

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: CS/HM 75

49th Legislature, 1st Session, 2009

Short Title: Study Education Access in Ramah

Sponsor(s): Representatives Eliseo Alcon and Others

Analyst: James Ball

Date: March 18, 2009

**HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE MEMORIAL 75**

Bill Summary:

CS/HM 75 requests that, by July 1, 2009, the Indian Education Division (IED) at the Public Education Department (PED) convene a task force to:

- study access to public education in the Ramah area by convening a task force composed of:
 - three representatives appointed by the IED;
 - two representatives appointed by the governing body of Ramah Village;
 - two representatives appointed by the Gallup/McKinley County Public Schools Board;
 - two representatives appointed by the Grants/Cibola County Schools Board; and
 - two representatives appointed by the Ramah Navajo School Board, Inc.; and
- report the findings of the task force to the appropriate interim legislative committees and to the Governor no later than December 1, 2009.

Issues:

According to the PED analysis of the original HM 75:

- the geographic land base in the Ramah area encompasses the Ramah Band of the Navajo Indian Tribal Reservation, located in both McKinley and Cibola counties;
- the Ramah Pine Hill School boundary is established through the Bureau of Indian Education system and overlaps both the Gallup-McKinley County Public Schools and Grants-Cibola County Schools, a situation that would require significant legal opinion and clarification regarding jurisdictions; and
- any and all changes proposed that would impact the existing services and responsibility for the education of the Ramah Band of Navajo tribal children would require government-to-government consultation, input, and agreements.

Background:

The PED analysis of the original HM 75 provides the following historical background:

- the Ramah Navajo Chapter and the Ramah Navajo School, Inc. initiated a lawsuit in January 1995 against the New Mexico State Board of Education and the Gallup-McKinley County Schools for violating a Joint Powers Agreement of July 1994, which defined the terms and conditions permitting public school pupil transportation on the Ramah Navajo Reservation;
- the disputed issues of the lawsuit were resolved by mediation on April 12, 1995, with the outcome being a settlement agreement that recognizes the rights of the Ramah Navajo Chapter to enter into such agreements and to participate as an equal entity in decisions regarding public school activities within the service area boundaries of the Pine Hill School, being the community operated schools of the Ramah Navajo people;
- in 1995, a 10-year agreement was reached among the Ramah Navajo School Board, Inc., Ramah Navajo Chapter, New Mexico State Department of Education, Grants-Cibola County Schools, and Gallup-McKinley County Public Schools, which dealt with the terms and conditions under which Gallup-McKinley County school buses, which transport students to Gallup-McKinley County Schools, would operate in that part of the Ramah Navajo Community, which lies in Cibola County; and
- the original 1995 agreement was extended for one year in 2005, and a second extension was agreed to in 2006 for two more years with a third extension currently in effect for school years 2008-2010.

Related Bill:

HJM 71 *New School District Including Ramah*