



# Building Partnerships Through the Indian Education Act and Senate Bill 163

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*Presentation for New Mexico School  
Board Members*

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## Session Overview

This presentation will provide school board members with a clear understanding of the Indian Education Act, the legal responsibilities under the law, and how the Act supports the success of Native American students in New Mexico.

By the end of this session, participants will be able to:

- Explain the purpose and scope of the Indian Education Act
- Understand school district and charter school responsibilities in ensuring compliance and supporting Native American student success
- Recognize the importance of tribal consultation and building respectful partnerships with tribal governments
- Identify key provisions of the Act, including implementation, needs assessments, systemic frameworks, the Tribal Education Status Report (TESR), and funding mechanisms

**Note:** The Indian Education Act employs the designation American Indian/Alaska Native; however, for purposes of clarity and consistency throughout this document, the designation Native American will be utilized.

# Background and Significance

The Indian Education Act was enacted in 2003 in response to longstanding educational inequalities faced by Native American students in New Mexico public schools, acknowledging the unique cultural, linguistic, and historical needs of Native American students that were not being adequately addressed in existing education systems. The New Mexico Indian Education Act can be seen as an extension of more recent Federal law enacted in response to the 1969 Kennedy Report.

## **Indian Education Act (Title IV of ESEA, 1972)**

- First major legislation recognizing unique educational needs of Native American students
- Required parent advisory committees
- Funded culturally relevant programming

## **Indian Self-Determination and Education Assistance Act (1975)**

- Allowed tribes to contract and operate BIA schools
- Gave tribes authority over education programs

## **Native American Languages Act (1990)**

- Reversed federal language suppression policies
- Declared it U.S. policy to preserve and promote Native languages.

## **Esther Martinez Native American Languages Preservation Act (2006)**

- Funded language immersion and revitalization programs



## Purpose of the Act

The **Indian Education Act** aims to address the **unique educational and cultural needs** of Native American students in public schools across the state of New Mexico.

Its core goals are to:

- Ensure equitable, culturally relevant learning environments and instructional materials
- Close the achievement gap between Native American and non-Native American students
- Maintain and revitalize Native American Languages and cultures
- Build government-to-government relationships between the state, tribes, and districts & charters
- Support tribal control over education in their communities
- Encourage parental and community engagement to foster student success

Over time, the Act has been amended multiple times to:

- Expand tribal consultation requirements (2005)
- Add detailed reporting and accountability measures (2007)
- Require systemic frameworks for districts (2019)

## Significance to Post-Secondary Education



The Act requires collaboration between the New Mexico Public Education Department, Higher Education Department, tribal colleges, and universities to:

- Support seamless transition from high school to college or career
- Expand culturally relevant support services at the postsecondary level
- Increase Native American teacher recruitment, preparation, and retention
- Encourages academic transition programs, financial aid awareness, and investment systems to support Native American students beyond high school



## Statute & Administrative Code

The New Mexico Indian Education Act is a state law that establishes the rights of Native American students and the responsibilities of the state to support their educational success. It sets the “*why*,” the purpose, vision, and goals for serving Native American students in ways that respect their cultures, languages, and communities.

The administrative code (6.35.2 NMAC) is the “*how*.” It is the set of state rules that explains how the law will be carried out in practice. The code gives direction to schools, districts, and the Public Education Department on implementing the Act, such as requirements for consultation with tribes, program design, reporting, and accountability.

Together, the statute and the code ensure both the legal foundation and the practical framework are in place. The Act provides the mandate to honor and support Native American students, while 6.35.2 NMAC provides the detailed steps and processes to make that mandate real in classrooms and communities.

The 2025 amendment to 6.35.2 NMAC Implementing the Indian Education Act clarified tribal consultation requirements for historically defined Indian-impacted school districts, clarified Tribal Education Status Report (TESR) requirements for charter schools, and updated both allocation-based and competitive funding processes.

# Historically Defined Indian Impacted School Districts

Per the Indian Education Act (IEA), a Historically Defined Indian Impacted School District (HDIISD) is a school district, a state-chartered charter school, or locally chartered charter school that meets at least one of the following criteria:

1. Serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land; or
2. Identifies at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
3. Identifies at least 45% of its overall student population as American Indian or Alaska Native.



# Requirements for Historically Defined Indian Impacted School Districts

Deliverable	Due Date	Frequency	New Mexico Administrative Code	Summary of Content
Tribal Education Status Report	September 30	Annually	6.35.2.13	Each district with tribal lands must annually report disaggregated data and program information on Native students to tribes and the New Mexico Public Education Department , covering achievement, graduation, safety, attendance, and related areas.
Native American and Alaska Native Student Needs Assessment (Step 1)	October 15	Beginning in the 2020-2021 school year and every three years after (SY 23-24, SY 26-27, etc.)	6.35.2.11	Historically defined Indian impacted school districts must conduct a needs assessment every three years to identify supports required at school, home, and community for student success.
Public Information Meetings	November 30 and April 30	Annually	6.35.2.11	Districts must hold at least two public meetings each school year with tribal leaders, parents, and the New Mexico Public Education Department to present needs assessment results and progress toward closing achievement gaps.
Systemic Framework for Improving Educational Outcomes for Native American and Alaska Native Students (Step 2)	January 15	Beginning in the 2020-2021 school year and every three years after (SY 23-24, SY 26-27, etc.)	6.35.2.12	Districts must annually develop, in consultation with tribes and communities, a comprehensive framework of programs, services, and culturally relevant activities to improve educational outcomes for Native American students.
Budget Alignment Statement (Step 3)	April 15	Annually	6.35.2.11	Districts must submit a written statement to New Mexico Public Education Department each year showing how their budget addresses the prioritized needs from the Native student needs assessment.
Annual Evaluation of Progress (Step 4)	May 15	Annually	6.35.2.11	Districts must publish an annual review evaluating whether their systemic framework and accountability tools are effective and amend them if needed.

# Responsibilities of Historically Defined Indian Impacted School Districts

## Tribal Education Status Report (6.35.2.13 NMAC)

- Each year by September 30, school districts that have tribal lands within their boundaries must submit a districtwide Tribal Education Status Report (TESR) to the New Mexico Public Education Department's Assistant Secretary for Indian Education and to all tribes located within the district.
- Districts located adjacent to tribal lands may also submit a TERS on a voluntary basis to nearby tribes and to the assistant secretary by the same deadline.
- The TERS must include data from the previous school year and cover key indicators such as student achievement (disaggregated by ethnicity), school safety, graduation rates, attendance, and parental involvement. It must also report on Native-specific programs, budgetary information, district consultation efforts, dropout prevention initiatives, access to Native language programs, and any use of variable school calendars.
- The report should also address federal Indian education policies, tribal consultation practices, and any indigenous research or evaluation methods used to assess curriculum effectiveness for Native students.
- The Indian Education Division will compile these district reports into a statewide TERS and submit it to all New Mexico tribes by November 15 each year.

# Responsibilities of Historically Defined Indian Impacted School Districts

## **What is a Needs Assessment?**

A needs assessment is a process that can help educators at all levels successfully identify, understand, and better address education challenges. Needs assessment is generally defined as a systemic examination of the gap that exists between the current state and desired state of an organization and the factors that can be attributed to this gap. The needs assessment process is an important first step in improving the effectiveness of education investments that lead to better outcomes for students (State Support Network, 2018).

## **American Indian & Alaska Native Student Needs Assessment (6.35.2.11 NMAC)**

- Historically defined Indian impacted school districts (HDIISDs) must conduct a needs assessment every three years (by October 15) to identify supports that American Indian and Alaska Native students need at school, at home, and in the community to succeed academically and prepare for postsecondary life.
- Districts must consult with local tribes to review the assessment findings, prioritize needs, and align those needs with the district's budget using federal and state funding streams.
- Each year, districts must hold two public meetings with tribal leaders, families, and IED (by November 30 and April 30) to present the results of the needs assessment and report progress toward addressing those needs.
- Districts are also required to develop an accountability tool, submit an annual written statement showing how the district's budget met prioritized needs, and publish an annual review evaluating progress and determining whether amendments are needed.

# Responsibilities of Historically Defined Indian Impacted School Districts

## **What is a Systemic Framework?**

The systemic framework is a district-level plan required of historically defined Indian impacted school districts. It is meant to improve educational outcomes for Native American students by embedding collaboration, accountability, and culturally relevant supports into the education system.

## **Systemic Framework for Improving Educational Outcomes for American Indian and Alaska Native Students (6.35.2.12 NMAC)**

- By January 15 of each year, HDIISDs must develop and publish a systemic framework focused on improving educational and cultural outcomes for Native students, in collaboration with school staff, Native students and families, tribal governments, community organizations, and the district equity council.
- The framework must reflect the priorities identified in the needs assessment and budget, and it may include academic programs, culturally relevant activities, and professional development that support Native student achievement and well-being.
- Districts must also consult with tribes during both the development and implementation of the framework and may request assistance from IED or higher education partners to support this work.

## Available Guidance for Districts and Charters

To assist school districts and charter schools in fulfilling reporting requirements, the Indian Education Division developed guidance documents for each of the components supported by the Indian Education Act. Reference the table below.

Deliverable	Corresponding Guidance Document
Tribal Education Status Report	<a href="#"><u>Tribal Education Status Report Guidance for Local Education Agencies</u></a>
Native American and Alaska Native Student Needs Assessment (Step 1)	<a href="#"><u>Developing the American Indian and Alaska Native Student Needs Assessment</u></a>
Systemic Framework for Improving Educational Outcomes for Native American and Alaska Native Students (Step 2)	<a href="#"><u>Developing a Systemic Framework for Improving Educational Outcomes for American Indian and Alaska Native Students</u></a>
Budget Alignment Statement (Step 3)	<a href="#"><u>Developing the Written Statement on Budget Alignment to Identified Needs</u></a>
Annual Evaluation of Progress (Step 4)	<a href="#"><u>Developing the Annual Evaluation of Progress</u></a>

## Awards Supporting the Indian Education Act

Indian Education Fund Awards	Eligible Recipients	Reporting Requirements
Allocation-Based Awards	<ul style="list-style-type: none"> <li>• Pueblos, Tribes, and Nations</li> <li>• School districts, state-chartered charter schools, and locally chartered charter schools that are identified as Historically Defined Indian Impacted School Districts</li> </ul>	<ol style="list-style-type: none"> <li>1. <b>Mid-year report</b> (Jan 30)</li> <li>2. <b>End-of-year report</b> (June 30)</li> <li>3. <b>Quarterly check-ins</b> (by October 31, January 31, April 30, and June 30 of each fiscal year)</li> </ol>
Competitive Awards	<ul style="list-style-type: none"> <li>• Pueblos, Tribes, and Nations</li> <li>• School districts, state-chartered charter schools, and locally chartered charter schools</li> <li>• Tribal colleges or universities</li> <li>• Bureau of Indian Education Schools</li> <li>• Tribally controlled schools</li> </ul>	



## Session Overview

**This session provides an overview of legal obligations and best practices for engaging in tribal consultation with New Mexico's Pueblos, Tribes, and Nations. By the end of this session, participants will be able to:**

- Articulate the purpose of tribal consultation
- Define tribal consultation and identify best practices
- Understand when tribal consultation must occur between districts, charter schools, and tribal leaders

**Note:** The Indian Education Act employs the designation American Indian/Alaska Native; however, for purposes of clarity and consistency throughout this document, the designation Native American will be utilized.



## **Why Engage in Tribal Consultation?**

Tribal consultation is essential to building strong partnerships between school districts and tribal communities. Under the New Mexico Indian Education Act, districts are expected to work closely with tribal leaders to honor sovereignty, support culturally relevant education, and strengthen student success. These collaborations foster trust, respect, and shared responsibility for improving outcomes for Native American students across the state.

## Tribal Consultation Defined

**Tribal Consultation** is a formal, government-to-government dialogue between two governing bodies, and in this case, school districts or charter schools and tribal leadership to ensure direct, timely and measurable dialogue on educational policies affecting Native American students. Consultation shall occur between a district or charter executive (e.g., Superintendent or Charter Leader, school board members) and a Tribal Leader or their duly appointed designee (e.g., Governor, President or Vice-President or duly designated representative of the Executive authority) before decisions are finalized. Consultation shall be ongoing, documented, and conducted with commitment and good faith, honoring tribal sovereignty and aligning with federal and state laws, including ESSA Section 8538 and the New Mexico Indian Education Act.

**At its core, tribal consultation is a shared decision-making process between executives of pueblos, tribes, nations and local education agencies that goes beyond information sharing and occurs on an ongoing basis throughout each school year.**

# Tribal Consultation Best Practices

**Engage Early and Regularly** – Initiate consultation well in advance of making significant decisions with written notice for a meeting(s) date/time/location, description of topic/discussion, and agenda; thus, ensuring tribes have time to prepare, respond and provide meaningful input rather than being informed after decisions are made.

**Consult with Tribal Leadership** – Ensure consultation occurs with elected or designated tribal officials (e.g., Governor, President, duly designated representative in writing of the Executive authority) and tribal education departments, recognizing their authority in educational matters.

**Inclusive Participation** – Ensure executive school administrators and school board members are all engaged together to promote transparency and shared understanding.

**Establish Ongoing Communication** – Maintain continuous, committed dialogue beyond the required consultation meetings by scheduling regular check-ins, updates, and collaborative discussions.

**Provide Clear and Relevant Information** – Share data, draft plans, and key information in advance in a clear, jargon-free format to allow tribal leaders time to review, research, and offer substantive, relevant feedback.

**Respect Tribal Sovereignty** – Approach consultation with an understanding of the government-to-government principles, acknowledging tribes' inherent authority over the education of their students.



## Tribal Consultation Best Practices

**Ensure Cultural Responsiveness** – Recognize and integrate tribal cultures, languages, and traditions into discussions, educational policies, and curriculum development to support Native American students' identity and academic success with respect and integrity.

**Document and Follow Through** – Maintain written records of consultation meetings, agreements, and action items, and ensure follow-through on commitments made during discussions.

**Be Flexible and Accommodating** – When possible, schedule meetings at convenient times for tribal representatives, consider tribal protocols, and be open to different consultation formats, such as virtual or on-site meetings.

**Coordinate Across Agencies** – Collaborate with other educational agencies, tribal education departments, and relevant organizations to streamline efforts and reduce redundancy in consultation requests.

**Measure and Improve the Process** – Solicit feedback from tribal partners on the consultation process, assess effectiveness, and adjust to enhance collaboration and outcomes for Native American students.



## Documenting the Process

To ensure collaboration and transparency, the Indian Education Division strongly encourages school districts and charter schools to document their consultations with tribal leaders.

After each consultation, submit a completed [Affirmation of Tribal Consultation](#) form to the school district's designated Indian Education Division team member. Contact information for the Indian Education Division is provided at the end of this course.

To strengthen relationships and processes, please invite the following individuals to your consultations:

- KatieAnn Juanico, Assistant Secretary for Indian Education
- Damian Wierzbicki, Manager, Indian Education Division
- Indian Education Division Designated Team Member

# Tribal Consultation Requirements in the Indian Education Act

Statute & Title	Summary of Consultation Requirements
<b>22-23A-2. Purpose of the Indian Education Act.</b>	Tribes must be notified of all curricula development for their approval and support.
<b>22-23A-9. Indian education; school district responsibilities; needs assessments; use of data; prioritizing budgets; reports.</b>	Historically Defined Indian Impacted School Districts (HDIISDs) must consult with Pueblos, Tribes, and Nations to prioritize needs identified through a needs assessment. Additionally, HDIISDs are required to hold biannual public meetings with local tribal leaders, parents, and the Indian Education Division to report on the needs assessment and evaluate progress.
<b>22-23A-10 Systemic framework for improving educational outcomes for Indian students.</b>	Historically Defined Indian Impacted School Districts (HDIISDs) must collaborate with tribal leaders when developing systemic framework.

# Tribal Consultation Requirements in State Law Beyond the Indian Education Act

Statute & Title	Summary of Consultation Requirements
<p><b>22-1-9.1. New Mexico diploma of excellence; state seal for bilingual and biliterate graduates.</b></p>	<p>The Public Education Department (PED) must consult with Pueblos, Tribes, and Nations when developing requirements for certification in tribal language proficiency.</p>
<p><b>22-2-2.3. Department; additional duties; closing a school; consultations with tribal leaders and members and families of students.</b></p>	<p>The PED must engage in tribal consultation when closing a school on tribal land.</p>
<p><b>22-2F-3. School support and accountability system; created; establishing a school dashboard; prioritizing resources for schools receiving additional support.</b></p>	<p>The PED is required to consult with Pueblos, Tribes, and Nations in the development of the School Support and Accountability System.</p>

# Tribal Consultation Requirements in State Law Beyond the Indian Education Act

Statute & Title	Summary of Consultation Requirements
<b>22-5-4.13. Local school board; consideration of opening or closing a public school on tribal land; consultation with tribal leaders and members and families of students.</b>	Local School Boards are required to consult Pueblos, Tribes, and Nations when considering opening or closing a school on tribal lands.
<b>22-8-6. Operating budgets; educational plans; submission; certain reports; failure to submit.</b>	School districts or charter schools receiving federal revenue, such as impact aid, must consult with tribal entities, include a narrative of these consultations and their outcomes in their educational plan, and transmit an annual spending and outcomes report to tribal authorities by October 1.
<b>22-8B-12.2 Charter schools; term; oversight and corrective actions; site visits; renewal of charter; grounds for nonrenewal or revocation.</b>	Charter schools located on tribal land and applying for renewal must submit documentation of ongoing tribal consultation pursuant to the Indian Education Act.
<b>22-8B-12.2. Charter schools; proposals to open or close a public school on tribal land; consultation with tribal leaders and members and families of students.</b>	If a charter school located on tribal lands wants to open, it must negotiate with and receive tribal government approval. If a charter located on tribal lands is contemplating closure, it must engage in tribal consultation.



# Implementation of the New Tribal Consultation Definition

In school year 2025-2026, the Indian Education Division will increase its observation of tribal consultation efforts. This oversight will focus on:

- Monitoring implementation of the process outlined in the definition.
- Supporting school districts and charter schools in strengthening their consultation practices; and
- Identifying any future refinements needed to the definition.

This updated definition represents a significant step toward deepening collaboration between districts, charters, and New Mexico's Pueblos, Tribes, and Nations. We look forward to working with you to ensure that consultation is authentic, consistent, and responsive to the needs of Native American students and communities.

## Session Overview

This session will highlight two landmark New Mexico laws that support cultural expression in education:

- **Senate Bill 163 – Tribal Regalia at Public School Events**
- **House Bill 29 – No School Discrimination for Hair**

Participants will:

- Receive guidance on upholding students' rights to wear tribal regalia and protective hairstyles.
- Learn best practices to align school policies with cultural expression.
- Explore practical steps for implementation that promote:
  - Equity
  - Inclusivity
  - Respect across school communities.

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## House Bill 29: No School Discrimination for Hair

**Purpose:** To promote **equity, cultural acceptance, and anti-discrimination** by ensuring individuals—especially Black, Indigenous, and other people of color—can wear natural and protective hairstyles without fear of bias or penalty.

Signed into law April 5, 2021, House Bill 29 aligns with national efforts to prevent racial discrimination tied to hair and supports the broader movement to uphold cultural identity and self-expression in educational and professional settings.

*“No local school board shall allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of protective hairstyles or cultural or religious headdresses”*

## Language from House Bill 29

- 14                                   (1) "cultural or religious headdresses"  
15 includes hijabs, head wraps or other headdresses used as part  
16 of an individual's personal cultural or religious beliefs;
- 17                                   (2) "protective hairstyles" includes such  
18 hairstyles as braids, locs, twists, tight coils or curls,  
19 cornrows, bantu knots, afros, weaves, wigs or head wraps; and
- 20                                   (3) "race" includes traits historically  
21 associated with race, including hair texture, length of hair,  
22 protective hairstyles or cultural or religious headdresses."

## What is Senate Bill 163?



Senate Bill 163 was officially signed into law on March 19, 2025.

This landmark legislation ensures that students can proudly wear tribal regalia and culturally significant items at school ceremonies and events.

Under Senate Bill 163, the New Mexico Public Education Department (PED) is tasked with implementing the legislation.

## Language from Senate Bill 163



Local school boards and governing bodies of charter schools shall not prohibit a student who is enrolled, or eligible for enrollment, in a federally recognized Indian nation, tribe or pueblo from wearing tribal regalia or objects of cultural significance along with or attached to a cap or gown or wearing tribally significant footwear or other items of apparel under a gown at graduation ceremonies or public school events.

“Tribal regalia” means a tribe’s traditional dress or recognized objects of religious or cultural significance, including tribal symbols, jewelry, beading, and feathers.

# Practical Steps for Implementation within Districts & Charters

- Update district or charter school policies to align with Senate Bill 163, particularly regarding graduation attire, as it relates to discipline and racial sensitivity.
- Inform school administrators, faculty, and staff of the new requirements to ensure compliance.
- Communicate these changes to students and families to raise awareness of their rights under the new law.
- Update school handbooks and procedural guides to reflect the revised policies before upcoming school events, including graduations.





# Steps for Senate Bill 163 Implementation

## **Official Notification**

The Office of the Secretary issued a formal memorandum on March 19, 2025, to all external stakeholders announcing the signing of Senate Bill 163 into law and stating that the statute is effective immediately.

## **Initial Engagement and Support**

The Public Education Department engaged with districts and charter schools to address questions and concerns regarding Senate Bill 163. This engagement included discussion of the Secretary's memorandum, provision of direct support through phone and email, and distribution of a one-page information sheet identifying the department as the primary point of contact for implementation concerns.

## **Tribal Consultation**

The Public Education Department shall conduct targeted consultations with tribal leaders, including during the Spring 2025 Government-to-Government Indian Education Summit, to gather meaningful input on implementation strategies and cultural considerations. Consultation shall continue on an ongoing basis to ensure sustained collaboration and responsiveness to tribal needs.

## **Implementation Roadmap and Guidance Development**

The Public Education Department shall develop a comprehensive roadmap outlining the phased implementation process, including responsibilities, timelines, and key milestones to ensure full compliance. The department shall also incorporate feedback from tribal consultations to develop detailed guidance materials for districts and charter schools, ensuring that implementation is consistent, culturally responsive, and effective statewide.



## Contact Information

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# Questions

