

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0118-20__

SPONSOR: Daniel Tso

TITLE: An Action Relating to Health, Education and Human Services and Naabik'iyáti'; Supporting final written determinations of the Impact Program, U.S. Department of Education, concerning Impact Aid to the State of New Mexico for the periods July 1, 2018 through June 30, 2019 and July 1, 2019 through June 30, 2020

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0118-20

DATE: May 11, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI'; SUPPORTING FINAL WRITTEN DETERMINATIONS OF THE IMPACT PROGRAM, U.S. DEPARTMENT OF EDUCATION, CONCERNING IMPACT AID TO THE STATE OF NEW MEXICO FOR THE PERIODS JULY 1, 2018 THROUGH JUNE 30, 2019 AND JULY 1, 2019 THROUGH JUNE 30, 2020

PURPOSE: This resolution, if adopted, would support two final written determinations issued by the federal Impact Program within the U.S. Department of Education concerning impact aid under federal law (Elementary and Secondary Education) to the State of New Mexico for the periods July 1, 2018 through June 30, 2019 and July 1, 2019 through June 30, 2020.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 05-19-20
Eligible for Action: 05-20-20

PROPOSED STANDING COMMITTEE COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0118-20

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI'; SUPPORTING FINAL WRITTEN DETERMINATIONS OF THE
IMPACT PROGRAM, U.S. DEPARTMENT OF EDUCATION, CONCERNING
IMPACT AID TO THE STATE OF NEW MEXICO FOR THE PERIODS JULY 1, 2018
THROUGH JUNE 30, 2019 AND JULY 1, 2019 THROUGH JUNE 30, 2020

WHEREAS:

- A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. The committee is empowered to coordinate all federal and state programs, including education, with other standing committees for purposes of providing the most efficient delivery of services to the Navajo Nation. 2 N.N.C. § 701(A)(4).
- B. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). Purposes of the committee include overseeing all educational matters affecting the Navajo Nation and promoting academic excellence and culturally relevant education. 2 N.N.C. § 400(C)(2).
- C. The Impact Aid program under Title VII of the Elementary and Secondary Education Act is administered by the U.S. Department of Education. The program compensates local educational agencies for a "substantial and continuing financial burden" resulting from federal activities. See, 20 U.S.C. 7701.

1 D. Concerning the state of New Mexico, the Impact Aid program on April 15, 2020
2 issued two final certifications and reports. In its first report (Exhibit A), it stated “that
3 New Mexico is certified to meet the requirements of section 7009(b), Title VII, of the
4 Elementary and Secondary Education Act, as amended by the Every Student Succeeds
5 Act.” And, based on its review of final financial and enrollment data for State fiscal year
6 2019, “the State was eligible to consider a portion of Impact Aid payments as local
7 resources in determining State aid entitlements for the period July 1, 2018 through June
8 30, 2019.” *Id.*

9 E. In its second report (attached hereto as Exhibit B), the Impact Program, in denying
10 certification, concluded that “New Mexico does not meet the requirements of section 7009(b)
11 of the Elementary and Secondary Education Act” (as amended). The Impact Program
12 determined that the revenue disparity percentage is not within the 25 percent disparity
13 allowed under section 7009(b)(2). “Therefore,” it concluded, “the State may not take into
14 consideration Impact Aid payments when calculating State aid to districts for FY 2020.”
15 Exhibit B.

16
17 NOW THEREFORE BE IT RESOLVED THAT:

18 The Navajo Nation hereby supports the final written determinations of the Impact
19 Program of the U.S. Department of Education concerning Impact Aid to the state of New
20 Mexico for the periods July 1, 2018 through June 30, 2019 and July 1, 2019 through June
21 30, 2020. The written determinations are attached hereto as Exhibits A and B,
22 respectively.