary, middle, and high school. Through this engagement, the university recruits individuals into the American Indian Professional Educators Collaborative, a U.S. Department of Education-funded program that trains Native American pre-service teachers using a cohort model that partners with local education agencies and tribes to provide induction and job placement support for individuals committed to their community who are affiliated with New Mexico tribes or pueblos, or other tribal nations. Pre-service teachers are trained to obtain specific skills to be educational leaders in their specific Native-serving community by drawing from the local culture and language. To continue the pipeline, the university offers programs for Native American educators to gain an administrator license as well as doctoral programs in educational leadership.

***Financial Aid.*** The 2019 Legislature enacted multiple initiatives to make funds available for Native American students pursuing higher education opportunities. Laws 2019, Chapter 45 (Senate Bill 407) will allow students who attend tribal colleges located in New Mexico to be eligible to receive lottery scholarships. The Grow Your



Own Teachers Act, Teacher Preparation Affordability Act, and amendments to the Teacher Loan Repayment Act prioritize funds for Native American students, among other groups, to either pursue a teaching degree or have loans repaid if the individual has already obtained a teaching license.

The GAA of 2019 included a \$10 million general fund revenue transfer to each, the teacher loan repayment fund and the teacher preparation affordability scholarship fund. It does not appear the funds can be spent in FY20 because the fund is subject to legislative appropriation and the funds were not appropriated for expenditure. The GAA of 2019 did not include an appropriation from the fund to the Higher Education Department. It only included the transfer of general fund revenue into the fund.

### **Other Resources for Serving Native American Students**

The Indian Pueblo Cultural Center (IPCC), owned and operated by the 19 Indian Pueblos of New Mexico, has developed the Indigenous Wisdom curriculum to serve all students in New Mexico from kindergarten through 12th grade (K-12). IPCC engaged curriculum writers with expertise in a variety of content and pedagogical domains to develop the curriculum. To engage practitioners, IPCC contracted with UNM to train over 300 pre-service teachers between 2013 and 2017 and has hosted outreach events to train current teachers to use the free resources developed by the center.

The curriculum focuses on the resistance, emancipation, and transformation the pueblos have experienced over time while maintaining cultural integrity and sovereignty. Lessons are designed for all K-12 educators to supplement existing curriculum to teach students about the key relationships between governments, communities, cultures, and people with a focus on the 19 pueblos. Individual lessons address core content areas such as English language arts, math, science, and social studies.

### **Recommendations**

With increased funding from the Legislature and PED's mission for equity, excellence, and relevance, school districts and charter schools have the opportunity to ensure programs are implemented and resources are allocated to begin closing the achievement gap for Native American students in New Mexico.





**ATTACHMENT 1**

**PED-IED—Strengthening Tribal Programs Grant Profile 2015–2018**

The chart below shows grants offered to the NM tribes for tribal language programs for fiscal years 2015–2018. Grants awarded 2015–2017 were awarded to develop curriculum and instructional materials, including a teacher certification and assessment processes. Competitive grants awarded 2017–2018 were awarded to recipients to develop programs in one or more of the five priority areas: 1) attendance and truancy, 2) cultural competency and culturally responsive learning environments, 3) college and career readiness, 4) supporting native language programs and English learners, and 5) school systems alignment between PED/Bureau of Indian Education operated schools/tribally controlled schools. The grant offered to all NM tribes is a new process with expected delays and misapprehensions. In FYs 2015–16 and 2016–17, 21 tribes/pueblos were funded. In FY 2017–18, 19 tribes/pueblos were funded. Budget breakdowns follow for grant terms.

Tribe Pueblo Nation	2015-2016 Award Amount	Expended	Balance	2016-2017 Award Amount	Expended	Balance	2017-2018 Award Amount	Expended	Balance
Acoma	30,000.00	20,082.72	9,917.28	30,000.00	28,900.00	1,100.00	39,605.96	19,087.65	20,518.31
Cochiti	30,000.00	29,174.60	825.40	30,000.00	25,876.50	4,123.50	60,000.00	60,000.00	-
Isleta	30,000.00	30,000.00	-	30,000.00	8,165.56	21,834.44	45,150.00	13,798.50	31,351.50
Jemez	30,000.00	30,000.00	-	30,000.00	30,000.00	-	47,096.00	-	47,096.00
Jicarilla	-	-	-	-	-	-	-	-	-
Laguna	30,000.00	30,000.00	-	30,000.00	29,997.78	2.22	-	-	-
Mescalero	30,000.00	17,151.66	12,848.34	30,000.00	26,189.50	3,810.50	-	-	-
Nambé	30,000.00	30,000.00	-	30,000.00	30,000.00	-	38,667.00	28,158.61	10,508.39
Navajo	30,000.00	26,513.00	3,487.00	30,000.00	19,509.32	10,490.68	59,023.00	36,075.52	22,947.48
Ohkay Owingeh	30,000.00	18,857.14	11,142.86	30,000.00	8,700.49	21,299.51	19,747.35	18,684.16	1,063.19
Picuris	30,000.00	29,999.94	0.06	30,000.00	26,521.53	3,478.47	39,000.00	35,933.66	3,066.34
Pojoaque	30,000.00	27,943.27	2,056.73	30,000.00	15,189.05	14,810.95	30,000.00	9,189.62	20,810.38
Sandia	30,000.00	29,600.00	400.00	30,000.00	30,000.00	-	30,035.63	-	30,035.63
San Felipe	30,000.00	30,000.00	-	30,000.00	26,730.45	3,269.55	33,566.00	33,566.00	-
San Ildefonso	30,000.00	24,393.11	5,606.89	30,000.00	14,553.51	15,446.49	29,232.00	15,268.91	13,963.09
Santa Ana	30,000.00	24,977.63	5,022.37	30,000.00	30,000.00	-	35,006.00	30,024.35	4,981.65
Santa Clara	30,000.00	27,940.85	2,059.15	30,000.00	18,574.18	11,425.82	23,100.00	-	23,100.00
Santo Domingo	-	-	-	-	-	-	50,032.50	41,695.06	8,337.44
Taos	30,000.00	22,585.07	7,414.93	30,000.00	29,468.37	531.63	44,670.00	39,663.95	5,006.05
Tesuque	30,000.00	18,571.14	11,428.86	30,000.00	23,695.67	6,304.33	38,451.00	28,215.10	10,235.90
Zia	30,000.00	30,000.00	-	30,000.00	30,000.00	-	51,576.00	31,973.40	19,602.60
Zuni	30,000.00	19,660.91	10,339.09	30,000.00	29,885.77	114.23	28,000.00	-	28,000.00
<b>Totals</b>	<b>600,000.00</b>	<b>472,909.00</b>	<b>127,090.00</b>	<b>600,000.00</b>	<b>511,958.00</b>	<b>88,042.00</b>	<b>741,958.44</b>	<b>441,334.49</b>	<b>300,623.95</b>

Source: SHARE Financials, FY ending 2018





**ARTICLE 23A**  
**Indian Education**

Section

22-23A-1	Short title.
22-23A-2	Purpose of act.
22-23A-3	Definitions.
22-23A-4	Rulemaking.
22-23A-4.1	Post-secondary education.
22-23A-5	Indian education division; created; assistant secretary; duties.
22-23A-6	Advisory council.
22-23A-7	Report.
22-23A-8	Fund created.

**22-23A-1. Short title.**

Chapter 22, Article 23A NMSA 1978 may be cited as the "Indian Education Act".

**History:** Laws 2003, ch. 151, § 1; 2005, ch. 299, § 1.

**The 2005 amendment**, effective June 17, 2005, added the statutory reference to the act.

**22-23A-2. Purpose of act.**

The purpose of the Indian Education Act is to:

A. ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools;

B. ensure maintenance of native languages;

C. provide for the study, development and implementation of educational systems that positively affect the educational success of American Indian students;

D. ensure that the department of education [public education department] partners with tribes to increase tribal involvement and control over schools and the education of students located in tribal communities;

E. encourage cooperation among the educational leadership of Arizona, Utah, New Mexico and the Navajo Nation to address the unique issues of educating students in Navajo communities that arise due to the location of the Navajo Nation in those states;

F. provide the means for a formal government-to-government relationship between the state and New Mexico tribes and the development of relationships with the education division of the bureau of Indian affairs and other entities that serve American Indian students;

G. provide the means for a relationship between the state and urban American Indian

community members to participate in initiatives and educational decisions related to American Indian students residing in urban areas;

H. ensure that parents; tribal departments of education; community-based organizations; the department of education [public education department]; universities; and tribal, state and local policymakers work together to find ways to improve educational opportunities for American Indian students;

I. ensure that tribes are notified of all curricula development for their approval and support;

J. encourage an agreement regarding the alignment of the bureau of Indian affairs and state assessment programs so that comparable information is provided to parents and tribes; and

K. encourage and foster parental involvement in the education of Indian students.

**History:** Laws 2003, ch. 151, § 2.

**Bracketed material.** — The bracketed material was inserted by the compiler and is not part of the law.

Laws 2004, ch. 25, § 27, provided that all references to the superintendent of public instruction shall be deemed references to the secretary of public education and all references to the former state board of education or state department of education shall be deemed references to the public education department. See 9-24-15 NMSA 1978.

### **22-23A-3. Definitions.**

As used in the Indian Education Act:

A. "assistant secretary" means the assistant secretary for Indian education;

B. "government-to-government" means the relationship between a New Mexico tribe and a state government;

C. "indigenous" means native or tribal groups of the Americas that maintain a cultural identity separate from the surrounding dominant cultures;

D. "tribal" means pertaining to urban Indians who are residents of New Mexico or to an Indian nation, tribe or pueblo located within New Mexico;

E. "New Mexico tribe" means an Indian nation, tribe or pueblo located within New Mexico; and

F. "urban Indian" means a member of a federally recognized tribe or an Alaskan native who lives in an off-reservation urban area and is a New Mexico resident.

**History:** Laws 2003, ch. 151, § 3; 2007, ch. 295, § 2; 2007, ch. 296, § 2.

**The 2007 amendment,** effective June 15, 2007, added Subsections A through D and F. Laws 2007, ch. 295, § 2 and Laws 2007, ch. 296, § 2 enacted identical amendments to this section. The section was set out as amended by Laws 2007, ch. 296, § 2. See 12-1-8 NMSA 1978.

**22-23A-4. Rulemaking.**

A. The secretary shall ensure that the duties prescribed in the Indian Education Act are carried out and that each division within the department is collaborating to fulfill its responsibilities to tribal students.

B. The secretary shall consult on proposed rules implementing the Indian Education Act with the Indian education advisory council and shall present rules for review and comment at the next semiannual government-to-government meeting pursuant to Section 22-23A-5 NMSA 1978.

History: Laws 2003, ch. 151, § 4; 2007, ch. 295, § 3; 2007, ch. 296, § 3.

**The 2007 amendment**, effective June 15, 2007, rewrote this section. Laws 2007, ch. 295, § 3 and Laws 2007, ch. 296, § 3 enacted identical amendments to this section. The section was set out as amended by Laws 2007, ch. 296, § 3. See 12-1-8 NMSA 1978.

**22-23A-4.1. Post-secondary education.**

The department shall collaborate and coordinate efforts with the higher education department and institutions of higher education, including tribal colleges and teacher education institutions and tribal education departments, to facilitate the successful and seamless transition of American Indian students into post-secondary education and training.

History: Laws 2007, ch. 295, § 1; 2007, ch. 296, § 1.

**Compiler's note.** — Laws 2007, ch. 295, § 1 and Laws 2007, ch. 296, § 1 enacted identical sections, effective June 15, 2007.

**Cross references.** — For the department referred to in the section, see the public education department, 22-2-1 NMSA 1978.

**22-23A-5. Indian education division; created; assistant secretary; duties.**

A. The "Indian education division" is created within the department. The secretary shall appoint an assistant secretary for Indian education, who shall direct the activities of the division and advise the secretary on development of policy regarding the education of tribal students. The assistant secretary shall also coordinate transition efforts for tribal students in public schools with the higher education department and work to expand appropriate Indian education for tribal students in preschool through grade twenty.

B. The assistant secretary shall coordinate with appropriate administrators and divisions to ensure that department administrators make implementation of the Indian Education Act a priority.

C. The secretary and the assistant secretary, in cooperation with the Indian education

advisory council, shall collaborate with state and federal departments and agencies and tribal governments to identify ways such entities can assist the department in the implementation of the Indian Education Act.

D. The secretary and assistant secretary shall convene semiannual government-to-government meetings for the express purpose of receiving input on education of tribal students.

E. In accordance with the rules of the department and after consulting with the Indian education advisory council and determining the resources available within the department, the assistant secretary shall:

(1) provide assistance, including advice on allocation of resources, to school districts and tribes to improve services to meet the educational needs of tribal students based on current published indigenous best practices in education;

(2) provide assistance to school districts and New Mexico tribes in the planning, development, implementation and evaluation of curricula in native languages, culture and history designed for tribal and nontribal students as approved by New Mexico tribes;

(3) develop or select for implementation a challenging, sequential, culturally relevant curriculum to provide instruction to tribal students in pre-kindergarten through sixth grade to prepare them for pre-advanced placement and advanced placement coursework in grades seven through twelve;

(4) provide assistance to school districts, public post-secondary schools and New Mexico tribes to develop curricula and instructional materials in native languages, culture and history in conjunction and by contract with native language practitioners and tribal elders, unless the use of written language is expressly prohibited by the tribe;

(5) conduct indigenous research and evaluation for effective curricula for tribal students;

(6) collaborate with the department to provide distance learning for tribal students in public schools to the maximum limits of the department's abilities;

(7) establish, support and maintain an Indian education advisory council;

(8) enter into agreements with each New Mexico tribe or its authorized educational entity to share programmatic information and to coordinate technical assistance for public schools that serve tribal students;

(9) seek funds to establish and maintain an Indian education office in the northwest corner of the state or other geographical location to implement agreements with each New Mexico tribe or its authorized educational entity, monitor the progress of tribal students and coordinate technical assistance at the public pre-kindergarten to post-secondary schools that serve tribal students;

(10) require school districts to obtain a signature of approval by the New Mexico tribal

governments or their government designees residing within school district boundaries, verifying that the New Mexico tribes agree to Indian education policies and procedures pursuant to federal requirements;

(11) seek funds to establish, develop and implement culturally relevant support services for the purposes of increasing the number of tribal teachers, administrators and principals and providing continued professional development for educational assistants, teachers and principals serving tribal students, in conjunction with the Indian education advisory council:

- (a) recruitment and retention of highly qualified teachers and administrators;
- (b) academic transition programs;
- (c) academic financial support;
- (d) teacher preparation;
- (e) teacher induction; and
- (f) professional development;

(12) develop curricula to provide instruction in tribal history and government and develop plans to implement these subjects into history and government courses in school districts throughout the state;

(13) ensure that native language bilingual programs are part of a school district's professional development plan, as provided in Section 22-10A-19.1 NMSA 1978; and

(14) develop a plan to establish a post-secondary investment system for tribal students to which parents, tribes and the state may contribute.

History: Laws 2003, ch. 151, § 5; 2005, ch. 299, § 2; 2007, ch. 295, § 4; 2007, ch. 296, § 4.

**The 2007 amendment**, effective June 15, 2007, required the assistant secretary to advise the secretary on policy regarding education of tribal students and to coordinate transition efforts for tribal students in public schools with the higher education department and to work to expand Indian education for tribal students in preschool through grade twenty; and added Subsections B through D and Paragraphs (5) and (6) of Subsection E. Laws 2007, ch. 295, § 4 enacted identical amendments to this section. The section was set out as amended by Laws 2007, ch. 296, § 4. See 12-1-8 NMSA 1978.

## **22-23A-6. Advisory council.**

A. The "Indian education advisory council" is created and shall advise the secretary and assistant secretary on implementation of the provisions of the Indian Education Act. The council consists of sixteen members as follows:

- (1) four representatives from the Navajo Nation;
- (2) two representatives, one from the Mescalero Apache Tribe and one from the Jicarilla Apache Nation;
- (3) four representatives, two from the southern pueblos and two from the northern

pueblos;

(4) three urban Indians representing urban areas, including Albuquerque, Gallup and Farmington; and

(5) three at-large representatives, one from the federal bureau of Indian affairs, one from a head start organization and one from the general public, at least one of whom shall be nontribal, but all of whom shall have knowledge of and involvement in the education of tribal students.

B. Members shall be appointed by the secretary with input from New Mexico tribes and organizations involved in the education of tribal students for staggered terms so that the terms of the at-large members and of one-half of each of the tribal representatives end on December 31, 2009 and the terms of the remaining members end on December 31, 2011. Thereafter, appointments shall be for terms of four years. The terms of existing members shall expire on the effective date of this 2007 act.

C. A majority of the members of the Indian education advisory council constitutes a quorum. The advisory council shall elect a chair from its membership.

D. On a semiannual basis, representatives from all New Mexico tribes, members of the commission, the office of the governor, the Indian affairs department, the legislature, the secretary, the assistant secretary and the Indian education advisory council shall meet to assist in evaluating, consolidating and coordinating all activities relating to the education of tribal students.

E. Members of the Indian education advisory council may receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].

History: Laws 2003, ch. 151, § 6; 2007, ch. 295, § 5; 2007, ch. 296, § 5.

**The 2007 amendment**, effective June 15, 2007, required the council to advise the secretary and assistant secretary on implementation of the Indian Education Act; changed the number of members of the council to sixteen members; changed the number of urban Indian members to three; provided for three at-large representatives; and added Subsections B and C. Laws 2007, ch. 295, § 5 enacted identical amendments to this section. The section was set out as amended by Laws 2007, ch. 296, § 5. See 12-1-8 NMSA 1978.

### **22-23A-7. Report.**

A. The Indian education division in collaboration with the education division of the federal bureau of Indian affairs and other entities that serve tribal students shall submit an annual statewide tribal education status report no later than November 15 to all New Mexico tribes. The division shall submit the report whether or not entities outside state government collaborate as requested.

B. A school district with tribal lands located within its boundaries shall provide a

districtwide tribal education status report to all New Mexico tribes represented within the school district boundaries.

C. The status reports shall be written in a brief format and shall include the following information, through which public school performance is measured and reported to the tribes and disseminated at the semiannual government-to-government meetings held pursuant to Section 22-23A-5 NMSA 1978:

- (1) student achievement as measured by a statewide test approved by the department, with results disaggregated by ethnicity;
- (2) school safety;
- (3) the graduation rate;
- (4) attendance;
- (5) parent and community involvement;
- (6) educational programs targeting tribal students;
- (7) financial reports;
- (8) current status of federal Indian education policies and procedures;
- (9) school district initiatives to decrease the number of student dropouts and increase attendance;
- (10) public school use of variable school calendars;
- (11) school district consultations with district Indian education committees, school-site parent advisory councils and tribal, municipal and Indian organizations; and
- (12) indigenous research and evaluation measures and results for effective curricula for tribal students.

History: Laws 2003, ch. 151, § 7; 2007, ch. 295, § 6; 2007, ch. 296, § 6.

**The 2007 amendment**, effective June 15, 2007, required submission of the report no later than November 15 and that the report include information about consultations with district Indian education committees, school-site parent advisory councils and tribal, municipal and Indian organizations and information about indigenous research and evaluation measures and results of effective curricula for tribal students. Laws 2007, ch. 295, § 6 enacted identical amendments to this section. The section was set out as amended by Laws 2007, ch. 296, § 6. See 12-1-8 NMSA 1978.

### **22-23A-8. Fund created.**

A. The "Indian education fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations and income from investment of the fund. Money in the fund shall not revert. The fund shall be administered by the department, and money in the fund is appropriated to the department to distribute awards to support the Indian Education Act.

B. The department shall ensure that funds appropriated from the Indian education fund shall

be used for the purposes stated in the Indian Education Act and shall not be used to correct for previous reductions of program services.

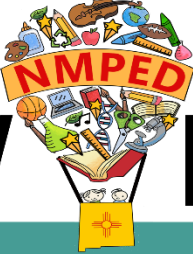
C. The department shall develop procedures and rules for the award of money from the fund. Disbursement of the fund shall be made by warrant of the department of finance and administration pursuant to vouchers signed by the secretary of public education.

History: Laws 2003, ch. 151, § 8; 2007, ch. 295, § 7; 2007, ch. 296, § 7.

**The 2007 amendment**, effective June 15, 2007, added Subsection B. Laws 2007, ch. 295, § 7 enacted identical amendments to this section. The section was set out as amended by Laws 2007, ch. 296, § 7. See 12-1-8 NMSA 1978.

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**NEW MEXICO**

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**Public Education Department**

**Request for Applications  
Indigenous Education Initiative**

**RFA #20-92400-00001**

**Issue Date: August 2, 2019  
Deadline Date: August 30, 2019**

**Contact Information:  
Kara Bobroff  
Interim Secretary of Education  
[Kara.Bobroff@state.nm.us](mailto:Kara.Bobroff@state.nm.us)**

**Application Portal:  
IED Grant Application**

## **Request for Application (RFA) on Indigenous Education Initiative Funding**

### **PURPOSE OF THIS REQUEST FOR APPLICATION (RFA)**

This RFA is issued by the New Mexico Public Education Department (NMPED) for Indigenous Education Initiatives to support transformational educational opportunities in New Mexico districts and schools that serve a significant number of Native American students. This RFA will provide additional resources and key supports aimed at innovation and community engagement work that promote academically excellent and culturally relevant educational opportunities. The end goal of this funding is twofold: 1) students benefit from initiatives that design schools to provide the best opportunity for academic preparation for college, career, and community leadership, for identity development, and for holistic health; and 2) funded projects act as “bright spots” for future investment by the NMPED to expand and/or replicate successful programs based on community needs and desires in Indigenous Education.

### **NEW MEXICO PUBLIC EDUCATION DEPARTMENT (NMPED) VISION**

Rooted in our Strengths – Students in New Mexico are engaged in a culturally and linguistically responsive educational system that meets the social, emotional, and academic needs of ALL students.

### **NEW MEXICO PUBLIC EDUCATION DEPARTMENT (NMPED) MISSION**

Equity, Excellence & Relevance – The New Mexico Public Education Department partners with educators, communities, and families to ensure that ALL students are healthy, secure in their identity, and holistically prepared for college, career, and life.

### **LEVEL OF FUNDING**

For fiscal year 2020, NMPED intends to award a minimum of three grants between \$150,000 and \$250,000 each. Applicants shall propose a project period of three years. The above amount represents annual funding. Continued funding for this initiative is dependent upon annual legislative appropriations and program performance.

Funds may be utilized for costs related to personnel, professional development, student support services, curriculum/resource materials and development, community engagement, transportation, lodging, stipends, and other program-related costs.

Funds made available under this grant shall be used to supplement, and not supplant, any other federal, state, or local education funds.

### **LENGTH OF FUNDING**

The resulting contract shall begin upon execution of an Intergovernmental Agreement (IGA) between NMPED and successful applicants and continue through the proposed project period, but not beyond June 30, 2022. NMPED reserves the right to terminate any award that does not meet the requirements as defined by the guidelines governing the program or otherwise provided in an executed IGA. Annual funding is dependent upon annual legislative appropriations.

### **ELIGIBLE ENTITIES**

Eligible applicants must be one of the following New Mexico public school districts and/or state-chartered or school district-chartered schools:

- Aztec Public Schools
- Albuquerque Public Schools
- Bernalillo Public School District
- Bloomfield School District
- Central Consolidated School District
- Cuba Independent School District
- Dream Diné Charter School
- Dulce Independent School District
- Dził Dítł'ooí School of Empowerment, Action and Perseverance (DEAP)

- Espanola Public Schools
- Farmington Municipal School District
- Gallup McKinley County School District
- Grants/Cibola County School District
- Hozho' Academy Charter School
- Jemez Mountain Public School District
- Jemez Valley Public School District
- Los Lunas Public Schools
- Magdalena Municipal School District
- Native American Community Academy (NACA)
- Penasco Independent Schools
- Pojoaque Valley Schools
- Rio Rancho Public Schools
- Ruidoso Municipal School District
- San Diego Riverside School
- Santa Fe Public Schools
- Six Directions Indigenous School
- Taos Municipal Schools
- Tularosa Municipal Schools
- Walatowa High Charter School
- Zuni Public School District

District applicants must designate the specific school or schools that will be Indigenous Education Initiative project sites. Districts are encouraged to limit the number of schools participating to one to two schools in order to have a concentrated impact. Only one application is permitted per applicant.

**FUNDED STRATEGIES/PROGRAMS**

Proposed programs under this grant will inspire and empower local systems to dramatically improve and transform education and life outcomes for Native American students and will be grounded in New Mexico’s strengths of culture and place. The intent of this program is for innovation and flexibility combined with technical assistance to meet community priorities for education and respond to the changing educational landscape and identified needs of Native students in New Mexico. Funded programs will participate in a three-year process that includes community engagement, professional development, and technical assistance, with the end goal to re-launch schools that are designed to build on community strengths and meet community needs for Indigenous Education as follows:

Year 1	Year 2	Year 3
<ul style="list-style-type: none"> <li>• Internal school review process and assessment</li> <li>• Community engagement around future school design toward cultural and linguistic relevance and holistic models of education</li> <li>• Development of a comprehensive plan for staffing that prioritizes hiring and training staff that shares the backgrounds of the school’s students</li> </ul>	<ul style="list-style-type: none"> <li>• Design plan based on community-identified priorities</li> <li>• Curriculum development/re-development process</li> <li>• Waivers granted for certain requirements</li> </ul>	<ul style="list-style-type: none"> <li>• School re-launches with new vision, based on the community-designed plan that prioritizes academic excellence and cultural relevance in education, with new accountability measures as well as support structures for sustainability</li> </ul>

As part of this process, the Identity, Equity, and Transformation section of NMPED will provide system-wide support and technical assistance. This will include national and local best practices and assistance in “indigenizing” these practices. Further, funded programs will have access to and will participate in:

- A new Indigenous Systems Leaders Network, designed for leaders who want to build their capacity to lead transformation at the systems level in Native communities.
- Training for educators to conduct family-teacher home visits aimed at academic success.
- Accountability metrics based on school/community action cards, identifying measures of success and progress.
- A specialized talent and leadership development program to grow educators for Native American communities.

Programs must prioritize authentic stakeholder and community engagement and partnership, and must be aligned with the [Indian Education Act](#). Applicants are encouraged to thoughtfully engage stakeholders throughout this application process and once funded to ensure the program and services meet the needs of their local communities, students, families, and schools. NMPED priority areas for school improvement and community engagement include:

College, Career and Life Readiness: K-12 public education prepares students to have the necessary knowledge and skills to participate in a rapidly-changing, democratic society by successfully transitioning to a post-secondary institution (without needing remedial coursework) and/or entering the workforce and competing in the labor market, as well as aligning interests to the career of the student's choice and living fulfilling lives.

Culturally and Linguistically Relevant Education and Social and Emotional Learning: Social and emotional learning provides the foundation for students to develop social skills (empathy, reflection, cooperation, interpersonal skills, communication), academic behaviors (attendance, academic purpose, self-guided learning, participation), and an academic mindset (belonging, belief in one self, value in work, and meaningful learning). These are critical success factors to improving academic and life outcomes.

Culture and Identity Development: Programs that provide opportunities for students to participate in activities that reflect their unique cultural and linguistic heritages, that are centered on student strengths and needs, and incorporate student voice into the design of curriculum. Programs must be grounded in the context of the student's community, language, and culture.

Increasing Access to Indigenous Language Programs: Programs that provide access to Indigenous languages within the community or school that are accessible to students on a regular basis, grounded in the context of the community, and approved by the tribe which the program represents. Indigenous Language programs should set goals for students that are aligned with the LEA, Charter, and Tribes' overall Indigenous Language Program goals.

Finally, programs must also be aimed at:

- Increased positive student academic and social outcomes
- Increased readiness for post-secondary education and career pathways
- Engaged communities, tribes, and families
- Identification of best practices to serve as "bright spots" for replication in other areas of the state

Applicants are required to build a budget that prioritizes and sufficiently funds capacity for participation in the project, curriculum design and development, community engagement, and strategic planning. Applicants must budget for at least one full-time position to be dedicated to this work at a Level II or Level III educator's salary.

### **PROGRAM OVERSIGHT AND MANAGEMENT**

NMPED will manage the progress of the projects/programs. The program contact is listed below:

Kara Bobroff, Interim Secretary of Education  
[Kara.Bobroff@state.nm.us](mailto:Kara.Bobroff@state.nm.us)

For questions related to this RFA, contact Kara Bobroff, [Kara.Bobroff@state.nm.us](mailto:Kara.Bobroff@state.nm.us) by the submission deadline for questions (deadline to submit questions is August 16, 2019).

### SCORING GUIDELINES

Each application will be scored across four (4) application sections. Within each section, provide data and information explaining the need of your school:

- I. Project Narrative: Applicants are encouraged to provide detailed and thorough responses to the following questions (75 points):
  - Describe your community, including its resources and strengths, as well as challenges faced in providing a strong and effective education that is culturally relevant and prepares all students for success in college, career, and life.
  - Provide data that documents your district's or school's need to participate in the Indigenous Education Initiative. This data may be quantitative (e.g., test scores) or qualitative (e.g., family feedback, staffing or infrastructure challenges), or both.
  - Describe the extent to which the district or school serves Native American students, including demographic data, and the unique needs faced by these students. Indicate whether the program will serve low-income students, students with disabilities, and English language learners as applicable, using demographic data.
  - Describe your district's or school's current efforts to engage the community in the educational process. What has been successful and where do you face challenges?
  - Why does your school or district wish to participate in the Indigenous Education Initiative? What do you hope to gain from participation?
  - How do you envision engaging the broader community in educational design and development to ensure the participating school(s) aligns with local cultural values and priorities?
  - If a district, identify which one to two schools will participate in the work over the next three years. Why were these schools selected?
  - Identify key staff that will contribute to the district or school's participation in the Indigenous Education Initiative. This should include district staff (if appropriate), as well as school staff.
  - A requirement of selection is that your school or district dedicates 1.0 FTE specifically to the proposed work. Provide a statement agreeing with this requirement. Identify whether this person is already hired and will move to this new role, or if you will hire for the position. If already hired, provide a summary of the individual's qualifications. If the position is to be hired, provide a summary of desired qualifications and skillsets and a timeline for hiring.
  - What types of evaluation and accountability measures does your school/district/community value, and how do you envision using these measures to re-design the current educational process?
  
- II. Project Budget: Provide a budget that details the requested funding for the first year of the program. Applicants must budget for at least 1.0 FTE at a Level II or III educator's salary. Other line items can include additional staffing, professional development costs, curriculum/resource materials, curricular development costs, community engagement expenses, transportation, lodging and per diem, and contractual expenses. Use the online form included in the IED grant management platform (15 points).
  
- III. Support Documents: Provide any additional information that documents community support of the program (e.g., letters of support, community engagement activities, meeting minutes, etc.) and that furthers NMPED's understanding of your proposal (5 points).
  
- IV. District Assurances: Provide a signed agreement with the assurances included within the online management system (5 points).

Applications will be scored across five rubric areas ranging from “Complete, coherent, convincing” to “Section not included in application, or is conspicuously incomplete.” Either a score of ‘0’ or ‘no submission’ of any of the components of the application will result in a disqualification of the application. In addition, NMPED will take into consideration for award selection alignment to the agency’s strategic plan for transforming education to improve student outcomes in targeted districts and current school/district performance.

The program narrative is limited to 10 pages. There are no page limits for the project budget or support documents. However, applicants are encouraged to accurately and concisely describe the proposed costs, and submit only materials relevant to reviewer consideration.

**TIMELINE**

NMPED will make every effort to adhere to the following schedule:

Action	Responsible Party	Due Date
Issue RFA	NMPED	August 2, 2019
Webinar for interested applicants	NMPED	August 9, 2019
Deadline to submit written questions	Potential applicants	August 16, 2019
Deadline to submit Letter of Intent to apply	Potential applicants	August 16, 2019
Response to questions	NMPED	August 23, 2019
Submission of applications	Potential applicants	August 30, 2019
Evaluation of applications	Review panel	August 30- September 6, 2019
Selection of grantees	Review panel	September 6, 2019
Finalize contractual arrangements	NMPED/grantees	September 9-13, 2019
Contract awards	NMPED/grantees	September 20, 2019

**EXPLANATION OF EVENTS**

- Issuance of RFA: This RFA is being issued on behalf of the New Mexico Public Education Department on the date specified in the above timeline.
- Deadline to Submit Questions: Potential grantees may submit questions to Kara Bobroff at [Kara.Bobroff@state.nm.us](mailto:Kara.Bobroff@state.nm.us) regarding the intent or clarity of the RFA until 5:00pm MST on August 16, 2019 as indicated in the timeline above. Questions shall be clearly labeled and shall cite the relevant sections of the RFA or any other attending document.
- Deadline to submit Letter of Intent: Potential grantees must submit a letter of intent to apply to Kara Bobroff at [Kara.Bobroff@state.nm.us](mailto:Kara.Bobroff@state.nm.us) by 5:00pm MST on August 16, 2019.
- Response to Questions: Responses to questions will be distributed as indicated in the timeline above and according to the order in which the questions were received.
- Submission of Application: All applications must be received for review and evaluation by 5:00pm MST on August 30, 2019. Applications received after this time will not be accepted. The date and time of receipt of application will be time-stamped by the online system.
- Evaluation of Applications: The Evaluation Committee will perform the evaluation of applications. The process will take place as indicated in the timeline above depending on the number of applications received. During this time, NMPED may initiate discussions with applicants who submit applications requiring clarification. Discussions may not be initiated by applicants.
- Selection of Grantees: The Evaluation Committee will notify all applicants of the decision on their application by September 6, 2019 or earlier. Feedback and final application score will be distributed to applicants not selected for funding if requested. Each application will be scored by the panelists individually and then discussed at a meeting of the entire panel in order to arrive at final scores for each component. For more detail on the scoring guidelines, see “Scoring Guidelines” section above.

- Finalize Contractual Agreements: During the window of time stipulated in the timeline above, NMPED will work directly with successful grantees to establish contract terms leading to execution of an Intergovernmental Agreement (IGA).
- Contract Awards: After review of the Evaluation Committee Report and the signed contractual agreement, the Agency Procurement Office will award as per the schedule in the timeline above. This date is subject to change at the discretion of the State Purchasing Division or relevant Agency Procurement Office. The contract(s) shall be awarded to the applicants whose proposals are most advantageous to the State of New Mexico and the Public Education Department, taking into consideration the evaluation factors set forth in this RFA. The award is subject to appropriate Department and State approval, and both entities reserve the right not to fund any of the applications, if none are judged to be advantageous and/or do not score sufficiently.

### **REPORTING**

Successful grantees will work together with NMPED to establish a reporting schedule focused on progress to outcomes and project budgeting aligned to milestones. Awardees will need to present their project at the annual Government to Government meetings to share their learnings and outcomes from their project. Grantees will also need to submit their LEA, Charter, or Tribal Strategic Plan by October 31, 2019.

### **EVALUATION COMMITTEE COMPOSITION**

The committee tasked with the evaluation of applications will have a broad level of experience with Native American education, charter schools, school leadership, and teaching experience representing a variety of perspectives and seniority in the field. Members will be highly familiar with New Mexico's educational system, the tribal and charter landscape, and cultural and linguistic relevance within education.

### **CHECKLIST FOR SUBMISSION**

- I. Project Narrative
- II. Project Budget
- III. Project Support Documents
- IV. District Assurances Page

Item I. above should not exceed 10 pages.

Submit all materials online at IED Grant Application: Link will be provided to districts or charter schools who submit a letter of intent by August 16, 2019

NMPED will hold a webinar for all interested applicants on August 9, 2019 from 4:00-5:00pm and provide technical assistance as needed to ensure a smooth application process. The webinar will be recorded for those who are unable to attend. Please follow the link to join the meeting: <https://zoom.us/j/972266299>





Federal Impact Aid Districts Uptake Rates

K-5 Plus and Extended Learning Time (ELT) for FY20

School District	# of Schools Implementing K-5 Plus	# of Schools Implementing ELT	% of District Implementing ELT	Total # of Schools
Albuquerque Public Schools	39	127	93%	136
Bernalillo Public Schools	5	5	50%	10
Bloomfield Schools	3	0	0%	7
Central Consolidated Schools	0	0	0%	15
Cuba Independent School District	1	3	100%	3
Dulce Independent Schools	1	0	0%	3
Espanola Public Schools	0	13	100%	13
Gallup-McKinley County Schools	17	33	97%	34
Grants-Cibola County Schools	4	0	0%	11
Jemez Mountain Public Schools	2	0	0%	4
Jemez Valley Public Schools	2	0	0%	3
Los Alamos Public Schools	0	7	78%	9
Los Lunas Public Schools	4	16	100%	16
Magdalena Municipal Schools	0	0	0%	3
Penasco Independent Schools	0	0	0%	3
Pojoaque Valley Public Schools	2	2	40%	5
Ruidoso Municipal Schools	0	0	0%	5
Taos Municipal Schools	2	3	43%	7
Tularosa Municipal Schools	0	0	0%	4
Zuni Public Schools	0	0	0%	4

Source: LESC Files