

**MINUTES  
of the  
THIRD MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**August 19-20, 2010  
Walatowa Visitor Center, Pueblo of Jemez  
Tribal Offices, Pueblo of Zia**

The third meeting of the Indian Affairs Committee (IAC) was called to order as a subcommittee by Senator John Pinto, co-chair, at 10:19 a.m. on Thursday, August 19, 2010, in the Walatowa Visitor Center at the Pueblo of Jemez. Senator Pinto asked Joshua Madalena, governor, Pueblo of Jemez, to give an opening prayer.

**Present**

Rep. James Roger Madalena, Co-Chair  
Sen. John Pinto, Co-Chair  
Sen. Rod Adair (8/20)  
Rep. Eliseo Lee Alcon  
Rep. Ray Begaye  
Sen. Eric G. Griego (8/19)  
Rep. Sandra D. Jeff  
Rep. Jane E. Powdrell-Culbert  
Sen. Nancy Rodriguez  
Rep. Gloria C. Vaughn

**Absent**

Sen. Lynda M. Lovejoy  
Rep. Patricia A. Lundstrom  
Sen. George K. Munoz  
Sen. John C. Ryan

**Advisory Members**

Rep. Ernest H. Chavez  
Rep. Ben Lujan (8/19)  
Sen. Richard C. Martinez  
Rep. Debbie A. Rodella  
Rep. Nick L. Salazar

Sen. Stuart Ingle  
Sen. Timothy Z. Jennings  
Rep. Antonio "Moe" Maestas  
Sen. William E. Sharer

(Attendance dates are noted for those members not present for the entire meeting.)

**Staff**

Damian Lara  
Peter Kovnat  
Adan DelVal

**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of all handouts and written testimony are in the meeting file.

## **Thursday, August 19 — Walatowa Visitor Center**

Committee, staff and audience members introduced themselves.

### **Welcome; Pueblo of Jemez Status Update**

Governor Madalena welcomed the committee and introduced Vincent Toya, tribal administrator, and April Wilkinson, contracts and grants officer. Governor Madalena thanked the committee and stated that the last time the Pueblo of Jemez hosted a meeting was in 2004. Mr. Toya also stated that capital outlay is important, especially the Highway Four bypass, which is the number one priority for the pueblo. In addition, the pueblo is currently working on formulating an infrastructure plan. Mr. Toya also mentioned that another top priority is the community water pipelines that have been there since the early 1960s. Mr. Toya commented that the water tank is clean, but the problem is that when the water is conveyed to the tap, the water lines could potentially contain asbestos. The Pueblo of Jemez plans to receive funding and completely replace the water pipeline system. Mr. Toya briefed the committee that the pueblo received funding for geothermal studies. Ms. Wilkinson commented that the Pueblo of Jemez provided adequate required justification to have 100% of its capital outlay projects unfrozen and then expended 100%. Ms. Wilkinson commented that Walatowa Charter High School had met adequate yearly progress (AYP), which was the only school in the Jemez Valley Public School District to make AYP. Ms. Wilkinson asked the committee to reconsider the small school size adjustment and the cap on future charter school development. This cap would limit future development of tribal charter schools.

### **Early Voting Sites and Accommodations for Sandoval County**

Secretary of State Mary Herrera noted that in 2009, the legislature approved a law to allow Native American tribes to submit a request for early voting alternative locations. Four counties requested sites and have been refunded \$17,453. Sally Padilla, Sandoval County clerk, mentioned that the computers for early voting worked very well in Sandoval County. Despite the low turnout (16%) it was a success; in Sandoval County, there were 256 people who voted early. The sites for the general election are already in place, and there were nine requests for these early voting sites. Secretary Herrera indicated that the 2009 letter of request for early voting sites on Indian lands for the 2010 election was received from the following pueblos and tribes: Pueblo of Zia, Kewa Pueblo, Pueblo of Jemez, Pueblo of Cochiti, Pueblo of San Felipe, Pueblo of Zuni, Navajo Nation, Pueblo of Pojoaque and Jicarilla Apache Nation. In addition, there are other early voting sites for the following pueblos and tribes: Pueblo of Acoma, Pueblo of Laguna, Navajo Nation (Cibola County), Pueblo of Isleta, Navajo Nation (Bernalillo County), Pueblo of Pojoaque, Pueblo of Nambe, Pueblo of San Ildefonso, Pueblo of Tesuque and Mescalero Apache Tribe.

Upon inquiry from the committee, Secretary Herrera clarified that voting machines can no longer be requested for this year's elections. Voting machines have already been assigned to the pueblos that submitted the letter of request on time to receive early voting machines. According to Martin Aguilar, elections coordinator, Office of the Secretary of State, the request submission for early voting sites has to be done a year before the elections because the secretary of state has

to build into the budget the reimbursement to the counties. An adequate budget is necessary to pay for the reimbursement and the machines.

The committee expressed concern that the Navajo Nation needs outreach through the radio. The main message in the radio promotion should be to motivate people to vote early. Approximately 28% of statewide registered voters voted in the primary election, while for the tribes, turnout was approximately 25% of registered voters in Indian country.

The committee also expressed concern about the cost of early voting when there is low turnout. The committee commented that, as presented, approximately 250 people attended early voting and the counties were reimbursed \$17,000 for early voting sites. The cost per early voter is approximately \$21.00. Secretary Herrera stated that even though the price for early voting is high, the ballot-on-demand system is saving the state large amounts of money. She explained that with the ballot-on-demand system, when a person walks in to vote, the person's information is verified and then the ballot is printed. This method is saving money by not having all ballots printed ahead of time and is much more secure. Secretary Herrera highlighted that approximately \$303,000 was saved during the primary election.

### **State-Tribal DWI Collaboration**

Michelle Brown-Yazzie, member, Governor's State-Tribal DWI Task Force, Rachel O'Connor, Governor Richardson's DWI czar, and Michael Sandoval, director, Motor Vehicle Division, Taxation and Revenue Department, discussed a strategic plan developed by the Governor's State-Tribal DWI Task Force. The purpose of the task force is to develop initiatives to stem DWI-related fatalities among Native Americans. Approximately 25% of DWI fatalities in New Mexico occur on tribal lands. Initiatives developed include intergovernmental agreements, public policy changes, stepped-up DWI enforcement, public education and increased treatment resources, among others. For example, a partnership has been created between the sheriff's office of McKinley County and the Navajo Nation authorizing each to patrol within the other's jurisdictions for drunk drivers. The New Mexico State Police is also working to develop cross-commissioned officers to patrol on tribal lands in San Juan, Sandoval and Cibola counties. In 2004, New Mexico began receiving funds from the National Highway Traffic Safety Administration to help counties hire extra deputies dedicated to full-time DWI enforcement and to purchase blood-alcohol testing equipment. In 2007, the state issued a billboard campaign against DWI. The campaign features prominent local celebrities and can be seen in Gallup, Grants, Farmington and Shiprock. The state has also produced television and radio spots against DWI.

The task force has identified projects within five core areas of focus: (1) tribal justice (police, courts and corrections); (2) information sharing; (3) treatment and intervention; (4) prevention; and (5) public awareness. The Tribal Justice Subcommittee is working on cooperative law enforcement projects between the state and New Mexico tribes, including combating sales of liquor to underaged individuals, cross-commissioning and cross-training of officers and building more tribal detention and treatment facilities. The Information Sharing Subcommittee has developed initiatives to share alcohol-related license revocation information

and data on alcohol-related accidents and fatalities with the state and federal governments. The Treatment and Intervention Subcommittee intends to develop culturally sensitive assessments to measure the severity of DWI problems and tribes' capacity to address those problems. The task force also intends to educate stakeholders within the justice system, such as judges and lawmakers, about DWI issues. The Prevention Subcommittee aims to hire and train tribal DWI prevention specialists; bring state anti-DWI prevention programs to tribes and pueblos; and enhance data collection. The Public Awareness Subcommittee intends to create a permanent committee to address DWI that will consist of state agencies, counties and tribes. It also seeks to collaborate with the Prevention Subcommittee in developing a culturally sensitive DWI assessment tool.

Ms. O'Connor discussed an effort by the state and tribes to coordinate DWI license revocations. Many tribal DWI offenders can still drive with a state license because the state recognizes tribal DWI citations as an exercise in tribal sovereignty. The new method, in which tribes voluntarily participate, brings tribal offenders within the revocation process of the state. Currently, the Pueblos of Laguna, Tesuque, Pojoaque and Sandia are the only tribes participating, but others are in the process of joining.

### **Fire Protection Fund**

John Standefer, state fire marshal, Fire Marshal Division, Public Regulation Commission (PRC), reviewed the state's funding history of municipal and county fire departments. He identified a trend of inadequate funding for fire services, which has received only an 11% increase in funding over 13 years, while the costs of equipment, repairs and insurance premiums have skyrocketed. New Mexico currently has 369 fire departments serving 2.1 million people over 121,593 square miles. The funding formula for fire services has been increased periodically over the years, but it remains inadequate. The 2001 New Mexico Administrative Code expanded the qualifications for funding administration buildings and main stations. However, funding remains an issue despite the expansion. In 2003, a Fire Service Council consisting of state firefighters' associations identified funding as a top priority. Also in 2003, the local media publicized conditions of rural fire departments in New Mexico, leading to resolutions by the PRC, the New Mexico Association of Counties and the New Mexico Municipal League. The Legislative Finance Committee is currently reviewing a study of the funding status of fire departments in New Mexico and their claims of inadequate funding. Legislation to change distribution qualifications, including Native American fire departments, failed. The 2010 legislature has frozen the FY 2011 distribution to fire services at 13.4%.

### **Proposed Propane Rules**

Roy E. Stephenson, director, Utility Division, PRC, summarized the rulemaking status pursuant to SB 468, which was passed into law in 2009 and directs the PRC is to adopt rules regulating the propane industry to protect consumer rights. The PRC issued an order directing that the rulemaking process be a collaborative, consensus-based group of propane stakeholders. A work group of PRC staff, propane industry representatives and consumer advocacy groups convened for that purpose. At present, two draft rules have been submitted to the rulemaking record. The first, submitted by Prosperity Works, a consumer advocacy organization, was

objected to by the New Mexico Propane Gas Association, which subsequently submitted its own draft rules. The two draft rules fundamentally differ from each other as to interpretation of the scope of SB 468 and continue to circulate for comment among the stakeholder work group.

After reviewing the proposed rules, the committee expressed specific concern on the rules as follows:

A. 17.8.1.8. Exemption and Variance: The committee supported the presumptions against the granting of exemptions and variance and the strong and clear language regarding the circumstances in which the presumptions can be rebutted. The committee, however, commented that the stay of application of the rules upon the filing for an exemption or variance defeats the purpose of the presumption and burden of proof.

B. 17.8.1.10. Budget Payment Plans: The committee supported the requirement that propane dealers offer a 12-month budget payment plan. Additionally, the committee supported the written disclosure of the method and inputs for the computation of the budget payment plan. The committee requested that the rules require that propane dealers provide written disclosure of all pricing categories, schedules of prices, schedules of charges, fees, penalties and services offered in that residential area.

C. 17.8.1.11. Payment and Payment Agreements: The committee supported the restrictions on propane dealers discontinuing service or refusing delivery. However, the committee requested that the rules use the words "shall not" rather than "may not" in Subsections F and G and that the word "cash" be deleted in Subsection G.

D. 17.8.1.12. Contents of Bills or Metered Fuel Tickets: The committee supported the transparency and written disclosures of pricing categories and residential delivery customer rate variations. The committee requested that, in addition to the propane customer bill of rights, propane dealers provide written disclosures biannually of all pricing categories, methodologies and inputs used to establish residential delivery customer rate variations and also upon initiation of service and upon changes to the pricing categories offered.

E. 17.8.1.14 and 17.8.1.15. Notice, Availability and Public Access: Again, the committee supported the transparency and disclosure of pricing categories, schedules of prices, schedules of charges, fees, penalties and services offered in a residential area by a propane dealer.

F. 17.8.1.18. Low or Minimal Use Charges: The committee supported the restriction against penalties for low or minimal usage and the use of strong and clear language.

G. 17.8.1.22. Delivery and Notice of Emergency Services: The committee supported the protection against customers losing service during storms or other declared emergencies. However, the committee requested that stronger and clearer language be used to

ensure that propane dealers providing emergency services do not charge penalties or service fees that exceed the price of a customer's contract.

Upon a motion by Representative Rodella, seconded by Representative Vaughn, the committee voted without opposition to provide formal comments on those proposed rules consistent with the concerns expressed by the committee. Representative Madalena directed staff to draft the letter and submit it to the PRC.

Following the presentation on the proposed propane rules, Representative Madalena recessed the meeting at 5:15 p.m.

### **Friday, August 20 — Pueblo of Zia, Tribal Offices**

The third meeting of the Indian Affairs Committee for the 2010 interim was reconvened by Representative Madalena on Friday, August 20, 2010, at 9:24 a.m. at the tribal offices of the Pueblo of Zia.

#### **Welcome; Pueblo of Zia Status Update**

Governor Marcellus Medina welcomed and thanked the committee for hosting the meeting at the Pueblo of Zia. Governor Medina informed the committee that more than 750 people live in the reservation, most of whom are ranchers, farmers and artisans. The Pueblo of Zia has been working for the past several years on securing funding for the new health clinic that opened earlier this year. Governor Medina thanked the members of the committee for their support, and he also thanked Representative Madalena and Senator Lovejoy for not only supporting the health clinic but also for providing capital outlay for the project. Governor Medina mentioned that prior to the opening of the new clinic, health care services were provided two days per week; with the opening of the new clinic, services are provided five days a week. In addition, the Pueblo of Zia is working aggressively to identify funds from state and federal sources for water and wastewater infrastructure and economic development assistance to develop properties that the pueblo owns in the towns of Bernalillo and San Ysidro. The Pueblo of Zia is also planning to develop the Warm Springs area. The pueblo has already done extensive studies to develop retail, light industry and other commercial activities at these sites; the problem it is currently facing is the lack of funds to develop some of the infrastructure. The Pueblo of Zia is exploring applications for federal funding through the United States Department of Agriculture, Bureau of Indian Affairs, Department of Commerce, Water Trust Board, New Mexico Finance Authority and the Tribal Infrastructure Board. The purpose of the proposed projects is to provide jobs close to home and business development opportunities for the people of the pueblo and to preserve community life without unwanted commercial buildup.

The initial plans include the following: (1) development of a Pueblo of Zia cultural and visitors center in collaboration with the state that would celebrate or commemorate the pueblo as the home of the state's Zia-Sun symbol; (2) food sustainability in the form of agricultural and water improvement projects that will enable the Pueblo of Zia to thrive and to contribute to the surrounding regional food supply, such as farmers' markets and commercial growing operations;

(3) renewable energy development to potentially include wind, solar, geothermal and biofuels at Warm Springs and other sites both on- and off-reservation; and (4) film industry and eco-cultural tourism development using the pueblo's land and other resources, including areas in the Ojito Wilderness.

Governor Medina also commented that while he understands the budget shortfalls, the pueblo urges the committee to keep the Indian Affairs Department as a cabinet-level position, continue to implement the State-Tribal Collaboration Act, allow tribal governments to compete for funds for emergency fire protection services and continue to provide access to Medicaid funding for tribes and tribal people.

In addition, Governor Medina noted that the state currently makes capitated payments to the managed care organizations (MCOs) for Medicaid beneficiaries. These funds are used to pay claims for individuals who are provided with services during the month. Governor Medina added that it is possible to maintain the current benefits package for American Indians by exploring options within the capitated payment system. Molina Healthcare is currently piloting an "Accountable Care Organization" that offers incentives to providers who affect health outcomes. In 2004, the state paid \$24.4 million in capitated payments to the MCOs for services received by patients at Indian Health Service facilities in the Albuquerque area for 9,007 enrollees. In 2009, the state paid \$155.5 million to the MCOs. Governor Medina commented that there is a possibility that enough funding exists within the capitated payment system to preserve optional benefits for American Indian beneficiaries.

Upon the completion of the presentation by Governor Medina, the committee received a tour of the new medical clinic facilities.

### **Southwestern Indian Polytechnic Institute (SIPI) — Status Update**

Dr. Sherry Allison, president of SIPI, introduced Monte Monteith, vice president of college operations, SIPI, and Valerie Montoya, vice president of academic programs, SIPI. Dr. Allison announced that the SIPI has lost its accreditation, but it has been placed on candidate status. She said that it is important to know that the committee is concerned because it shows the committee is concerned about education. Dr. Allison explained that the SIPI had renovated its mission statement as well as its vision statement in 2009. In her presentation, Dr. Allison noted that the SIPI is funded through the U.S. Department of the Interior. The SIPI's enrollment is limited to American Indians and Alaska Natives. She also mentioned that in 1994, SIPI was designated as a land-grant institution.

The enrollment for spring 2010 was as follows: 212 full-time commuter students, 106 part-time commuter students and 355 students who live in dormitories. The average age for most of the student enrollment at the SIPI is 26 years old. Dr. Allison commented that the total number of tribes represented at the SIPI is 63. Dr. Allison informed the committee that the SIPI does not charge students tuition; students are only charged student fees. The total amount in fees students have to pay per trimester is as follows: students who live in the dormitories pay \$280; full-time commuter students pay \$225; and part-time students pay \$150.

Dr. Allison commented that there is never enough money to run the programs. The SIPI receives congressional appropriations. The most recent appropriation for the SIPI to run its education services and programs was \$6,716,123. A separate amount of \$1,690,868 was appropriated for maintenance of the SIPI facilities. Over the years, the SIPI has worked very hard to supplement the base funding with different grant programs, and the SIPI also has very good partnerships with different community-based programs.

Mr. Monteith commented that the SIPI is funded very differently than most post-secondary schools. The \$6,716,123 the school received is the amount it gets regardless of the student enrollment; the SIPI always receives the same amount of funding. The SIPI has no enrollment cap; if students interested in attending the SIPI provide the necessary documentation, they are admitted into the program. Dr. Allison commented that as the student enrollment increases, so do expenses for the buildings, educational services and programs. A funding formula was passed by Congress; however, the formula cannot be used unless Congress appropriates additional funding, which it has not done.

Dr. Allison told the committee that the Higher Learning Commission (HLC) made an on-site visit to the SIPI from December 7-9, 2009. During the visit, the HLC viewed records and documents from the past 10 years and it interviewed students, faculty, administrators and external constituents. At the exit meeting the SIPI had with the HLC, the HLC evaluation team mentioned that it had major issues with the SIPI and it was going to recommend sanctions, which could range from probation to withdrawal. When any institution is being sanctioned, there is a process that has to be followed, which includes a hearing. The SIPI and the HLC held a hearing on May 3, 2010. On June 3, 2010, the board of trustees committee had a hearing with the HLC. On July 2, 2010, the SIPI received a letter from the HLC in which the SIPI was notified that the HLC upheld the withdrawal of the SIPI's accreditation, but the SIPI was placed in candidacy status. Under this status, the SIPI still receives its regular funding, offers courses to students and allows for the transfer of credits. The candidacy status lasts for not less than one year but no more than four years.

Upon an inquiry from the committee, Dr. Allison clarified that the reason the SIPI cannot charge tuition is because a federal law prohibits it from doing so. She also clarified that students would be able to pay tuition with the help of financial aid, but the students are currently paying the fees with their own money. The SIPI is not actively recruiting, but it is still accepting students if they meet all the requirements.

Upon an inquiry from the committee, Dr. Allison specified that she is very confident about getting re-accredited. The letter that the SIPI received from the HLC lists the items the SIPI needs to fulfill in order to be re-accredited. The HLC is looking for two things in particular to accredit the SIPI again: (1) meeting the eligibility requirements; and (2) making progress in those areas of deficiency.

Finally, Dr. Allison clarified to the committee that the SIPI was not cited for anything that had to do with teaching and learning. The reason it was cited is because it did not do a very good job providing evidence documentation and tracking student and program outcomes.

### **Indian Education Act**

Dr. Susanna Murphy, secretary-designate of public education, thanked the committee for the invitation and introduced Dr. Sheila Hyde, deputy secretary, Public Education Department (PED); Barbara Alvarez, interim assistant secretary for Indian education, PED; and Dr. Anya Dozier Enos, high school redesign coordinator, learning and accountability, PED. Secretary-Designate Murphy shared information regarding the new leadership at the PED and provided previous duties of the leadership. Secretary-Designate Murphy informed the committee that the information presented was the preliminary AYP results, including the federal No Child Left Behind Act designation and achievement gap results. According to Secretary-Designate Murphy, from 2004 to 2010, New Mexico's students have gradually increased their overall proficiency in math by 12%, in reading by 3% and in science by 6%. The only exception to this positive trend is in eighth grade, where overall there was a 3% decrease from performance in 2009. In eighth grade, the subject of math saw the greatest decline, in which student scores decreased between 2% and 5% in every ethnic group. Moreover, the most significant decrease was seen in the English language learners category, which decreased by 5%. The PED has indicated that it will further analyze the data to determine the factors that have contributed to this decline. According to Secretary-Designate Murphy, New Mexico shows small and irregular growth in reading. She also indicated that the PED is planning to work with the districts to better align the curriculum to the state standards in reading. At the fourth-grade level, the AYP report indicates that reading proficiency has stabilized since its decline in 2008. The report also notes that Native Americans show the largest six-year gains, posting a 5% increase. Native Americans also showed the greatest three-year gains in math with an 8% increase, followed by Hispanics with a 7% increase.

Secretary-Designate Murphy indicated that the federal legislation mandates 100% proficiency for all students by school year 2013-2014. In order to reach this objective, New Mexico has established proficiency levels on an increasing scale since the law's enactment in 2001. For example, the proficiency level for math was increased to 52% in 2010 from 39% in 2008, or an overall increase of 13% over a two-year period. In addition, the proficiency level for reading was increased to 64.0% in 2010 from 56.0% in 2008, or an overall increase of 8.0% over a two-year period.

Secretary-Designate Murphy informed the committee about secondary education and the dual credit program. The PED is working to establish the dual credit program in tribal colleges. She also briefed the committee about the Graduate New Mexico Program, which is a new online option to earn a high school diploma; the program plans to recruit 10,000 dropouts by the fall of 2011.

Upon an inquiry from the committee, Secretary-Designate Murphy informed the committee that as of July 29, 2010, the Indian Education Fund balance is \$3 million, but the funds are

obligated for programs. The contracts for Save the Children and Teach for America are currently in good shape. There are currently eight schools identified for the exemplary programs funded by the Indian Education Act (IEA). The number of Native American teachers who serve Native American children is increasing. In the 2009-2010 school year, there were 579 licensed Native American teachers; 42 Native American administrators, principals and supervisors; and 224 native language certificate holders, 58 of whom have teaching licenses.

Upon an inquiry from the committee, Dr. Dozier Enos stated that for the past two or three years, national organizations have brought national and international experts to create standards in math and English language arts. There are currently 48 states, including New Mexico, that are adopting the course standards. New Mexico's adoption process is unique; the PED has identified a committee to look at the math and English standards. The committee includes approximately 30 experts in the area of education.

### **Recommendations and Strategies to Improve Indian Education**

Kevin Shendo, chair, Indian Education Advisory Council, and representative of the southern pueblos, introduced Francine Hatch, policy analyst, Indian Affairs Department. Ms. Hatch informed the committee that at the 2010 Tribal Leaders Summit, tribal leaders expressed the concerns pertaining to Indian education as follows: disparity between Native American students and all other students; accountability issues regarding impact aid funding and enforcement of the IEA; resources needed to support the teaching of indigenous languages; cultural competency of those who teach Native American students; and supplemental or enrichment programs with insufficient funding for Native American student achievement. She also stated that at the 2010 State Tribal Leaders Summit, tribal leaders proposed recommendations as follows: consider changes to the equalization formula of Title VIII so impact aid follows the student; craft and seek legislation to increase the authority of the Indian Education Advisory Council; craft and seek legislation amending appropriate statutes to direct a greater amount of funding to state agencies to improve Native American student achievement graduation rates; and craft and seek legislation withholding approval of a school district's budget for noncompliance with the IEA.

Ms. Hatch also noted that the 2009 Native American Education Task Force listed the following items as priorities and recommendations: limit school administrator salary increases if the IEA is not implemented; tie school district budgets to implementation of and compliance with the IEA; prevent earmarking of IEA funds; and provide more monetary resources to school districts serving Native American student populations. In regard to the language and revitalization and maintenance, the task force expressed recommendations on the following: review, align and use bilingual multicultural statutes to support proficiency in indigenous languages; formalize and strengthen native language and culture certification; designate a set aside percentage of bilingual multicultural funding; and use current funding to fund the tribal programs for longer than one year. Additionally, the pre-K-20 transition recommendations include demonstrating that resources are dedicated to tribes, parents and community parent-community planning; involving students in policymaking; increasing tribal and parental support

for students; and provide funding to encourage tribal communities to form community planning committees.

Mr. Shendo mentioned that the state's proposed actions are the implementation of the Bilingual Multicultural Education Act and that meetings with superintendents and tribal leaders should be arranged for further discussion. To remove the 10% cap for Native American charter schools, one recommendation would be to amend the Charter Schools Act. Another recommendation is to expand the Reading First Program to encourage districts to develop programs to further motivate students to read.

The committee withheld comments and questions until after the conclusion of the IEA presentation.

### **Implementation of the IEA**

David Atencio, superintendent, Jemez Valley Public School District, expressed that it is the schools' responsibility for their students to do well. The achievement gap in the Bernalillo Public School District has been reversed: Native American students are achieving at a much higher level than Caucasian and Hispanic students. Two years ago, the curriculum was altered, and, since then, the scores on the American College Test (ACT) have increased.

Upon an inquiry from the committee, Mr. Atencio explained that eliminating money is not the key; the key is changing the way traditional teachers teach. Mr. Atencio mentioned that students today are very different from the way they were 10 years ago. Much technology has been incorporated at the Jemez public schools, which is helping students engage in learning, but most importantly, it is teaching teachers to learn how to teach using technology as a resource. Teachers are teaching in the culture and the language that students live in and speak today. The school district is also teaching students to apply writing in their math classes. Teachers are having students write a thought process about how the students figured out a math problem. Mr. Atencio expressed that he believes that this is where a lot of school districts are falling off; they focus on subjects such as math but do not focus on the writing in the math class.

Dr. Ralph Friendly, superintendent, Bernalillo Public School District, also expressed that the way students learn is very different from the way they learned five years ago. He mentioned that students are as smart as they were many years ago, but teachers are not attacking the teaching methods from a modern perspective.

Mr. Atencio expressed that the Jemez Valley Public School District is proud to have its first charter school. The population of the charter school cannot exceed 10% of the town population, and charter schools are spending more per student than public schools. Schools are being asked why they are not meeting AYP; the reason why is because they are spending large amounts of money on after-school programs and not in the classroom settings.

The Jemez Valley Public School District is exploring various ways of increasing parent and community participation. The schools are having students present at parent-teacher conferences

so that there is a higher percentage of attendance. By having students present, parents are more likely to attend school meetings to listen to their children. This has proven to be a means to further increase parent participation.

**Adjournment**

There being no further business before the committee, the third meeting adjourned at 4:30 p.m.