

Tribal Remedy Framework Bills 2023:

Advancing Native students' right to an equitable and culturally relevant education

HB 140 // Tribal Education Trust Fund (Sponsor: Rep. Derrick Lente)

This bill establishes a Tribal Education Trust Fund to secure stable and consistent funding for Tribes to support Native students. This investment will grow over time and create value for the State and the fund beneficiaries. Every year, the Trust Fund will make a small distribution to each Tribe to develop their education capacity, complement school-based education with community-based learning, and provide culturally and linguistically relevant programs and services for Native students. HB 140 proposes to:

- Provide an annual distribution to Tribes to build tribal education capacity and programs.
- Use a statutory formula to share funds equitably among Tribes, with base support to build capacity in all Tribes and a per-student amount to support larger Tribes.
- Ensure tribal reporting to safeguard transparency and accountability, consistent with current law.
- Task the State Investment Office with investing the money, and PED with administering the fund.

Appropriation: \$50 million from the Public Education Reform Fund, with an annual 5% distribution starting in FY25 (\$2.5m per year initially, resulting in average of \$105k per Tribe).

Endorsements: Legislative Education Study Committee; All Pueblo Council of Governors

HB 149 // PED Native American Funding (Sponsor: Rep. Derrick Lente)

This bill provides a regular, dedicated funding stream for the Tribal Education Trust Fund to ensure its long-term sustainability. It is guided by the recognition that state lands, which generate revenue for New Mexico's education system, are ancestral tribal lands. Native students must be able to benefit fully from income derived from lands that once belonged to their communities. HB 149 proposes to:

- Establish a regular, dedicated funding stream for a future Tribal Education Trust Fund.
- Require PED to calculate and include in their budget an amount equivalent to the additional land grant fund distribution for K-12 education, proportionate to the share of Native students.
- Allow the legislature to appropriate and distribute this amount to the Tribal Education Trust Fund.

Estimated funding amount: upwards of \$12 million annually starting in FY 25.

HB 147 // Changing the Indian Education Fund Distributions (Sponsor: Rep. Lente)

This bill amends the Indian Education Act (IEA) to match the funding strategy with the purposes of the Act. The Indian Education Fund currently awards short-term, restricted grants that revert if not spent within a limited period. This scattershot approach conflicts with the IEA's purpose of creating sustainable educational systems for Native students that are equitable, effective, and coordinated. HB 147 will:

- Distribute at least 50% of IEA funding to Tribes to build tribal capacity for collaborating with schools. Last year, Tribes only received 13% of total IEA funding as general grants.
- Use an equitable statutory formula to fund Tribes, rather than a grant application process.
- Allow Tribes to carry over funds, just like school districts do with their state formula funding.

"The All Pueblo Council of Governors calls on the Executive and Legislature of the State of New Mexico to establish and invest in a Tribal Education Trust Fund that secures consistent and sustainable education funding for New Mexico's Nations, Tribes, and Pueblos." (Resolution No. APCG 2022-18)

HB 148 // Early Childhood Dept. Tribal Agreements (Sponsor: Rep. Lente)

This bill authorizes the Early Childhood Education and Care Department (ECECD) to enter into an intergovernmental agreement if requested by a Tribe. The purpose is to ensure that a Tribe can use state funds to develop and deliver tribal early childhood education and care programs on the Tribe's own terms, using Indigenous education standards. This exercise of education sovereignty would help disrupt over 130 years of forced assimilation of Native children. The bill proposes to:

- Require ECECD to enter into intergovernmental agreements with Tribes or tribal organizations, if requested by a Tribe, similar to federal self-determination contracts.
- Allow Tribes to use their own culturally and linguistically relevant standards, assessments, and evaluations to run state-funded early childhood programs, such as Native language immersion.

HB 280 // American Indian Ed. Technical Assistance Centers (Sponsor: Rep. Lente)

This bill is introduced on behalf of the Higher Education Department. It establishes two Technical Assistance Centers for Indian Education to provide expertise, guidance, and hands-on support to schools, districts, and Tribes to better serve Native students. The *Yazzie/Martinez* court found that PED has not been able to offer such assistance. The Technical Assistance Centers will serve as the support infrastructure for implementing the Indian Education Act.

Appropriation: \$2.25 million, included in the Higher Education Department's FY 24 budget.

TRF-Related Bills and Budget Requests

HB 198 // Career Tech Funds for Indian Ed. Schools (Sponsors: Reps. Lente, Herrera, Allison, Szczepanski, and Johnson)

This bill amends the Career Technical Education Pilot Project and CTE Fund statutes to make BIE secondary schools in New Mexico eligible to participate in the Next Generation CTE pilot project.

HJM 3 // "Year of Bilingual Multicultural Education" (Sponsor: Reps. Lente, Gurrola, Herrera, Sariñana, Ch. Trujillo)

This Joint Memorial recognizes the 50th anniversary of the Bilingual Multicultural Education Act. It asks PED to report on how the requirements of this Act are or are not being fulfilled, and further requests PED to fully comply with, address, and fund the linguistic rights of bilingual multicultural students.

PED budget requests for inclusion in HB 2:

- \$13.31 million for tribal and rural community-based learning opportunities (PED)
- \$25.24 million for the Indian Education Fund (PED)
- \$3.25 million for salary parity for 520 certificate holders (Native language teachers) (PED)
- \$20 million for tribal libraries and education centers construction and renovation (PED)

The Tribal Education Alliance supports New Mexico's tribal leaders in advancing the Tribal Remedy Framework (TRF), a comprehensive plan for meeting the educational needs of Native students and upholding their constitutional rights. The TRF was created by collectively by tribal communities in response to the Yazzie/Martinez court ruling and has been endorsed by all Native Nations, Tribes and Pueblos in New Mexico.