

HB 84 // Native Language Education Program Unit (Sponsor: Rep. Derrick Lente)**Equitable and targeted education funding for Native Students**

Native students have long been deprived of the resources they need to succeed. The *Yazzie/Martinez* court ruled that funding for at-risk students is not only insufficient but also fails to reach the students who most need it. Yet recent funding increases were not targeted at Native students. Indian education remains chronically underfunded.

Piecemeal funding through one-off small grants is ill-suited to remedy educational disparities. The *Yazzie/Martinez* court ruling found that “the uncertainty surrounding this funding makes it difficult to use for programs that should be sustained year-after-year.” But regular funding through the State Equalization Guarantee (SEG) formula does not include targeted resources for Native students, Native languages or tribal education programs.

HB 84 will result in more equitable education funding.

It amends the Public School Finance Act to allow Tribal Education Departments (TEDs) to receive education formula funding, alongside school districts and charter schools. TEDs oversee the education of Native children, in collaboration with school districts. They also develop and deliver tribal education programs. Yet the U.S. Commission on Civil Rights found that “many TEDs lack sufficient funding to fully develop tribal expertise in education administration—and thus to fulfill their potential” (USCCR, 2018).

HB 84 will create a dedicated funding stream for Native languages. Children do better in school when they can learn in their Native languages. Yet Native language programs are not integrated in the curriculum and have not received funding from the SEG formula’s bilingual program units.

HB 84 will ensure that school formula funding reaches Native students directly. The bill will:

- Make Tribal Education Departments eligible for SEG formula distributions, thus treating TEDs more like local education agencies (first proposed by the LFC in 2006).
- Add Native language program units to the SEG formula.
- Include Native students as part of the at-risk index, based on the *Yazzie/Martinez* court ruling that declared Native students an at-risk student group.
- Allow the use of at-risk dollars for tribal community-based after-school and summer school programs.
- Safeguard tribal sovereignty by using intergovernmental agreements to determine program cost and distributions to Tribes.

Fiscal Impact: approx. \$5.4M for Native language program units; plus \$48M for including Native students in the at-risk index, generating \$1,380 per Native student (based on FY 2019/20 unit value).

“We have generational work to do in restoring educational outcomes for communities of color and disadvantaged populations in our state. The system will not reform itself.”

Governor Michelle Lujan Grisham, May 8, 2020

“This is a critical generation of Native children, the last to prevent the deterioration of our Native languages. Without language, how long can a culture survive without unravelling? We need a different paradigm to win this race against time.”

Dr. Christine Sims, Director, American Indian Language Policy Research and Teacher Training Center at UNM