

**Tribal Education Alliance**  
**Public Comments to PED on Proposed Rule Change**

*December 18, 2023*

The Tribal Education Alliance strongly opposes the New Mexico Public Education Department's (NMPED) administrative overreach evident in the proposed rule, 6.19.4 NMAC, Accreditation Procedures. We oppose this draft rule as written because it infringes on the sovereignty of federally recognized Indian Tribes. This infringement is evident throughout the draft rule, and especially egregious in the extension of reporting requirements to BIE schools that do not seek state accreditation. The draft rule also appears to suggest that the State has the authority to mandate BIE schools to seek accreditation, when, in fact, no such State authority exists.

The Tribal Education Alliance (TEA) works in partnership with New Mexico's Native Nations, Tribes, and Pueblos to ensure an equitable, culturally relevant education for Native children. It supports New Mexico's tribal leaders in advancing the *Tribal Remedy Framework*, a comprehensive plan for meeting the educational needs of Native students and upholding their constitutional and human rights.

With these comments, TEA joins the All Pueblo Council of Governors and the Santa Fe Indian School in their opposition to 6.19.4 NMAC, Accreditation Procedures, as drafted.

We request the following changes to the proposed rule, 6.19.4 NMAC:

1. Remove any reference in 6.19.4.6. to BIE schools not desiring accreditation.
2. Distinguish between private and BIE schools in 6.19.4.6 (BIE schools are not private schools), and between federally and tribally operated BIE schools.
3. Clarify that there is no State authority to mandate any BIE schools to seek accreditation (6.19.4.9.(A)). This is an option for BIE schools, not a mandate (replace "shall" with "may").
4. Narrow 6.19.4.9.(B) to BIE schools seeking accreditation.
5. Make State authority to "observe" conditional on tribal consultation and narrow this authority to BIE schools seeking accreditation (6.19.4.9. (D)).

We also point to the need for NMPED to hold formal tribal consultations with New Mexico's Nations, Tribes, and Pueblos. Any administrative rules or rule changes that impact Tribal Nations must be subject to tribal consultation, pursuant to the provisions of New Mexico's State-Tribal Collaboration Act.