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A JOINT MEMORIAL

REQUESTING THE LEGISLATIVE EDUCATION STUDY COMMITTEE TO STUDY
THE USE OF IMPACT AID SET-ASIDE MONEY FOR INDIAN EDUCATION.

WHEREAS, the education of all children is critical to
the future of the state of New Mexico; and

WHEREAS, according to the 2008-2009 tribal education
status report, American Indian students make up eleven
percent of statewide student enrollment; and

WHEREAS, twenty-three of the eighty-nine school
districts in New Mexico serve American Indian students,
including Albuquerque public schools, Aztec municipal
schools, Bernalillo public schools, Bloomfield public
schools, Central consolidated schools, Cuba independent
schools, Dulce independent schools, Espanola public schools,
Farmington municipal schools, Gallup-McKinley county schools,
Grants-Cibola county schools, Jemez Mountain public schools,
Jemez Valley public schools, Los Lunas public schools,
Magdalena municipal schools, Penasco independent schools,
Pojoaque Valley public schools, Rio Rancho public schools,
Ruidoso municipal schools, Santa Fe public schools, Taos
municipal schools, Tularosa municipal schools and Zuni public
schools; and

WHEREAS, the New Mexico legislature passed the Indian
Education Act in 2003 to further the educational

1 opportunities for American Indian students and to enhance
2 reporting and accountability to Indian parents and tribal
3 leaders; and

4 WHEREAS, the New Mexico legislature furthered its
5 commitment to American Indian students by passing the
6 American Indian Post-Secondary Education Act in 2009; and

7 WHEREAS, studies by the office of education
8 accountability show that, as a group, American Indian
9 students are poorly prepared for college; since 2000,
10 two-thirds or more of all American Indian students have taken
11 remedial courses during their first semester of college; and

12 WHEREAS, current school performance data, as documented
13 by the public education department for the twenty-three
14 identified school districts, indicate extremely low levels of
15 school performance and little advancement in reading, math
16 and sciences among American Indian students; and

17 WHEREAS, the recently concluded audit commissioned by
18 the senate finance committee found major discrepancies in the
19 allocation and use of supplemental Public Law 81-874
20 set-aside funds within several of the twenty-three school
21 districts serving American Indian populations; and

22 WHEREAS, four funding programs, including the Indian
23 Education Act, were used by school districts for American
24 Indian students; and

25 WHEREAS, Public Law 81-874, also known as impact aid,

1 provides funding to districts and is intended to supplement
2 district operational efforts to meet the academic and social
3 needs and priorities of American Indian students, as those
4 needs and priorities are collaboratively defined by tribal
5 parents, leaders and the districts; and

6 WHEREAS, decisions on how to allocate impact aid
7 funding, which is twenty-five percent above base, reside with
8 the local school district and tribal leaders; and

9 WHEREAS, the eight northern pueblos have approved a
10 resolution calling for increased accountability in the use of
11 impact aid set-aside funds to meet the educational needs and
12 priorities of American Indian students and for strengthened
13 collaboration with pueblo leadership;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
15 STATE OF NEW MEXICO that the legislative education study
16 committee be requested to evaluate the status of Public Law
17 81-874, regarding impact aid set-aside funds, to determine if
18 the local process used by districts ensures collaboration
19 with tribal leaders and leads to an accurate identification
20 of local needs through meaningful assessment processes in
21 fulfillment of the requirements of law and American Indian
22 policies and procedures; and

23 BE IT FURTHER RESOLVED that the study examine the use of
24 impact aid supplemental funds within the twenty-three
25 districts to ensure that those funds are used to meet

1 statutory requirements and to address educational needs to
2 support the success of American Indian students; and

3 BE IT FURTHER RESOLVED that the legislative education
4 study committee hold hearings to receive testimony from the
5 assistant secretary of the Indian education division of the
6 public education department, the secretary of Indian affairs,
7 a representative from the American Indian post-secondary
8 education division of the higher education department, tribal
9 leaders, representatives from tribal colleges, parents of
10 American Indian students, school district superintendents and
11 other interested individuals or organizations; and

12 BE IT FURTHER RESOLVED that copies of this memorial be
13 transmitted to the co-chairs of the New Mexico legislative
14 council and to the chair and vice chair of the legislative
15 education study committee.

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