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FISCAL IMPACT REPORT

SPONSOR: HAFC DATE TYPED: 03/07/03 HB CS/150/HAFC

SHORT TITLE: Indian Education Act SB _____

ANALYST: L. Baca

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
	See Narrative		Recurring	New-Indian Education Fund

(Parenthesis () Indicate Revenue Decreases)

Duplicates SB 115, INDIAN EDUCATION ACT

Relates to SB 116, CENTER FOR RURAL & INDIAN EDUCATION

Relates to Appropriation for the State Department of Education the General Appropriation Act

SOURCES OF INFORMATION

LFC files

Responses Received From

State Department of Education (SDE)

Commission on Higher Education (CHE)

SUMMARY

Synopsis of Bill

House Appropriations and Finance Committee Substitute (CS/HB 150) for House Bill 150 incorporates some of the amendments for HB 150 adopted by the House Education Committee. CS/HB 150 clarifies and strengthens the role of Indian communities in the education of their children and creates the Indian Education Division (IED) within the State Department of Education (SDE) and the position of Assistant Superintendent of the IED. It creates the Indian Education Advisory Council and prescribes its duties and responsibilities, membership and working relationship with Indian Nations, tribes, and pueblos and with federal and state agencies. CS/HB 150 also creates the Indian Education Fund in the state treasury.

Significant Issues

Historically, Indian students have scored low on standardized tests and have consistently under-achieved in the public schools, a phenomenon attributed primarily to linguistic and cultural differences. This bill addresses that issue and provides mechanisms intended to improve the success rate of Indian students in public schools.

The activities proposed in the bill to better meet the needs of Indian students include the following:

- Create a separate IED within the SDE directed by an Assistant Superintendent for Indian Education,
- Establish an Indian Advisory Council,
- Require formal government-to-government agreements between SDE and tribal departments,
- Require tribal signature for a school district's Indian Policies and Procedures,
- Create an SDE seek funds for an IED office in NW New Mexico,
- Require state and school district-level status reports on the education of American Indian students for tribes and parents, and
- Authorize the IED to seek funds to provide support for recruitment, retention, training, and professional development for those involved in the education of Indian students,

The bill also creates the Indian Education Fund to provide funding for:

Training for American Indian teachers in the areas of bilingual education, ESL, special education, reading and administration,

Scholarships for non-degree American Indian students (including educational assistants) for initial certification and endorsements,

Professional development for non-Native and Native American Education Assistants, teachers and principals that currently serve Indian children,

Development of curriculum and attendant instructional materials, and

Identification, assessment and replication of exemplary programs.

In addition, CS/HB 150 requires that:

- parents, tribal departments of education, the SDE, universities, and tribal, state, and local policymakers work together to improve educational opportunities for American Indian Students;
- Tribes are notified of all curricula development for their approval and support;
- an agreement regarding the alignment of the Bureau of Indian Affairs (BIA) and state assessment programs so that comparable information is provided to parents and tribes;
- require developing a plan to establish a post-secondary investment system for Indian stu-

dents to which parents, tribes and the state may contribute; and

- provide the means for a relationship between the state and urban American Indian community members to participate in initiatives and educational decisions related to urban American Indian students.

The bill also specifies that representation on the fourteen-member Indian Advisory Council shall consist of:

- 4 from the Navajo Nation,
- 2 each from the Jicarilla and Mescalero Apache Nations,
- 2 members from the northern and southern pueblos, and
- 4 members representing urban areas, the BIA and head start organizations.

FISCAL IMPLICATIONS

The bill creates a new Indian Education Fund authorized to receive appropriations, gifts, grants and donations as well as interest from investments of the Fund. The bill, however, doesn't have an appropriation.

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

ADMINISTRATIVE IMPLICATIONS

The SDE reports that the creation of an office in NW New Mexico would increase the administrative responsibilities of SDE in the areas of contacts and grants management in addition to the oversight responsibilities associated with the creation of a regional office. The SDE further reports that the FTE to carry out these duties is available but not funded.

TECHNCAL ISSUES

The bill's title contains the terms "MAKING AN APPROPRIATION," but the bill doesn't contain an appropriation. It is recommended the language in the title be stricken or an appropriation added to the bill.

OTHER SUBSTANTIVE ISSUES

The SDE reports that this bill is a legislative priority for the state Board of Education and has been endorsed by the Navajo Nation, Jicarilla Apache Nation, the all Indian Pueblo Council and the Commission on Indian Affairs.

POSSIBLE QUESTIONS

1. Does the Indian Education Act effectively create a second state department within the existng SDE ?
2. If this bill is enacted, will the entire appropriation be required during the first year of

implementation ?

3. Does the funding proposed for scholarships duplicate the lottery scholarship program in any way ?
4. Will staff from the Northwest Indian Education Center be available to assist students from all tribes ?

LRB/prr:njw:ls

