

Tribal Remedy Framework Bill: Indian Education Act Amendment

By improving the Indian Education funding strategy, we can create much-needed capacity to enable school districts and tribal education departments to collaborate effectively in serving Native students. We will foster greater coordination in assessing student needs, developing systematic plans, and implementing these plans in culturally relevant ways, as the Indian Education Act requires.

Improving the Indian Education Funding Strategy (Sponsor: Rep. Derrick Lente)

Back 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 was never implemented. The *Yazzie/Martinez* court found that the State had consistently failed to comply with the IEA.

A misguided funding strategy, consisting of scattershot projects and short-term grants, is a key reason for this continued systemic failure. The Indian Education Fund awards small, reimbursable grants that revert if not spent within a limited period.

This short-sighted approach conflicts with the IEA's purpose of creating sustainable educational systems for Native students that are equitable, effective, and coordinated.

The state has "a constitutional duty to ensure that the New Mexico Indian Education Act is fully complied with and enforced and that its purposes are fully effectuated."

Yazzie/Martinez Court, Findings of Fact & Conclusions of Law, ¶13066

IEA in Figures

- In 2022 the IEA budget grew threefold to a total \$15m, thanks to tribal advocacy.
- Only 13% of IEA funds went to Tribes as general, short-term grants.
- 67% of IEA funds went toward special projects designed by PED.
- In 2021, half of all tribal grants reverted.

This bill amends the Indian Education Act to match the funding strategy with the purposes of the Act:

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

"Our main need, our priority, is to build our capacity, including staffing. This requires recurring, predictable funding. We can't hire with a one-year grant that arrives after the school year has started. We can't sustain our operations with short-term planning. We need resources we can count on, year after year, to build effective educational systems for our children." Kevin Shendo, Tribal Education Director, Pueblo of Jemez