

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

**August 20-21, 2015
Crownpoint
Gallup**

The third meeting of the Indian Affairs Committee (IAC) for the 2015 interim was called to order at 10:21 a.m. by Senator John Pinto, co-chair, on Thursday, August 20, 2015, at Navajo Technical University in Crownpoint.

Present

Rep. Sharon Clahchischilliage, Co-Chair
Sen. John Pinto, Co-Chair
Rep. D. Wonda Johnson
Rep. Georgene Louis
Sen. Richard C. Martinez
Sen. Nancy Rodriguez
Sen. Benny Shendo, Jr. (8/20)
Rep. James E. Smith
Sen. William P. Soules

Absent

Sen. Ted Barela
Rep. Zachary J. Cook
Rep. Yvette Herrell
Rep. James Roger Madalena
Sen. Cliff R. Pirtle
Sen. John C. Ryan

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Cisco McSorley (8/20)
Sen. George K. Munoz (8/21)
Rep. Debbie A. Rodella
Rep. Patricia Roybal Caballero

Sen. Carlos R. Cisneros
Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Rep. Patricia A. Lundstrom
Rep. Nick L. Salazar
Sen. Clemente Sanchez

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

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)
Mark Edwards, Staff Attorney, LCS
Michelle Jaschke, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

All handouts and other written testimony are included in the meeting file.

Thursday, August 20 — Navajo Technical University (NTU), Crownpoint

Welcome and Status Updates

Senator Pinto welcomed the committee and members of the audience and asked committee members and guests to introduce themselves. He asked that Representative Clahchischilliage chair the remainder of the meeting.

Crownpoint Chapter President Rita Capitan welcomed the committee to Crownpoint and outlined the area's greatest needs, including: housing for teachers and students at NTU and for teaching staff at area schools; a care center located in Crownpoint to serve elderly residents of the Eastern Navajo Agency (ENA); larger school facilities for Crownpoint, including an auditorium and stadiums; and an office complex for the ENA. Ms. Capitan stated that the ENA currently has more than 50 departments but no central location or other adequate facilities in which to house those departments. The Crownpoint Chapter would like to capitalize on its proximity to Chaco Canyon and promote tourism in the area by developing a hotel in Crownpoint. A wellness center funded through the Tribal Infrastructure Project Fund and general obligation bond funding is now in development. Ms. Capitan observed that Crownpoint has a hospital and offices of the federal Bureau of Indian Affairs and the Navajo Housing Authority. She further reported that the hospital has provided many services to the area in the past but that administrative problems appear to be interfering with the adequate provision of hospital services now.

NTU President Dr. Elmer Guy updated the committee on progress at the university, noting that the hospitality center, which hosted the committee meeting, was built with capital outlay funding from the state legislature. The university has recently received capital outlay funding for lighting improvements as well. Approximately 2,000 students attend NTU, which offers programs from the certificate level up through a master of engineering degree. The National Science Foundation sponsors some programs at NTU, and students have received state and national awards for their work. Dr. Guy observed that NTU has limited housing for students and teachers but offers quality instruction.

A request has been submitted to the Higher Education Department (HED) to replace modular buildings currently in use at NTU with a dedicated math and science building and to update poor lighting and outdated facilities. In response to committee member questions, Dr. Guy reported that the current graduation rate is around 53 percent, with roughly two-thirds of those students going on to job placement and higher education. He stated that NTU is working with an economic development incubator program to try to prepare students for available jobs, and he gave a brief overview of funding sources available to the university.

Senator Shendo observed that the issue of providing capital outlay funding to tribal colleges continues to surface during legislative sessions, and he asked whether NTU is open to all students. Dr. Guy reported that NTU is accredited by the HED as a public institution and that anyone who meets the admissions requirements can enroll. He noted that most students are

Navajo or members of other tribes and that the university also offers a veterinary technician program as a result of its status as a land grant institution.

Noting that NTU serves as an economic engine for the area, a committee member expressed disappointment that State Director for United States Department of Agriculture (USDA) Rural Development Terry Brunner said that the USDA returned \$6 million in tribal set-asides available to New Mexico this year for lack of viable applications. The USDA has grants and very low-interest loans available for building facilities and infrastructure from the ground up. He suggested that NTU grant writers collaborate with the Crownpoint Chapter to apply for USDA funds to meet infrastructure and other needs in the area.

Navajo Community Outreach and Patient Empowerment (COPE) Project

COPE Planning and Partnerships Manager Hannah Sehn provided an overview of the COPE vision and mission. COPE's vision is to eliminate health disparities and improve the well-being of Native Americans. The program's mission revolves around the belief that the power to overturn long-standing, historical health inequalities lies inherently in native communities themselves. Working closely with communities and local partners, COPE strives to promote empowered native communities through three collaborative approaches: (1) community-based outreach; (2) increased access to healthy foods; and (3) local capacity and system-level partnerships.

Tsaile Chapter President and Chinle Agency Council Vice President Zane James described the planning that is in process to establish the Center for Advances in Training in Community Health (CATCH), in cooperation with the COPE program. The CATCH will provide an innovative program for community-led enterprises in health and economic development. Mr. James elaborated on the state, local and federal partnerships being developed to help establish the CATCH. The center will provide work force development opportunities focused on community health in areas of forecasted industry growth. Committee members commended COPE for its focus on incorporating native cultural values in its health and education outreach programs and services. Members suggested that the program reach out to colonias areas as well as tribal areas and include University of New Mexico (UNM) public health and teaching sites in its partnerships.

Native American Education: The Role of New Mexico's Charter Schools in Serving Native American Students and Communities

A panel of charter school leaders gave a presentation on the special character of Native American charter schools, their focus on native culture, tradition and empowerment of native students and their success in enrolling and graduating native children into higher education. Panel members also addressed committee members' questions regarding the challenges charter schools have faced, notably in establishing and maintaining facilities and purchasing and utilizing technology in their programming. In addition, some schools reported having to overcome opposition from local school districts and community members in developing their charter schools.

Dzil Dit'ooí School of Empowerment, Action and Perseverance Co-Founder Kayla Dawn Begay presented an update on progress in establishing Dzil Dit'ooí to serve residents of the Navajo and Red Lake areas. Ms. Begay stated that the school now has a modular building and has focused its curriculum on leadership skills training, agricultural education, empowerment through culture and a philosophy of wellness and perseverance. Walatowa High Charter School Superintendent/Principal Arrow Wilkinson reported an enrollment of 55 students, primarily from the Pueblos of Jemez and Zia, with a school emphasis on "whole child" services and community involvement in its curriculum of native language, culture and literature. Native American Community Academy (NACA) Executive Director Kara L. Bobroff reviewed the NACA's core values, goals and course of studies. The model has been highly successful in placing students on the path to success in college and in their communities. In response to committee member questions, Ms. Bobroff reported that 100 percent of NACA seniors are accepted into college and that the school's high success rate in so many areas is, in part, attributed to the commitment the school requires on the part of students and families upon enrollment to participate in college preparatory classes. Clarence Hogue, Jr., Dream Diné Charter School Governing Council member, described a program of experiential learning at the recently established school, including the ongoing development of native learning materials.

Committee members and panelists discussed the value of moving to year-round schooling, particularly to support native curricula in the areas of agriculture and animal husbandry. Committee members asked if these charter schools are located in public facilities in accordance with state requirements. Some of the charter schools are located in modular buildings and are working to secure more permanent facilities and to work through challenges in co-locating with local school districts. Others are located in tribal school facilities or enjoy local district support. The charter schools reported varying compositions of their governing boards.

Inland Port Feasibility Study

Northwest New Mexico Council of Governments (NWCOG) Deputy Director Evan Williams described a plan to establish an inland port in the Gallup area to address the economic displacement resulting from closure of the Pittsburg and Midway (P&M) coal mine. The chapters of Manuelito, Rock Springs and Tsayatoh are coordinating with the NWCOG to reuse assets left behind by P&M to develop job opportunities for area residents. Mr. Williams explained that an inland port is a specialized location developed to serve the intermodal transportation network. Ordinarily located along railroad lines, inland ports offer intermodal transfer facilities, international trade processing and related services.

A panel of representatives, including Tsayatoh Chapter President David Lee, Greater Gallup Economic Development Corporation Deputy Director Michael Sage and Navajo Nation Division of Economic Development Representative John Largo, addressed the committee to describe the planning process and the two potential sites that have been identified to establish the inland port. Economic Development Department Research and Marketing Director Elizabeth Davis told the committee that the closest inland ports for New Mexico are now located in El Paso, Texas, and the Santa Teresa/Columbus areas.

Committee members discussed funding available for the project and the status of prior appropriations. Ms. Davis and other panel members reported that the project will create ancillary jobs as well as inland port jobs, as trans-loading facilities are attractive to many industries. Members stressed the importance of local preparedness and state and national partnership development to ensure that local businesses are involved in all aspects of the project development and that the project serves as a model development. Panelists reported that parallel development tracks are under way with the transportation initiatives for housing, broadband and land-use planning.

Senator Pinto observed that development of transportation resources in the area is tied to improvement of the local road and highway network. He reported on his efforts to improve roads in Gallup and throughout McKinley and San Juan counties, as well as the entire northwest region, over the last 20 years. Senator Pinto urged his colleagues to focus on road improvements as a means of achieving economic health in the region.

Upon a motion duly made and seconded, the minutes of the meeting of July 20-21, 2015 were approved without objection. There being no further business on the day's agenda, the committee recessed.

Friday, August 21 — UNM-Gallup

Welcome and Status Updates

Senator Pinto reconvened the meeting at 10:12 a.m. and welcomed the committee and members of the audience. He asked committee members and guests to introduce themselves, and he asked that Representative Clahchischilliage chair the remainder of the meeting.

Gallup Mayor Jackie McKinney welcomed the committee and guests and thanked the committee for focusing on educational issues. He stated that Gallup's economic development depends on improving educational opportunities for area youths and providing jobs that will allow youths to contribute to their community. Mayor McKinney also stated that promoting a regional view of development for the northwestern area of the state is critically important.

UNM-Gallup Executive Director Christopher Dyer, Ph.D., described a wealth of new programs at the Gallup campus, including childhood development programs and an Early Childhood and Family Center supported, in part, by private foundations. He noted that the Navajo Nation is proactively coordinating with UNM to develop financial literacy programming and training in hazardous materials handling. Dr. Dyer also described programs for veterans and the Inside Out program that provides business management certificates for inmates to promote their successful reintegration into the community. In addition, Dr. Dyer reported the formation of an incipient coalition of area educational institutions, including tribal colleges, aimed at sharing faculty, programs and other resources. He stated that the university has recently acquired land to provide more student housing.

School District Transportation Challenges and Solutions: The School District Perspective

Representatives from the Gallup-McKinley County and Central Consolidated school districts in New Mexico and the Apache County, Red Mesa and Window Rock Unified school districts in Arizona addressed the committee regarding the ongoing challenges the districts face with regard to transporting children among districts and across state lines in the border area. In addition to the serious and sometimes deadly hazards children and their families face as a result of the unimproved condition of the roads in the area, some children reportedly face two-hour one-way bus rides to arrive at their assigned district schools. Some of these children reside much closer to out-of-state schools than to their assigned in-state school.

Transportation agreements between districts have lapsed or failed for lack of continuity within the school districts. An intergovernmental agreement (IGA) between the Window Rock Unified School District and the Gallup-McKinley County School District was approved by the districts and the State of Arizona, but it was stalled when the agreement did not receive approval from New Mexico's Department of Finance and Administration (DFA). Part of the issue in this regard is the legal requirement to pay tuition costs for children attending out-of-state schools in either New Mexico or Arizona and the special terms of the existing IGA that require payment of tuition to Arizona, where an equal exchange of students is exceeded.

In response to committee member questions, panelists reported that transportation costs and the high cost of maintaining heavily used vehicles drain funding from classrooms. Committee members and panelists also discussed the ongoing safety issues that arise from the poor and under-capacity condition of area bridges, as well as the traffic, feral dogs and other hazards that children face as they walk to areas where buses can pick them up. Panelists, community members and committee members stressed the importance of educating children, especially young children, close to home and the high cost, including the cost to families of keeping children safe, of operating transportation services in the area without coordinating IGAs or adequate local roads and bridges.

School District Transportation Challenges and Solutions: The Executive Branch Perspective

Deputy Secretary of Public Education Paul Aguilar stated that there appears to be some misunderstanding regarding the statutory requirements for executing IGAs. He presented information regarding the statutory requirement for the secretary of finance and administration to approve such agreements, and he clarified that the state is bound to comply with statutory requirements. Mr. Aguilar reported that some districts have "one-way" IGAs that allow them to send children to schools in neighboring states. He further elaborated on the process by which a school district can draw on supplemental funding to pay any required tuition fees to send children to school in neighboring states, noting that there are no provisions in New Mexico law for simply exchanging an equal number of students as provided in the previously described IGA. Mr. Aguilar reported that the longest bus ride for New Mexico students at present is 45 minutes and that many students across the state ride the bus for that length of time. In response to committee member's concerns regarding bus rides limiting accessibility to school breakfast programs, Mr.

Aguilar stated that there are federal after-school "take-home" snack programs to which students may be afforded better access.

Arizona Department of Education Director of Indian Affairs Nadine Groenig reported that she is new to her position but that the issues of roads, bridges and long-distance bus rides in the border area have persisted for over 40 years. She stated that there is an opportunity for an IGA, but any such agreement must accommodate the laws of both states. Ms. Groenig noted that Arizona does not currently provide any funding for the Arizona Indian Education Office.

Public Education Department (PED) Assistant Secretary for Indian Education DeAlva Calabaza reported that she is currently working on memoranda of understanding with Utah and Arizona regarding Indian education issues and that she is working with Mr. Aguilar on the transportation joint powers agreements for local school districts. In response to committee member questions, she indicated that the Gallup Office for Indian Education had not closed, but that those positions had been relocated to different areas.

Mr. Aguilar and Ms. Groenig agreed that the issues surrounding approving an IGA to enable children to cross state lines to attend school could likely be worked out at the staff level with the help of counsel to forestall any need for legislative action. Senator Rodriguez moved that the IAC send a letter to the governor and Secretary of Public Education Hanna Skandera requesting that Mr. Aguilar be directed to meet with Ms. Groenig as soon as possible to develop an IGA that will allow children from Arizona and New Mexico to cross the Arizona/New Mexico state line to attend school in a neighboring state. The IAC requested that the agreement note that there is a draft of an IGA between Window Rock Unified School District and the Gallup-McKinley County School District, some parts of which may be used as the basis for such an agreement. Senator Martinez seconded the motion, and it passed without objection.

On a motion duly made and seconded, the IAC voted to send a letter to Secretary of Finance and Administration Tom Clifford requesting an explanation by September 30 of why the Window Rock Unified/Gallup-McKinley County school districts IGA was not approved by the DFA and to consider approving similar future IGAs.

School District Transportation Challenges and Solutions: The Legislative Branch Perspective

Representative Johnson presented an overview of House Bill (HB) 319, an act that she introduced during the 2015 regular session that addressed transportation boundary issues between and among adjacent school districts and that would have established procedures and criteria for temporary transportation boundary agreements. The legislation passed overwhelmingly in the house, but it failed to reach the senate floor for a vote. Provisions of HB 319 would also have provided means for resolving boundary agreement issues.

Arizona House of Representatives District 7 Representative Albert "Ahbihay" Hale, Esq., gave an historical overview of efforts to meet school transportation needs in the border area and

of Arizona laws passed to facilitate student transportation between Arizona and New Mexico. Arizona State Senator Carlyle Begay addressed the committee, noting that, at present, an estimated 329 Arizona students attend school in New Mexico and 301 New Mexico students attend school in Arizona. He reported that Arizona is modeling its Office of Indian Education on that of New Mexico.

Members wanted to make sure that the school district representatives present at the meeting have information on the process for securing supplemental funding from the PED for out-of-state tuition for students. Senator Munoz requested that information be developed for the committee on whether or not Mexican students attending school in New Mexico are paying tuition to the state.

Committee members stressed that all of the transportation issues discussed during the day's meeting need to be addressed as soon as possible. Mr. Aguilar and Ms. Groenig reported that they are planning to meet immediately after the meeting to begin the process of developing an appropriate IGA intended to address transportation issues to enhance student safety and student educational opportunities.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:32 p.m.