

# Tribal Education Alliance

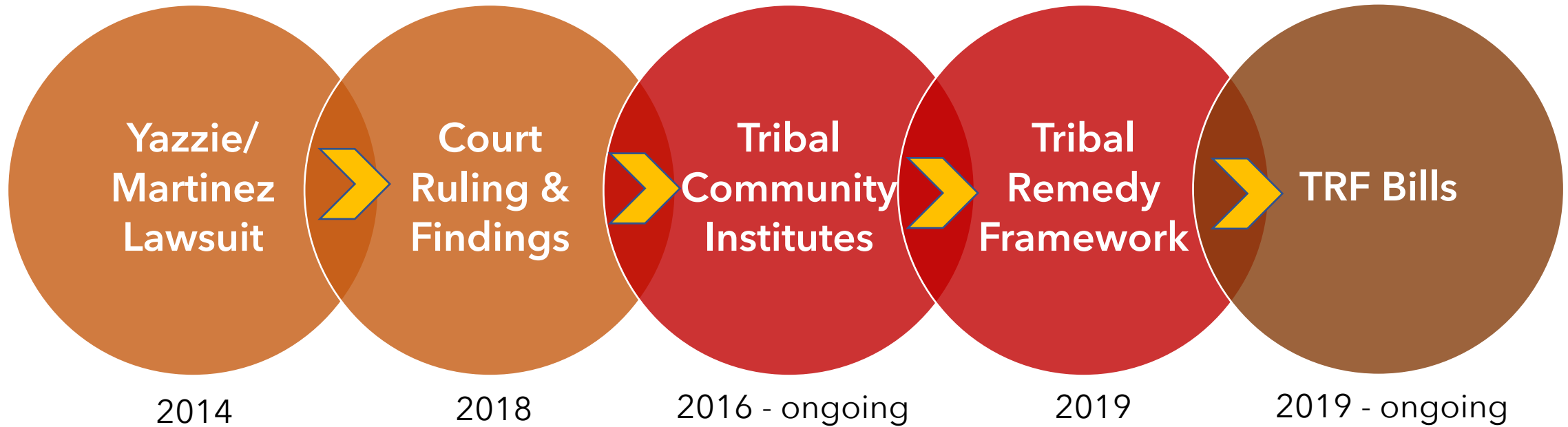
## **Indian Education in New Mexico's 2024 Legislative Session: A Debrief**

Derrick J. Lente, State Representative District 65  
Regis Pecos, Chair, Tribal Education Alliance

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Institute for American Indian Education

# Transforming Indian Education in New Mexico: A Brief Timeline



# Closing the Equity Gap for Native Students?

- All state education indicators, from attendance to proficiency to graduation, show lower outcomes for Native students.
- 6 years after the court order and 21 years after enacting the IEA, the State is still failing to meet the needs of Native students.
- The Legislature has made initial investments in the *Tribal Remedy Framework*.
- But Native students continue to suffer from deep educational disparities, language loss, and poor social-economic outcomes.

# New Mexico's Indian Education Funding

- Indian Education Fund: \$20 million, of which PED gives 20% to Tribes as short-term grants.
- One-off legislative appropriations secured by *Tribal Remedy Framework* advocates since 2021.
- Federal Impact Aid for school districts serving Native students (to replace local tax revenue).
- State funding formula: K-12 public schools receive over \$4 billion through the State Equalization Guarantee (SEG), which they can use how they see fit. **The SEG does not include formula factor for Native students or for Indian education programming.**

# Closing the Equity Gap for Native Students

For the 2024 session, PED submitted a record budget (more than \$5 billion), but without any meaningful funding for Native students.

In contrast, we have consistently advocated for targeted funding for Native students and tribal education.

- General, across-the-board funding assumes all students need the same and will benefit equally.
- But ignoring the gap between student groups maintains and even widens it.
- Funding should intentionally seek to reduce disparities and lift up students' cultural and language assets.

# HB 134: Tribal Education Trust Fund

- Establish a new **Tribal Education Trust Fund** to make a long-term investment in the education capacity of all 22 New Mexico Tribes.
- This would secure direct, stable, consistent, and flexible funding for all Tribes.
- Tribes could better support Native students with culturally relevant, community-based programs and collaborate with school districts and hold them accountable.

# HB 134: Tribal Education Trust Fund

**HB 134, as amended, unanimously passed the NM House on February 8, 2024.**

HB 2 (the state budget) included \$50 million for a Tribal Education Trust Fund.

The final version of the Trust Fund bill incorporated concerns from various tribal stakeholders:

- Tribes would determine amongst themselves an equitable formula for sharing the funds, in a PED-facilitated process.
- This process would have to result in a unanimous consensus; Indigenous peacemakers could be appointed in the event of a dispute.
- PED would use the agreed formula to disburse the funds to Tribes each year.

# HB 134: Tribal Education Trust Fund

## **The final Trust Fund bill had widespread support, including from:**

- the All Pueblo Council of Governors, the Navajo Nation President and Council, the Jicarilla Apache Nation and the Mescalero Apache Tribe,
- schools and districts such as Central Consolidated, Navajo Preparatory School and Santa Fe Indian School, and
- the New Mexico State Land Commissioner, the Attorney General, the *Yazzie* plaintiff families, the Santa Fe New Mexican, the LANL Foundation, and the New Mexico Conference of Catholic Bishops.

Yet it wasn't enough to clear the final hurdle in the Senate.

A Trust Fund produces greater benefits in the future than in the present. This made it vulnerable to efforts pitting it against the many other unmet needs persisting in tribal communities.



# HB 135: Indian Education Fund Distributions

## HB 135 proposed to amend the 2003 Indian Education Act to fix persistent problems with its funding mechanism:

- Short-term grants impede tribal planning and hiring
- Funding delays cause reversions; money is left on the table
- Reimbursable funding challenges tribal cash flow
- Grant funding process drains tribal capacity

## HB 135 solutions:

- Replace grants with automatic, direct disbursements to Tribes at the start of each fiscal year.
- Make funding available upfront, not based on submission of receipts.
- Allow Tribes to carry over funds, just as school districts do.

# Legislative Progress since 2019

Goal	Strengthen Tribal Education Sovereignty	Strengthen Tribal Community-Based Education and Native Languages	Build Tribal Education Infrastructure	Implement the Indian Education Act and Share Public School Governance	Coordinate State, BIE & Tribal Schools	Collaborate with Higher Education Programs
<b>Bill passed</b>	<b>HB 148 (2023):</b> Intergovernmental agreements with Early Childhood Dept. to ensure Tribes can operate self-determined early childhood programs, with state funding but without state interference.	<b>HB 60 (2022):</b> Salary parity for Native language & culture teachers (520 certificate holders).		<b>HB 250 (2019):</b> Public schools must work with Tribes on annual student needs assessments and systemic frameworks for meeting Native students' needs.	<b>HB 198 (2023):</b> BIE schools will receive career tech ed. funding to give Native students equal access to high-quality career tech ed. programs.	<b>HB 280 (2023):</b> Two Technical Assistance Centers will assist Tribes and schools to build capacity and better meet the needs of Native students.
<b>Budget secured</b>		\$13.3m for tribal community-based extended learning (2022); \$10.6m for tribal ed. depts, tribal libraries, Native language programs (2021)	\$20m for tribal libraries/ learning centers design, construction & renovation (2023); \$12m in 2022	Indian Education Fund: \$20m (2024 and 2023); \$15m (2022); \$5m (2021)	\$1.4m for career tech. ed. in BIE schools (2022)	\$1.75m additional recurring funding for tribal initiatives in higher ed. (since 2022)



**Thank you!**

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