

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SM 52

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .185677.1

**Short Title:** Indian Education Act Effectiveness

**Sponsor(s):** Senator Lynda M. Lovejoy and Others

**Analyst:** Ally Hudson

**Date:** March 10, 2011

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**Bill Summary:**

SM 52 requests that the Legislative Education Study Committee (LESC) and the interim Legislative Indian Affairs Committee (LIAC) convene a joint subcommittee composed of:

- four members of the interim LIAC appointed by the committee co-chairs; and
- three members of the LESC appointed by the committee chair.

The memorial further requests that the joint subcommittee:

- examine the role of the Indian Education Division of the Public Education Department (PED) in improving the academic achievement of the state's Native American students;
- evaluate the role of the Indian Education Advisory Council in improving the academic achievement of the state's Native American students;
- study the effectiveness of the *Indian Education Act* (IEA) in improving the academic achievement of the state's Native American students;
- research and identify mechanisms to foster parental involvement in the education of Native American students;
- reassess the utilization of funds to improve Native American students' academic outcomes; and
- develop an action plan with accompanying timelines to improve Native American students' academic achievement and narrow the achievement gap.

Finally, SM 52 requests that the joint subcommittee make recommendations to the LESC and the interim LIAC by October 1, 2011, and that the recommendations include:

- identification of suggested amendments to the IEA;
- suggested revisions to the formation, purpose, duties, and directive of the Indian Education Advisory Council; and
- proposed alternatives to the current methods of funding for Indian education in New Mexico.

**Fiscal Impact:**

Legislative memorials do not carry appropriations.

## **Background:**

In 2003, LESC-endorsed legislation was enacted to create the IEA as a means to address the unique cultural and educational needs of Native American students statewide. The act also creates the non-reverting Indian Education Fund to be administered by PED to make awards to implement its provisions.

Specifically, the IEA attempts to ensure equitable and culturally relevant learning environments, educational opportunities, and instructional materials for Native American students enrolled in public schools. The act also:

- expands the scope and responsibility of the Indian Education Division of PED and elevates the status of its director to Assistant Secretary;
- requires the Indian Education Division to:
  - assist school districts and tribes in planning, developing, implementing and evaluating curricula in native languages, culture and history designed for Native American students;
  - assist school districts in developing curricula and instructional materials in native languages in conjunction and by contract with native language practitioners and tribal elders;
  - seek funds to establish an Indian education office in the northwest corner of New Mexico;
  - require school districts to obtain a signature of approval by tribal governments verifying that the tribes agree to Indian education policies and procedures pursuant to federal requirements;
  - seek funds to implement a variety of support services for Native American educators;
  - develop curricula for tribal history and government and develop plans to include these subjects in history and government courses in school districts throughout the state;
  - ensure that school districts professional development plans include native language bilingual programs; and
  - develop a plan to establish a postsecondary investment system for Indian students to which parents, tribes, and the state may contribute.

Among its other provisions, the IEA:

- creates a 14-member Indian Education Advisory Council to assist in evaluating, consolidating, and coordinating all activities relating to the education of Native American students; and
- prescribes the contents of Native American education status reports to be submitted annually to tribes by the Indian Education Division, in collaboration with the Bureau of Indian Affairs and other entities, and by school districts that include tribal lands within their boundaries.

Finally, in 2005, LESC-endorsed legislation was enacted to amend the IEA to require the Indian Education Division to develop, or select for implementation, a challenging, sequential, culturally relevant curriculum for Native American students in grades K through 6 to prepare students for Pre-AP (Advanced Placement) and AP coursework in grades 7 through 12.

**Related Bills:**

SJM 19 *Recommend Higher Ed Changes for 2012*

SJM 35 *Study Indian Education Impact Aid Money*

SM 71 *Northwest Quadrant Public School Access Study*