

## A Tribal Education Trust Fund for New Mexico

### HB 140 sponsored by Rep. Derrick Lente

Endorsed by the Legislative Education Study Committee

Native students need an equitable and culturally relevant education that enables them to thrive in the two worlds they inhabit: their tribal communities and society at large. One is a world with little resources but rich in culture, the other has a wealth of opportunities but few options for Native students.

New Mexico's education system has long neglected the cultural and linguistic assets Native students bring to the classroom. It has also disregarded the role of Tribes in supporting their students and partnering with public schools. As a result, many Native students struggle with academic learning, social-emotional health, and language loss. Without the full contributions of Native youth, **Indigenous cultures and languages are at risk.**

The State and Tribes have a shared responsibility to ensure that Native students are ready for college, career, and civics in both Indigenous and U.S. societies, consistent with their dual citizenship. This requires a twofold approach: appropriate systems and resources for school-based learning on the one hand, and for after-school, community-based education on the other.

**HB 140 would create a Tribal Education Trust Fund that invests in tribal community-based education to complement school-based services.** This will build tribal capacity to partner with public schools and to provide culturally relevant programs and services for Native students.

"The All Pueblo Council of Governors calls on the Executive and Legislature of the State of New Mexico to establish and invest in a Tribal Education Trust Fund that secures consistent and sustainable education funding for New Mexico's Nations, Tribes, and Pueblos."

Resolution No. APCG 2022-18

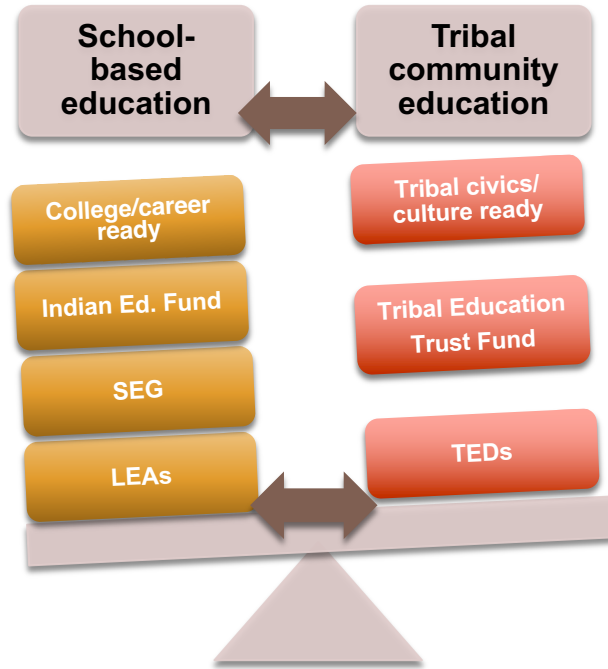
### How would a Tribal Education Trust Fund work?

A Trust Fund is an investment of state funds that grows over time and creates value for the state and the fund beneficiaries. A Tribal Education Trust Fund would **secure stable and consistent funding** for Tribes to support Native students. Every year, the Trust Fund would make a small distribution to each of New Mexico's Nations, Tribes, and Pueblos to develop their education capacity, complement school-based education with community programs, and provide culturally and linguistically relevant programs and services for Native students.

### Why do we need both a Tribal Education Trust Fund and the Indian Education Fund?

The Indian Education Fund is intended to support Native students' learning at school. The Tribal Education Trust Fund would support Native students' learning in their communities. These two

purposes require two different funds. Community-based supports, programs, and services are essential to help Native students learn and grow as they straddle two worlds. As Tribal citizens and U.S. citizens, Native students enjoy dual citizenship, dual languages, and dual cultures. Resources must be available in both realms to ensure that Native students receive a balanced, rather than one-sided, education.



### **What distinguishes a Trust Fund from the current funding model?**

The state's school funding formula, the State Equalization Guarantee (SEG), distributes close to \$4 billion to public schools. Tribal Education Departments that support Native students do not receive any of these funds. There are only small, short-term grants for Indian Education, which the *Yazzie/Martinez* Court found unsuitable for developing the capacity and programs that need to be sustained year after year. Many Tribes have been unable to make full use of these project grants, as these are not always aligned with their priorities, timelines, and staffing. A Trust Fund would secure consistent, stable, and predictable funding for years to come, enabling Tribes to provide much-needed supports for Native students.

**"I think that a trust fund for Indian Education is really the only way to move forward."**

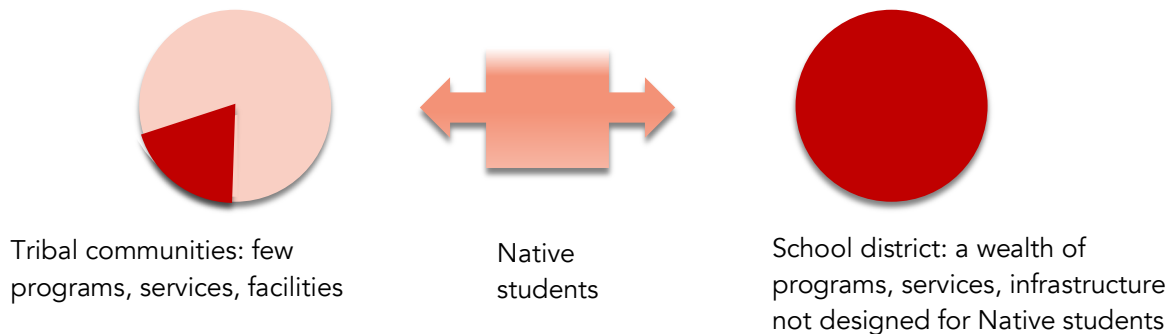
**"The Yazzie-Martinez lawsuit wouldn't have been necessary had we had dedicated funds for Native education."**

Stephanie Garcia Richard, New Mexico State Land Commissioner

2022 APCG Candidates' Forum

## Why should the State fund both school districts and Tribes?

Local Education Agencies (LEAs) serve as a robust framework of support to schools. However, LEA's investments in local facilities and school-based services and supports do not extend to tribal communities where Native students live. Moreover, Tribes have little representation in district and school governance and are rarely able to influence policies and investments. The systems and institutions of public education exist outside the realm of tribal communities, yet most Native children attend public schools. To advance equity and justice in education, school-based investments must be complemented by tribal, community-based investments.



## Why would Native students benefit from a dual approach to education?

Native students straddle two worlds. They need a balanced education that enables them to thrive and succeed in both. Most Native students travel long distances to attend public schools that were not designed for them. Tribes could partner with schools to better address student needs, but they lack capacity. Native students could continue learning after they come home from school, but tribal communities lack educational opportunities. This imbalance leaves students unsupported and accelerates culture and language loss within Tribes. By establishing a Tribal Education Trust Fund, New Mexico can help create a balanced education system that supports student well-being and cultural richness.

## Would this benefit public schools too?

School districts often struggle to develop measures that reach at-risk students, especially Native students. They would benefit from Tribes becoming more effective partners in supporting Native students. Research evidence shows that student performance improves in culturally relevant learning environments. When Tribes are able to complement school-based education in a systematic and consistent way, Native students will become more engaged and better prepared for academic achievement.

## Where would the money for a Trust Fund come from?

The Public Education Reform Fund, set up in response to the *Yazzie/Martinez* court ruling, has consistently carried high balances because school districts have not used all available funding. The current balance should be spent down to meet *Yazzie/Martinez* obligations. In subsequent years, a dedicated revenue stream for the Trust Fund could be designated in statute, as proposed by **HB 149**. This should be an amount equivalent to the additional K-12 distribution from the land grant permanent fund approved by voters, proportional to the share of the Native student population. Policymakers should be mindful that the state lands generating this income are ancestral tribal lands.

*Would you support the establishment of a Trust Fund for Indian Education that provides consistent and sustainable distributions to Tribes?*

**"I think that's extremely important. [...] This is one area that I think that truly would have an impact."**

Howie Morales, Lieutenant Governor  
2022 APCG Candidates' Forum

## How would Tribes account for these funds?

Tribal education departments would account for funding similar to school districts, by submitting education plans, budgets, and reports. HB 140 also requires tribal education departments to submit annual assessments of program impact, student engagement and student outcomes based on tribally determined criteria.

***The Tribal Education Alliance is a coalition of tribal education leaders, experts and advocates that supports New Mexico's tribal leaders in advancing the Tribal Remedy Framework (TRF), a comprehensive plan for meeting the educational needs of Native students and upholding their constitutional rights. The TRF was created collectively by tribal communities and Indigenous education experts and has been endorsed by all of New Mexico's Nations, Tribes and Pueblos.***