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## FISCAL IMPACT REPORT



SPONSOR: HEC DATE TYPED: 02/11/02 HB CS/HB 28/aHAFC

SHORT TITLE: Indian Education Act SB \_\_\_\_\_

ANALYST: Baca

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$400.0			Recurring	SDE Cash Balance

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 198

### SOURCES OF INFORMATION

State Department of Education (SDE)

### SUMMARY

#### Synopsis of HAFC Amendment

House Appropriations and Finance Committee amendments strike the general fund appropriation of \$2,426.0 and appropriate \$400.0 from State Department of Education cash balances to the Indian and Higher Education fund for expenditure during FY2002 and FY2003.

#### Synopsis of Substitute Bill

House Education Committee Substitute for House Bill 28 changes the provisions of the original bill to make it identical to Senate Bill 198. As noted below, the responsibilities of the proposed Indian Education Division remain as proposed in the original bill. HECS 28 limits the purposes of the Act to students enrolled in New Mexico public schools (HB 28 addressed students residing in the state).

In addition, the role of the State Board of Education and its relationship to the various American Indian Tribal Councils is clarified.

HB 28/HECS appropriates \$2,426.0 from the general fund and creates the Indian Education Act to ensure equitable educational opportunities for American Indian students enrolled in New Mexico, ensure maintenance of native languages, develop and implement educational systems that positively impact the educational success of American Indian students and structure a formal government-to-government relationship between the state and New Mexico tribes. The Act also creates the Indian and Higher Education Fund. Disbursements from this fund shall be used for the purpose of supporting the Indian Education Act.

The Act provides for the SDE to establish an Indian Education Division (IED) within the SDE with the unit headed by an Assistant Superintendent for Indian Education appointed by the State Superintendent.

The IED shall:

1. provide assistance to school districts and Tribes to meet the educational needs of American Indian students;
2. provide assistance to school districts and Tribes in the planning, development, implementation and evaluation of curricula designed for American Indian students;
3. provide assistance to school districts and Tribes to develop curriculum and instructional materials in languages native to New Mexico, in conjunction and by contract with native language experts and practitioners;
4. establish biannual meetings among the State Board of Education, tribal governments, and Office of Indian Affairs and Native American legislators;
5. enter into agreements, by January 2005, with each tribe or authorized tribal educational entity to share programmatic information and to coordinate technical assistance for public schools that serve American Indian students;
6. seek funds to establish an Indian education office in the northwest corner of the state to implement agreements with each tribe or authorized tribal educational entity, to monitor the progress of American Indian students and to coordinate technical assistance at the public schools that serve American Indian students;
7. require school districts to obtain a signature of approval by the tribal governments that reside within school district boundaries, verifying that the Tribes agree to Indian policies and procedures pursuant to federal requirements;
8. increase the number of American Indian teachers and principals in cooperation with an established policy advisory group to the State Board and the Commission on Higher Education;
9. Seek funds to establish, develop and implement the following support services:

- (1) recruitment;
- (2) academic transition programs;
- (3) academic financial support;
- (4) teacher preparation;
- (5) teacher induction; and
- (6) professional development; and

10. submit an annual statewide American Indian Education Status Report to all New Mexico Tribes.

### Significant Issues

Historically, American Indian students score significantly lower on standardized test than do other New Mexico students. The SDE analysis states that 65 Of 83 schools identified “Schools in Need of Improvement” (74.5%) have American Indian enrollment. In the “Performance Warned “ category, 8 Of 15 schools (53.3%) have American Indian enrollment. This bill authorizes mechanisms designed to overcome this lack of educational success in the existing public school system.

### **FISCAL IMPLICATIONS**

The appropriation of \$2,426.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY2003 shall not revert but shall remain to the credit of the fund. A budget developed by the SDE is attached to this analysis.

### Continuing Appropriations

This bill creates a new fund and provides for continuing appropriations. The LFC objects to including continuing appropriation language in the statutory provisions for newly created funds. Ear-marking reduces the ability of the legislature to establish spending priorities.

### **ADMINISTRATIVE IMPLICATIONS**

According to SDE, “If funding is not provided through the General Fund appropriation for FY03, the State Department of Education, the State Board of Education, and the tribes will establish the framework of the Act by implementing the following options:

- Continue the government-to-government meetings without expanded membership;
- Designate department positions for this purpose; and
- Request participation of districts and tribes to support regional office.

“If funding is not provided through the General Fund appropriation for FY03, the State Department of Education will implement strategies to begin implementation of Teacher Quality initiatives:

- Seek a federal grant to initiate activities; and
- Examine options under ESEA Reauthorization to target funds for this purpose.”

**CONFLICT/DUPLICATION/COMPANIONSHIP/RELATIONSHIP**

House Education Committee Substitute for House Bill 28 is identical to Senate Bill 198.

**OTHER SUBSTANTIVE ISSUES**

According to the SDE, the tribes of the Navajo nation, Jicarilla Nation and the All Indian Pueblo council have passed respective tribal resolutions to support the Indian Education Act.

**POSSIBLE QUESTIONS**

1. Does the Indian Education Act create a second department of education within the existing SDE?
2. If this bill is enacted will the entire appropriation be required during the first year of implementation? (The bill provides funding for prospective teachers who are not yet in the pipeline.)
3. Does this proposed funding duplicate the existing Legislative Lottery Scholarships in any way?
4. A budget prepared by SDE staff indicates two full time positions will be needed. Will two persons be able to carry out the provisions of the Act or will other SDE staff be assigned to help implement the provisions of the Act?
5. If an Indian Education office is established in the Northwest area of the state, will these staff members be available to assist all tribes? Or will they focus their efforts on the Navajo reservation?

LB/ar:prr  
Attachment

**ATTACHMENT A**

Budget attached to the SDE analysis of HB 28a/HEC

**Needed resources for two semi-annual government-to-government meetings with the state board of education, tribal leaders, Native American legislators and the Office of Indian Affairs.**

Mileage: Estimated mileage 538 miles for 23 members semi-annually (4 days)	\$12,374
Per Meeting Day: \$75.00 per diem for 23 members semi-annually (4 days)	\$6,900
Facility Room Rental: Estimated. \$1,681.50 * 2 meetings annually * 2 days	\$6,726
<b>Sub-Total:</b>	<b>\$26,000</b>

**Northwest Indian Education Office:**

2 FTE - Education Consultants @ \$65,000	Includes: benefits	\$130,000
Office Equipment		\$10,000
Office Supplies		\$2,000
Telephone		\$3,000
Office furniture		\$5,000
<b>Sub-Total:</b>		<b>\$150,000</b>

**Teacher Quality - Delivery Service Model:**

To be contracted out (RFP)	<b>\$50,000</b>
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**Teacher Quality - Implementation:**

Provide scholarships to Native American teachers to get administrative certification	100 teachers	\$2,000	3 years 6 semesters	\$1,200,000
Provide scholarships to Native American college students to get teacher certification	50 Students	\$2,000	2 years 4 semesters	\$400,000
Create annual report on Native American Administrators and teachers employment and recruitment status	Est. \$8,695		23 School Districts with Native American enrollment	\$200,000
<b>Sub-Total:</b>				<b>\$1,800,000</b>

**Curriculum and Instructional Materials:**

For Native American Languages spoken in New Mexico: to be contracted out (RFP)

Athapaskan	\$100,000
Kerasan	\$100,000
Tanoan	\$100,000
Zunian	\$100,000
<b>Sub-Total:</b>	<b>\$400,000</b>

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**GRAND TOTAL:** **\$2,426,000**