



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

November 18, 2019

Acoma Legislative Education Study Committee, Key Members
Representative Christine Trujillo, Chair
Cochiti Senator Mimi Stewart, Vice-Chair
Isleta Representative Sheryl Williams Stapleton, Member
Senator William Soules, Member

Jemez

Re: All Pueblo Council of Governors Position on Impact Aid

Laguna

Dear Distinguished Committee Members,

Nambe

Ohkay Owingeh

On behalf of the All Pueblo Council of Governors (“APCG”), we would like to extend our appreciation for your continued leadership in service to our state’s educators, communities, and families. The member Pueblos of the APCG continue to be collectively engaged on matters regarding Impact Aid and are appreciative of the several interim policy engagement sessions with school districts, Pueblos and tribes, the Public Education Department, and the Indian Affairs Department.

Picuris

Pojoaque

Sandia

San Felipe

Pueblos appreciate the concept of School Equalization Guarantee Distribution (“SEG”), which attempts to objectively distribute state resources to school districts and charter schools by equalizing property tax wealth variation across the state. This is an admirable concept by the State of New Mexico and an important part of the public school finance system. However, there are long standing concerns that this system does not take into account the Pueblos’ sovereign right to ensure that Impact Aid funds are utilized to produce the better student outcomes and more culturally competent education for our Pueblo students.

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

As you know, federal law allows equalized states to take credit for payments for federal property and basic support payments, but not Indian education payments. With the state deducting 75% of Impact Aid funding a school district receives, implementation of credits has resulted in limited fiscal capacity for districts to comply with requests from tribal representatives through the SEG Indian Policies and Procedures. This continues to effectively nullify the federal government’s trust responsibility by impeding the ability for Pueblos to fully advocate for students.

Tesuque

Ysleta Del Sur

Zia

Zuni

APCG recognizes the need to maintain flexibility of dollars for the districts to be used for programmatic and capital needs while enhancing oversight of the Indian Policies and Procedures. APCG composed of our member Pueblos collectively support the



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development of legislation to eliminate the deduction by removal of credits from the SEG, or a fix via SEG backfill. We offer the following solutions and considerations in addressing Impact Aid:

Acoma

Cochiti

Isleta

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1. Discussions on implementing Impact Aid be redirected to the classroom, rather than SEG, for the purpose of discussing how to best implement these dollars directly to improve education outcomes for students.
 2. Discussions on Impact Aid be redirected to between the Tribe and the Local Education Agency ("LEA"). In order to improve educational outcomes for students, the State of New Mexico demonstrate a supportive role with respect to Indian Education policy and offer constructive oversight of LEA in Indian Policy and Procedures discussions.
 3. Discussions on Impact Aid include the following considerations: Federal Impact Aid law includes the requirement for districts and Tribes to consult on these dollars through the IPP agreement. The state generally does not play a role in the Indian Policy and Procedures. These conversations have historically been confrontational. APCG believes that the States implementation of the SEG and reduction of operational dollars to Impact Aid districts is a foundational factor to this tension. This is because the district and the tribes are consulting over funds, however neither party agreed to 75% being credited to the SEG.
- Similar to the Indian Policies and Procedures, the application process be designated between the LEA and the Tribe(s). Tribal governments and Native American parents play a pivotal role in the application process. They not only have a legal right to consult over these dollars through the IPP, but strongly perceive this money to be intended for their districts exclusively because of their investment by participating in the Impact Aid application process.

Now is the time work in the spirit of collaboration and cooperation toward a legislative fix on Impact Aid that directly benefits our students in consideration the financial status of the State of New Mexico for 2020 is almost six times the amount from the previous budget. Your consideration and decision-making is appreciated as we embark on the 2020 Legislative Session.



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Respectfully,

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Cochiti

Isleta

Jemez

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E. Paul Torres, Chairman
All Pueblo Council of Governors

CC: Office of the Governor

Secretary Lynn Trujillo, Indian Affairs Department

Legislative Education Study Committee

Brian Egolf, Jr., Speaker of the House

Patricia Lundstrom, House Appropriations Chair Representative

Senator Kay Papen, Senate Pro Tempore

Senator Peter Wirth, Senate Majority Leader

Senator George Munoz

Senator Clemente Sanchez