

1 AN ACT

2 RELATING TO PUBLIC EDUCATION; ENACTING THE STATE-TRIBAL
3 EDUCATION COMPACT SCHOOLS ACT; PROVIDING AUTHORIZATION TO THE
4 PUBLIC EDUCATION DEPARTMENT TO ENTER INTO STATE-TRIBAL
5 EDUCATION COMPACTS; PROVIDING FOR THE APPLICATION PROCESS OF
6 BECOMING A STATE-TRIBAL EDUCATION COMPACT SCHOOL; PROVIDING
7 RULEMAKING AUTHORITY; PROVIDING REQUIREMENTS FOR THE
8 OPERATION OF STATE-TRIBAL EDUCATION COMPACT SCHOOLS;
9 EXEMPTING STATE-TRIBAL EDUCATION COMPACT SCHOOLS FROM CERTAIN
10 STATE STATUTES AND RULES; PROVIDING REPORTING REQUIREMENTS;
11 ALLOWING STATE-TRIBAL EDUCATION COMPACT SCHOOLS TO RECEIVE
12 STATE AND FEDERAL FUNDING; ALLOWING FOR EMPLOYMENT
13 PREFERENCES AND ADMISSIONS PRIORITIZATION; INCLUDING
14 STATE-TRIBAL EDUCATION COMPACT SCHOOLS IN THE PUBLIC SCHOOL
15 CAPITAL OUTLAY ACT.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "SHORT TITLE.--Sections 1 through 8 of this act may be
21 cited as the "State-Tribal Education Compact Schools Act"."

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

24 "DEFINITION.--As used in the State-Tribal Education
25 Compact Schools Act, "state-tribal education compact" means a

1 compact that has been entered into by the department and an
2 Indian nation, tribe or pueblo located wholly or partially in
3 New Mexico."

4 SECTION 3. A new section of the Public School Code is
5 enacted to read:

6 "AUTHORIZATION OF DEPARTMENT TO ENTER INTO STATE-TRIBAL
7 EDUCATION COMPACTS--APPLICATION PROCESS AND CONTENTS--TRIBAL
8 RESOLUTION--STATE-TRIBAL EDUCATION COMPACTS CONTENTS--
9 RULEMAKING AUTHORITY.--

10 A. The department is authorized to enter into five
11 pilot state-tribal education compacts for language- and
12 culture-based schools.

13 B. No later than one year after the effective date
14 of the State-Tribal Education Compact Schools Act, the
15 department shall establish an application and approval
16 process, procedures and time lines for negotiations between
17 the department and an Indian nation, tribe or pueblo and
18 approval or disapproval and execution of state-tribal
19 education compacts. Eligibility requirements for each
20 state-tribal education compact application shall prioritize
21 the distinct language groups of New Mexico, including Tiwa,
22 Tewa, Towa, Keresan, Apache, Zuni and Dine.

23 C. The process pursuant to the provisions of
24 Subsection B of this section may be initiated by submission
25 to the department of a resolution by the governing body of an

1 Indian nation, tribe or pueblo in the state of New Mexico.

2 D. The resolution pursuant to the provisions of
3 Subsection C of this section shall be accompanied by an
4 application to create a state-tribal education compact school
5 that indicates the grade or grades from pre-kindergarten
6 through twelfth grade that shall be offered at the
7 state-tribal education compact school and that demonstrates
8 that the school shall operate in compliance with all
9 applicable laws, any rules adopted pursuant to the provisions
10 of the State-Tribal Education Compact Schools Act and the
11 terms and conditions set forth in the application. Both the
12 resolution and the application to create a state-tribal
13 education compact school shall be submitted to the
14 department.

15 E. Within ninety days of receipt of a resolution
16 and application pursuant to the provisions of this section,
17 the department shall convene a government-to-government
18 meeting for the purpose of considering the resolution and
19 application and initiating negotiations between the
20 department and the Indian nation, tribe or pueblo. The
21 department and the Indian nation, tribe or pueblo that is
22 submitting the resolution and application shall determine the
23 terms of the state-tribal education compact.

24 F. State-tribal education compacts shall have a
25 term of five years and shall include the following

1 provisions:

- 2 (1) compliance;
- 3 (2) notices of violation;
- 4 (3) dispute resolution, which may include
- 5 nonjudicial processes such as mediation;
- 6 (4) recordkeeping and auditing;
- 7 (5) the delineation of the respective roles
- 8 and responsibilities;
- 9 (6) whether the compact is renewable; and
- 10 (7) compact termination.

11 G. The department shall promulgate rules for the
12 implementation of the State-Tribal Education Compact Schools
13 Act.

14 H. The department shall post each state-tribal
15 education compact to the department's web page."

16 SECTION 4. A new section of the Public School Code is
17 enacted to read:

18 "OPERATION OF STATE-TRIBAL EDUCATION COMPACT SCHOOLS--
19 EXEMPTION FROM CERTAIN STATE STATUTES AND RULES--REQUIREMENTS
20 FOR A STATE-TRIBAL EDUCATION COMPACT SCHOOL--PROHIBITION OF
21 SECTARIAN PRACTICES--ENROLLMENT AND SCHOOL CHOICE.--

22 A. A state-tribal education compact school shall
23 operate according to the terms of the school's compact
24 executed pursuant to the provisions of Section 3 of the
25 State-Tribal Education Compact Schools Act.

1 B. A state-tribal education compact is exempt from
2 all state statutes and rules applicable to school districts,
3 state-chartered charter schools, local school boards or
4 governing bodies of charter schools regarding the curriculum,
5 assessment and evaluation requirements of a school, except
6 for those statutes and rules made applicable pursuant to the
7 provisions of the State-Tribal Education Compact Schools Act
8 and in the state-tribal education compact executed pursuant
9 to the provisions of Section 3 of that act.

10 C. Each state-tribal education compact school
11 shall:

12 (1) create a curriculum and conduct an
13 educational program that is controlled and evaluated by the
14 Indian nation, tribe or pueblo and is language and culture
15 based;

16 (2) employ licensed school employees or
17 language-proficient employees, as determined by the Indian
18 nation, tribe or pueblo, who are seeking department
19 licensure;

20 (3) comply with the licensed school employee
21 criminal history record check as provided in Section 22-10A-5
22 NMSA 1978 and comply with the provisions of
23 Section 22-10A-5.2 NMSA 1978 and the termination and
24 notification provisions of Section 22-10A-22 NMSA 1978;

25 (4) comply with nondiscrimination laws;

1 (5) adhere to generally accepted accounting
2 principles and be subject to financial examinations and
3 audits as determined by the state auditor, including annual
4 audits for legal and fiscal compliance; and

5 (6) be subject to and comply with
6 legislation enacted after the effective date of the
7 State-Tribal Education Compact Schools Act governing the
8 operation and management of state-tribal education compact
9 schools.

10 D. A state-tribal education compact school shall
11 not engage in sectarian practices in the school's educational
12 program, admissions or employment policies or operations.

13 E. Nothing in the State-Tribal Education Compact
14 Schools Act may limit or restrict any enrollment or school
15 choice options provided for by law."

16 SECTION 5. A new section of the Public School Code is
17 enacted to read:

18 "STATE-TRIBAL EDUCATION COMPACT SCHOOLS--TUITION
19 CHARGE--EXTRACURRICULAR FEES--ADMISSION--EXCEPTIONS TO
20 ADMISSION.--

21 A. A state-tribal education compact school shall
22 not charge tuition but may charge fees for participation in
23 optional extracurricular events and activities.

24 B. A state-tribal education compact school shall
25 not deny admission on any basis other than age group, grade

1 level or capacity and shall otherwise enroll all students who
2 apply.

3 C. If capacity is insufficient to enroll all
4 students who apply, a state-tribal education compact school
5 may prioritize the enrollment of tribal members and siblings
6 of students who are already enrolled at the state-tribal
7 education compact school."

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

10 "REPORTING REQUIREMENTS--SCHOOL FUNDING.--

11 A. A state-tribal education compact school shall
12 report student enrollment to the department. Reporting shall
13 be done in the same manner as reporting for and use the same
14 definitions of enrolled students and annual average
15 full-time-equivalent enrollment as is required of school
16 districts. The reporting requirements in this subsection are
17 required for a school to receive state or federal funding
18 that is allocated based on student enrollment and
19 demographics.

20 B. Each state-tribal education compact school shall
21 report its status and progress to the legislative education
22 study committee and the legislative finance committee by
23 November 1 of each year.

24 C. Funding for a state-tribal education compact
25 school shall be determined by the public school funding

1 formula pursuant to the provisions of the Public School
2 Finance Act. Salary amounts for licensed school employees
3 shall be based on the salary amounts of the school district
4 in which a state-tribal education compact school is located.
5 A state-tribal education compact school shall use the
6 statewide salary minimums pursuant to the provisions of the
7 School Personnel Act. A state-tribal education compact
8 school is eligible to apply for state grants on the same
9 basis as a school district.

10 D. Money received by a state-tribal education
11 compact school from any source that remains in the school's
12 accounts at the end of any budget year shall remain in the
13 school's accounts for use by the school during subsequent
14 fiscal years."

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

17 "EMPLOYMENT PREFERENCE--ADMISSION PRIORITY.--Nothing in
18 the State-Tribal Education Compact Schools Act prohibits
19 schools established pursuant to the provisions of that act
20 from:

21 A. implementing a policy of preference to tribal
22 members in employment; or

23 B. prioritizing the admission of tribal members
24 when the capacity of the school's programs or facilities is
25 not as large as demand."

1 SECTION 8. A new section of the Public School Code is
2 enacted to read:

3 "COMPLIANCE WITH THE OPEN MEETINGS ACT.--All actions,
4 negotiations and business of the department and an Indian
5 nation, tribe or pueblo entering into a state-tribal
6 education compact shall be conducted pursuant to the
7 provisions of the Open Meetings Act."

8 SECTION 9. Section 22-24-3 NMSA 1978 (being Laws 1975,
9 Chapter 235, Section 3, as amended) is amended to read:

10 "22-24-3. DEFINITIONS.--As used in the Public School
11 Capital Outlay Act:

12 A. "authority" means the public school facilities
13 authority;

14 B. "building system" means a set of interacting
15 parts that makes up a single, nonportable or fixed component
16 of a facility and that, together with other building systems,
17 makes up an entire integrated facility or property, including
18 roofing, electrical distribution, electronic communication,
19 plumbing, lighting, mechanical, fire prevention, facility
20 shell, interior finishes, heating, ventilation and air
21 conditioning systems and school security systems, as defined
22 by the council;

23 C. "constitutional special schools" means the
24 New Mexico school for the blind and visually impaired and the
25 New Mexico school for the deaf;

1 D. "constitutional special schools support spaces"
2 means all facilities necessary to support the constitutional
3 special schools' educational mission that are not included in
4 the constitutional special schools' educational adequacy
5 standards, including performing arts centers, facilities for
6 athletic competition, school district administration and
7 facility and vehicle maintenance;

8 E. "council" means the public school capital
9 outlay council;

10 F. "education technology infrastructure" means the
11 physical hardware and services used to interconnect students,
12 teachers, school districts and school buildings necessary to
13 support broadband connectivity and remote learning as
14 determined by the council;

15 G. "fund" means the public school capital outlay
16 fund;

17 H. "maximum allowable gross square foot per
18 student" means a determination made by applying the
19 established maximum allowable square foot guidelines for
20 educational facilities based on type of school and number of
21 students in the current published New Mexico public school
22 adequacy planning guide to the department's current year
23 certified first reporting date membership;

24 I. "replacement cost per square foot" means the
25 statewide cost per square foot as established by the council;

1 J. "school district" includes state-chartered
2 charter schools, state-tribal education compact schools and
3 the constitutional special schools;

4 K. "school district population density" means the
5 population density on a per square mile basis of a school
6 district as estimated by the authority based on the most
7 current tract level population estimates published by the
8 United States census bureau;

9 L. "school district population density factor"
10 means zero when the school district population density is
11 greater than fifty people per square mile, six-hundredths
12 when the school district population density is greater than
13 fifteen but less than fifty-one persons per square mile and
14 twelve-hundredths when the school district population density
15 is less than sixteen persons per square mile; and

16 M. "state-tribal education compact schools" means
17 schools established pursuant to the provisions of the
18 State-Tribal Education Compact Schools Act."

19 SECTION 10. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2025. _____

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