

SENATE BILL 13

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE STATE-TRIBAL EDUCATION COMPACT SCHOOLS ACT; PROVIDING AUTHORIZATION TO THE PUBLIC EDUCATION DEPARTMENT TO ENTER INTO STATE-TRIBAL EDUCATION COMPACTS; PROVIDING FOR THE APPLICATION PROCESS OF BECOMING A STATE-TRIBAL EDUCATION COMPACT SCHOOL; PROVIDING RULEMAKING AUTHORITY; PROVIDING REQUIREMENTS FOR THE OPERATION OF STATE-TRIBAL EDUCATION COMPACT SCHOOLS; EXEMPTING STATE-TRIBAL EDUCATION COMPACT SCHOOLS FROM CERTAIN STATE STATUTES

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AND RULES; PROVIDING REPORTING REQUIREMENTS; ALLOWING STATE-TRIBAL EDUCATION COMPACT SCHOOLS TO RECEIVE STATE AND FEDERAL FUNDING; ALLOWING FOR EMPLOYMENT PREFERENCES AND ADMISSIONS PRIORITIZATION; INCLUDING STATE-TRIBAL EDUCATION COMPACT SCHOOLS IN THE PUBLIC SCHOOL CAPITAL OUTLAY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 8 of this act may be cited as the "State-Tribal Education Compact Schools Act"."

**SECTION 2.** A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] DEFINITION.--As used in the State-Tribal Education Compact Schools Act, "state-tribal education compact" means a compact that has been entered into by the department and an Indian nation, tribe or pueblo located wholly or partially in New Mexico."

**SECTION 3.** A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] AUTHORIZATION OF DEPARTMENT TO ENTER INTO STATE-TRIBAL EDUCATION COMPACTS--APPLICATION PROCESS AND CONTENTS--TRIBAL RESOLUTION--STATE-TRIBAL EDUCATION COMPACTS CONTENTS--RULEMAKING AUTHORITY.--"

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A. The department is authorized to enter into HAFC→five pilot←HAFC state-tribal education compacts for language- and culture-based schools.

B. No later than one year after the effective date of the State-Tribal Education Compact Schools Act, the department shall establish an application and approval process, procedures and time lines for negotiations between the department and an Indian nation, tribe or pueblo and approval or disapproval and execution of state-tribal education compacts. HAFC→Eligibility requirements for each state-tribal education compact application shall prioritize the distinct language groups of New Mexico, including Tiwa, Tewa, Towa, Keresan, Apache, Zuni and Dine←HAFC .

C. The process pursuant to the provisions of Subsection B of this section may be initiated by submission to the department of a resolution by the governing body of an Indian nation, tribe or pueblo in the state of New Mexico.

D. The resolution pursuant to the provisions of Subsection C of this section shall be accompanied by an application to create a state-tribal education compact school that indicates the grade or grades from pre-kindergarten through twelfth grade that shall be offered at the state-tribal education compact school and that demonstrates that the school shall operate in compliance with all applicable laws, any rules adopted pursuant to the provisions of the State-Tribal

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Education Compact Schools Act and the terms and conditions set forth in the application. Both the resolution and the application to create a state-tribal education compact school shall be submitted to the department.

E. Within ninety days of receipt of a resolution and application pursuant to the provisions of this section, the department shall convene a government-to-government meeting for the purpose of considering the resolution and application and initiating negotiations between the department and the Indian nation, tribe or pueblo. The department and the Indian nation, tribe or pueblo that is submitting the resolution and application shall determine the terms of the state-tribal education compact.

F. State-tribal education compacts shall have a term of five years and shall include the following provisions:

- (1) compliance;
- (2) notices of violation;
- (3) dispute resolution, which may include nonjudicial processes such as mediation;
- (4) recordkeeping and auditing;
- (5) the delineation of the respective roles and responsibilities;
- (6) whether the compact is renewable; and
- (7) compact termination.

G. The department shall promulgate rules for the

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implementation of the State-Tribal Education Compact Schools Act.

H. The department shall post each state-tribal education compact to the department's web page."

SECTION 4. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] OPERATION OF STATE-TRIBAL EDUCATION COMPACT SCHOOLS--EXEMPTION FROM CERTAIN STATE STATUTES AND RULES--REQUIREMENTS FOR A STATE-TRIBAL EDUCATION COMPACT SCHOOL--PROHIBITION OF SECTARIAN PRACTICES--ENROLLMENT AND SCHOOL CHOICE.--

A. A state-tribal education compact school shall operate according to the terms of the school's compact executed pursuant to the provisions of Section 3 of the State-Tribal Education Compact Schools Act.

B. A state-tribal education compact is exempt from all state statutes and rules applicable to school districts, state-chartered charter schools, local school boards or governing bodies of charter schools regarding the curriculum, assessment and evaluation requirements of a school, except for those statutes and rules made applicable pursuant to the provisions of the State-Tribal Education Compact Schools Act and in the state-tribal education compact executed pursuant to the provisions of Section 3 of that act.

C. Each state-tribal education compact school

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shall:

(1) create a curriculum and conduct an educational program that is controlled and evaluated by the Indian nation, tribe or pueblo and is language and culture based;

(2) employ licensed school employees or language-proficient employees, as determined by the Indian nation, tribe or pueblo, who are seeking department licensure;

(3) comply with the licensed school employee criminal history record check as provided in Section 22-10A-5 NMSA 1978 and comply with the provisions of Section 22-10A-5.2 NMSA 1978 and the termination and notification provisions of Section 22-10A-22 NMSA 1978;

(4) comply with nondiscrimination laws;

(5) adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance; and

(6) be subject to and comply with legislation enacted after the effective date of the State-Tribal Education Compact Schools Act governing the operation and management of state-tribal education compact schools.

D. A state-tribal education compact school shall not engage in sectarian practices in the school's educational program, admissions or employment policies or operations.

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E. Nothing in the State-Tribal Education Compact Schools Act may limit or restrict any enrollment or school choice options provided for by law."

SECTION 5. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] STATE-TRIBAL EDUCATION COMPACT SCHOOLS-- TUITION CHARGE--EXTRACURRICULAR FEES--ADMISSION--EXCEPTIONS TO ADMISSION.--

A. A state-tribal education compact school shall not charge tuition but may charge fees for participation in optional extracurricular events and activities.

B. A state-tribal education compact school shall not deny admission on any basis other than age group, grade level or capacity and shall otherwise enroll all students who apply.

C. If capacity is insufficient to enroll all students who apply, a state-tribal education compact school may prioritize the enrollment of tribal members and siblings of students who are already enrolled at the state-tribal education compact school."

SECTION 6. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] REPORTING REQUIREMENTS--SCHOOL FUNDING.--

A. A state-tribal education compact school shall report student enrollment to the department. Reporting shall

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be done in the same manner as reporting for and use the same definitions of enrolled students and annual average full-time-equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is allocated based on student enrollment and demographics.

HAFC→B. Each state-tribal education compact school shall report its status and progress to the legislative education study committee and the legislative finance committee by November 1 of each year.←HAFC

HAFC→B.←HAFC HAFC→C.←HAFC Funding for a state-tribal education compact school shall be determined by the public school funding formula pursuant to the provisions of the Public School Finance Act. Salary amounts for licensed school employees shall be based on the salary amounts of the school district in which a state-tribal education compact school is located. A state-tribal education compact school shall use the statewide salary minimums pursuant to the provisions of the School Personnel Act. A state-tribal education compact school is eligible to apply for state grants on the same basis as a school district.

HAFC→C.←HAFC HAFC→D.←HAFC Money received by a state-tribal education compact school from any source that remains in the school's accounts at the end of any budget year shall remain in the school's accounts for use by the school

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during subsequent fiscal years."

SECTION 7. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] EMPLOYMENT PREFERENCE--ADMISSION PRIORITY.--Nothing in the State-Tribal Education Compact Schools Act prohibits schools established pursuant to the provisions of that act from:

A. implementing a policy of preference to tribal members in employment; or

B. prioritizing the admission of tribal members when the capacity of the school's programs or facilities is not as large as demand."

SECTION 8. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] COMPLIANCE WITH THE OPEN MEETINGS ACT.-- All actions, negotiations and business of the department and an Indian nation, tribe or pueblo entering into a state-tribal education compact shall be conducted pursuant to the provisions of the Open Meetings Act."

SECTION 9. Section 22-24-3 NMSA 1978 (being Laws 1975, Chapter 235, Section 3, as amended) is amended to read:

"22-24-3. DEFINITIONS.--As used in the Public School Capital Outlay Act:

A. "authority" means the public school facilities authority;

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B. "building system" means a set of interacting parts that makes up a single, nonportable or fixed component of a facility and that, together with other building systems, makes up an entire integrated facility or property, including roofing, electrical distribution, electronic communication, plumbing, lighting, mechanical, fire prevention, facility shell, interior finishes, heating, ventilation and air conditioning systems and school security systems, as defined by the council;

C. "constitutional special schools" means the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf;

D. "constitutional special schools support spaces" means all facilities necessary to support the constitutional special schools' educational mission that are not included in the constitutional special schools' educational adequacy standards, including performing arts centers, facilities for athletic competition, school district administration and facility and vehicle maintenance;

E. "council" means the public school capital outlay council;

F. "education technology infrastructure" means the physical hardware and services used to interconnect students, teachers, school districts and school buildings necessary to support broadband connectivity and remote learning as

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determined by the council;

G. "fund" means the public school capital outlay fund;

H. "maximum allowable gross square foot per student" means a determination made by applying the established maximum allowable square foot guidelines for educational facilities based on type of school and number of students in the current published New Mexico public school adequacy planning guide to the department's current year certified first reporting date membership;

I. "replacement cost per square foot" means the statewide cost per square foot as established by the council;

J. "school district" includes state-chartered charter schools, state-tribal education compact schools and the constitutional special schools;

K. "school district population density" means the population density on a per square mile basis of a school district as estimated by the authority based on the most current tract level population estimates published by the United States census bureau; [~~and~~]

L. "school district population density factor" means zero when the school district population density is greater than fifty people per square mile, six-hundredths when the school district population density is greater than fifteen but less than fifty-one persons per square mile and twelve-

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hundredths when the school district population density is less than sixteen persons per square mile; and

M. "state-tribal education compact schools" means schools established pursuant to the provisions of the State-Tribal Education Compact Schools Act."

**SECTION 10. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2025.

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