

1 SENATE BILL 329

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Linda M. Lopez and Georgene Louis

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING SCHOOL DISTRICTS AND
12 CHARTER SCHOOLS TO CONSULT WITH TRIBAL LEADERS AND MEMBERS AND
13 FAMILIES OF STUDENTS WHEN CONSIDERING OPENING A PUBLIC SCHOOL
14 ON TRIBAL LAND; REQUIRING THAT CONSULTATION MUST INCLUDE NOT
15 JUST LAND USE BUT CULTURALLY RELEVANT PROGRAMMING, LANGUAGE
16 IMMERSION, SCHOOL CALENDARS, ACCOUNTABILITY, PROFESSIONAL
17 DEVELOPMENT FOR SCHOOL PERSONNEL THAT FOCUSES ON IMPROVING
18 EDUCATIONAL OUTCOMES FOR INDIAN STUDENTS AND OTHER MATTERS
19 IMPORTANT TO TRIBES; REQUIRING CONSULTATION WITH TRIBAL LEADERS
20 AND MEMBERS AND FAMILIES OF STUDENTS WHEN THE PUBLIC EDUCATION
21 DEPARTMENT, A SCHOOL DISTRICT OR A CHARTER SCHOOL IS
22 CONSIDERING CLOSING A SCHOOL ON TRIBAL LAND, INCLUDING PLANS
23 FOR WHERE STUDENTS WILL ATTEND SCHOOL AND HOW CULTURAL NEEDS
24 AND EDUCATIONAL OUTCOMES FOR INDIAN STUDENTS ATTENDING NEW
25 SCHOOLS WILL BE SATISFIED.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] DEPARTMENT--ADDITIONAL DUTIES--CLOSING A SCHOOL--CONSULTATIONS WITH TRIBAL LEADERS AND MEMBERS AND FAMILIES OF STUDENTS.--

A. Whenever the department is contemplating closing a public school on tribal land for any reason, it shall consult with tribal leaders and members and families of students attending the public school.

B. Consultation shall include, among other actions, open meetings in which the department explains:

(1) the reasons for closing the public school and the efforts the department and the school district or charter school have made in the past to work with the tribe and tribal parents to ensure:

- (a) culturally and linguistically responsive school policies;
- (b) rigorous and culturally meaningful curricula and instructional materials; and
- (c) sensitivity to the tribe's calendar of religious and other tribal obligations when making the school calendar so that Indian students are not penalized for high absenteeism because of tribal obligations;

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1 (2) the reasons why the department has not or
2 cannot provide additional resources to keep the public school
3 open;

4 (3) locations of other public schools in the
5 vicinity to which students will be sent and the plan to
6 transport students to those schools;

7 (4) how the public school receiving new
8 students will consult with tribal leaders and members and
9 families of students attending the public school related to:

10 (a) culturally and linguistically
11 responsive school policies;

12 (b) rigorous and culturally meaningful
13 curricula and instructional materials;

14 (c) sensitivity to the tribe's calendar
15 of religious and other tribal obligations when making the
16 school calendar so that Indian students are not penalized for
17 high absenteeism because of tribal obligations; and

18 (d) extensive professional development
19 for school personnel at the public school to ensure that the
20 best practices used in teaching, mentoring, counseling and
21 administration are culturally and linguistically responsive to
22 students;

23 (5) how the educational outcomes for the
24 Indian students will be improved by attending another public
25 school;

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1 (6) plans for the public school buildings that
2 will be left empty by the closure; and

3 (7) any other matters the department believes
4 provide an adequate explanation of the reasons for closing the
5 public school on tribal lands."

6 SECTION 2. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] LOCAL SCHOOL BOARD--CONSIDERATION OF
9 OPENING OR CLOSING A PUBLIC SCHOOL ON TRIBAL LAND--CONSULTATION
10 WITH TRIBAL LEADERS AND MEMBERS AND FAMILIES OF STUDENTS.--

11 A. Whenever a local school board is contemplating
12 opening a public school on tribal land, in addition to
13 negotiations involving land or buildings, the local school
14 board and the local superintendent shall consult with tribal
15 leaders and members and families of students who will be
16 eligible to attend the public school on the design of the
17 school and its programming.

18 B. Consultation shall include, among other actions,
19 open meetings in which the local school board and local
20 superintendent explain:

21 (1) how and why they reached the decision to
22 approach the tribe about opening a public school on tribal
23 land;

24 (2) the level of their commitment to improving
25 educational outcomes for Indian students by opening a public

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1 school and how that commitment will be manifested through:

2 (a) culturally and linguistically
3 responsive school policies;

4 (b) rigorous and culturally meaningful
5 curricula and instructional materials;

6 (c) sensitivity to the tribe's calendar
7 of religious and tribal obligations when making the school
8 calendar so that Indian students are not penalized for high
9 absenteeism because of tribal obligations; and

10 (d) extensive professional development
11 for school personnel at the public school to ensure that the
12 best practices used in teaching, mentoring, counseling and
13 administration are culturally and linguistically responsive to
14 students; and

15 (3) preferred school locations and building
16 designs.

17 C. Whenever a local school board is contemplating
18 closing a public school on tribal land for any reason, it shall
19 consult with tribal leaders and members and families of
20 students attending the public school.

21 D. Consultation shall include, among other actions,
22 open meetings in which the local board and the local
23 superintendent explain:

24 (1) the reasons for closing the public school
25 and the efforts the school district has made in the past to

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1 work with the tribe and tribal parents to ensure:

2 (a) culturally and linguistically
3 responsive school policies;

4 (b) rigorous and culturally meaningful
5 curricula and instructional materials; and

6 (c) sensitivity to the tribe's calendar
7 of religious and other tribal obligations when making the
8 school calendar so that Indian students are not penalized for
9 high absenteeism because of tribal obligations;

10 (2) the reasons why the local school board has
11 not or cannot provide additional resources to keep the public
12 school open;

13 (3) locations of other public schools in the
14 vicinity to which students will be sent and the plan to
15 transport students to those schools;

16 (4) how the public school receiving new
17 students will consult with tribal leaders and members and
18 families of students attending the public school related to:

19 (a) culturally and linguistically
20 responsive school policies;

21 (b) rigorous and culturally meaningful
22 curricula and instructional materials;

23 (c) sensitivity to the tribe's calendar
24 of religious and other tribal obligations when making the
25 school calendar so that Indian students are not penalized for

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1 high absenteeism because of tribal obligations; and

2 (d) extensive professional development
3 for school personnel at the public school to ensure that the
4 best practices used in teaching, mentoring, counseling and
5 administration are culturally and linguistically responsive to
6 students;

7 (5) how the educational outcomes for the
8 Indian students will be improved by attending another public
9 school;

10 (6) plans for the public school buildings that
11 will be left empty by the closure; and

12 (7) any other matters the local school board
13 believes provide an adequate explanation of the reasons for
14 closing the public school on tribal lands."

15 SECTION 3. A new section of the Charter Schools Act is
16 enacted to read:

17 "[NEW MATERIAL] CHARTER SCHOOLS--PROPOSALS TO OPEN OR
18 CLOSE A PUBLIC SCHOOL ON TRIBAL LAND---CONSULTATION WITH TRIBAL
19 LEADERS AND MEMBERS AND FAMILIES OF STUDENTS.--

20 A. If a charter school applicant wants to open a
21 charter school on tribal land, it shall negotiate with and
22 receive the tribal government's approval for the public school
23 before the charter school authorizer acts on the application.
24 The applicant shall also consult with tribal leaders and
25 members and families of students who will be eligible to attend

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1 the public school.

2 B. Consultation shall include, among other actions,
3 open meetings in which the charter school applicant shall
4 explain:

5 (1) how and why the applicant reached the
6 decision to approach the tribe about opening a public school on
7 tribal land; and

8 (2) the level of the charter school
9 applicant's commitment to improving educational outcomes for
10 Indian students by opening a public school and how that
11 commitment will be manifested through:

12 (a) culturally and linguistically
13 responsive school policies;

14 (b) rigorous and culturally meaningful
15 curricula and instructional materials;

16 (c) sensitivity to the tribe's calendar
17 of religious and tribal obligations when making the school
18 calendar so that Indian students are not penalized for high
19 absenteeism because of tribal obligations; and

20 (d) extensive professional development
21 for school personnel at the public school to ensure that the
22 best practices used in teaching, mentoring, counseling and
23 administration are culturally and linguistically responsive to
24 students.

25 C. Whenever a charter school authorizer is

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1 contemplating closing a charter school on tribal land, for any
2 reason, it shall consult with tribal leaders and members and
3 families of students attending the charter school.

4 D. Consultation shall include, among other actions,
5 open meetings in which the charter school authorizer and the
6 head administrator of the charter school explain:

7 (1) the reasons for closing the charter school
8 and the efforts the charter school and the charter school
9 authorizer have made in the past to work with the tribe and
10 tribal parents to ensure:

11 (a) culturally and linguistically
12 responsive school policies;

13 (b) rigorous and culturally meaningful
14 curricula and instructional materials; and

15 (c) sensitivity to the tribe's calendar
16 of religious and other tribal obligations when making the
17 school calendar so that Indian students are not penalized for
18 high absenteeism because of tribal obligations;

19 (2) the reasons why the charter school has not
20 or cannot provide additional resources to keep the charter
21 school open;

22 (3) locations of other public schools in the
23 vicinity to which students will be sent and the plan to
24 transport students to those schools;

25 (4) how the public school receiving new

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1 students will consult with tribal leaders and members and
2 families of students attending the public school related to:

3 (a) culturally and linguistically
4 responsive school policies;

5 (b) rigorous and culturally meaningful
6 curricula and instructional materials;

7 (c) sensitivity to the tribe's calendar
8 of religious and other tribal obligations when making the
9 school calendar so that Indian students are not penalized for
10 high absenteeism because of tribal obligations; and

11 (d) extensive professional development
12 for school personnel at the public school to ensure that the
13 best practices used in teaching, mentoring, counseling and
14 administration are culturally and linguistically responsive to
15 students;

16 (5) how the educational outcomes for the
17 Indian students will be improved by attending another public
18 school;

19 (6) plans for the public school buildings that
20 will be left empty by the closure; and

21 (7) any other matters the charter school
22 governing body and head administrator believe provide an
23 adequate explanation of the reasons for closing the charter
24 school."