

## HB 135 // Indian Education Fund Distributions

### A Tribal Remedy Framework bill

Sponsored by Rep. D. Lente with Rep. A. Allison and Rep. D. W. Johnson

**Endorsed by the Indian Affairs Committee & the Legislative Education Study Committee**

*HB 135 will increase the efficiency, effectiveness, and user-friendliness of the Indian Education Fund. The Fund has disbursed small grants for many years but is marred by a high rate of reversions. The goal is to achieve 100% timely disbursement and use of available funding.*

**Update:** Passed by the House Education Committee on January 26, 2024. Awaiting a hearing in House Appropriations and Finance.

### Reforming the Indian Education Fund

In 2003, New Mexico's Indian Education Act was a pioneering law, the first in the country to require an equitable and culturally relevant education for Native students. Yet this law has never been fully implemented. The *Yazzie/Martinez* court found that the State had consistently failed to comply with the IEA.

**An inefficient funding process, with application hurdles, disbursement delays, and administrative bottlenecks, is one reason for this continued failure.** The Indian Education Fund awards small, short-term grants that revert if not spent within the fiscal year. Grants are reimbursable, requiring recipients to upfront all costs and submit receipts. This creates cashflow problems and drains tribal capacity.

**"Make it easier: from applying to reporting, funding needs to be streamlined and flexible enough to allow room for tribally determined goals."**

*Bettina Sandoval, Education Director, Pueblo of Taos*

The legislature has appropriated increasingly more money to the Indian Education Fund, yet it has been difficult for tribal recipients to use this money. This bill seeks to fix that. To avoid leaving money on the table, the process must be streamlined.

#### IEA in Figures

- In 2023 the IEA Fund grew to a total of \$20m, thanks to tribal advocacy.
- PED projected to award 20% of IEA funds to Tribes as short-term, reimbursable grants.
- Grant awards were issued in the fall, halfway into the school year.
- In FY23, a third of available tribal grants reverted.

**HB 135 amends the Indian Education Act to make the funding process more efficient and effective.** It proposes to:

- ⇒ Replace an inefficient grant process with upfront disbursements based on intergovernmental agreements.
- ⇒ Distribute funding at the start of the fiscal year, not months later.
- ⇒ Allow Tribes to carry over funds, just like school districts do with their state formula funding. This will prevent reversions and enable multi-year planning.