



RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2019-39

SUPPORT FOR DEVELOPMENT OF STATE LEGISLATION TO ELIMINATE DEDUCTION OF IMPACT AID BY REMOVAL OF CREDITS FROM THE STATE GUARANTEE EQUALIZATION DISTRIBUTION FORMULA (“SEG”) OR TO PROVIDE AN SEG BACKFILL

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta Del Sur, each having the sovereign authority to govern their own affairs; and

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural and traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent and sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic and natural resources, and educational advancement of all Pueblo people; and

WHEREAS, the 20 Pueblos possess inherent government authority and sovereignty over their lands; and

WHEREAS, the Federal Impact Aid Program (P.L 81-874) (“IA”) is designed to assist local school districts that have lost property tax revenue due to the presence of tax-exempt property within their boundaries or that have increased expenditures due to the enrollment of federally-connected children in their school systems, including those living on tribal lands; and

WHEREAS, the lands of the Pueblos are restricted or held in trust by the federal government for the benefit of Pueblos and are not subject to State Property Tax; and

WHEREAS, the Federal IA Program prohibits, by regulation, states from reducing state funding to a school district based on their receipt of Impact Aid funds, unless the state has a program designed to equalize expenditures for all local educational agencies in the state; and

WHEREAS, Federal law allows equalized states to take credit for payments for federal property and basic support payments, but not Indian education payments, payments for children with disabilities, or for construction payments; and



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

Acoma

WHEREAS, implementation of the credits is resulting in limited fiscal capacity for districts to comply with requests from tribal representatives through the federally required Indian Policies and Procedures (“IPP”), which effectively impedes the ability for Pueblos to fully advocate for their students; and

Cochiti

Isleta

WHEREAS, the implementation of the SEG credit in the State of New Mexico has nullified the federal government’s trust responsibility to native students by impeding the ability for tribes and parents to advocate for the unique needs of Native American students in order to achieve the best educational outcomes for those students; and

Jemez

Laguna

WHEREAS, the State of New Mexico deducts 75% of the IA funding a school district receives when the State provides funding for students through the SEG credit; and

Nambe

Ohkay Owingeh

WHEREAS, APCG acknowledges SEG attempts to objectively distribute state resources to school districts and charter schools by equalizing property tax wealth variation across the state, however this system does not take into account Pueblos’ right to ensure that IA funds are utilized to produce better student outcomes and culturally competent education for Pueblo students; and

Picuris

Pojoaque

Sandia

WHEREAS, the State of New Mexico is essentially using IA intended for Native American based districts to subsidize schools throughout the State; and

San Felipe

WHEREAS, in 2017 Native American students contributed \$50,000,000 to the State of New Mexico’s SEG, while the rest of the state contributed \$15,000,000; and

San Ildefonso

Santa Ana

WHEREAS, the State of New Mexico does not deduct federal IA received by the Los Alamos Public Schools which allows that school system to keep approximately \$8 million of direct federal aid; and

Santa Clara

Santo Domingo

WHEREAS, the State of New Mexico should treat IA in the same manner as it treats federal aid received by the Los Alamos Public Schools and allow the school districts who apply for and receive IA to keep it for capital improvements; and

Taos

Tesuque

WHEREAS, the State of New Mexico has a constitutional obligation to provide for the education of its resident children and must ensure that all public school students have an equal opportunity to succeed and thrive; and

Ysleta Del Sur

Zia

WHEREAS, there is a need for maintaining flexibility of IA dollars for the districts to be used for programmatic and capital needs while enhancing oversight of the IPP.

Zuni

NOW THEREFORE IT BE RESOLVED; the APCG hereby supports the development of legislation to eliminate the deduction of IA by removal of credits from SEG or an IA fix with a 100% SEG backfill; and



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Governor Val Panteah, Sr., Secretary

BE IT FURTHER RESOLVED, APCG additionally supports the following solutions on addressing Impact Aid:

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

1. Discussions on implementing Impact Aid be redirected to the classroom, rather than SEG.
2. Discussions on Impact Aid be redirected to between the Tribe and the Local Education Agency (“LEA”).
3. In order 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 IPP discussions.
4. Discussions on IA including the following considerations: Federal IA 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 IPP. These conversations have historically been confrontational. Tribes believe that the states implementation of the SEG and reduction of operational dollars to IA 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.

Similarly, to the IPP, the application process is 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 perceived this money to be intended for their districts exclusively because of their investment by participating in the IA application process.

BE IT FURTHER RESOLVED; the APCG calls upon the Governor of the State of New Mexico and legislative leadership to ensure the development and passage of legislation to eliminate the IA deduction or provide a SEG backfill; and

BE IT FINALLY RESOLVED, the APCG Chairman and the Office of the All Pueblo Council of Governors is hereby authorized to do all that is necessary to carry out the intent of this Resolution.



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Governor Val Panteah, Sr., Secretary

CERTIFICATION

Acoma

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Isleta

Jemez

Laguna

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Ohkay Owingeh

Picuris

Pojoaque

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Zuni

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APGC 2019-39 was considered and adopted at a duly called council meeting held on 21 day of November 2019, and at which time a quorum was present and the same was approved by a vote of 11 in favor, 0 against, 0 abstain, and 0 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By:

E. Paul Torres, APCG Chairman

ATTEST:

Governor Val Panteah, Sr., APCG Secretary