



National
Caucus of
Native
American
State
Legislators

c/o National Conference
of State Legislatures

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NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS

RESOLUTION REGARDING A NEED FOR INCREASED ACCOUNTABILITY ON THE USE OF IMPACT AID SET-ASIDE FUNDS FOR INDIAN EDUCATION

The National Caucus of Native American State Legislators (NCNASL) is made up of American Indian, Alaska Native and Native Hawaiian State Legislators from 18 states and is organized to provide a forum for discussion, education and increased communication. Additionally, the NCNASL identifies and proposes legislation and administrative actions to eliminate barriers to achievement of a better quality of life for Native people.

WHEREAS the National Caucus of Native American State Legislators was formed in 1992 and formally established in its current form in 2005, with the goals of increasing awareness of the diverse Native American cultures in the United States, encouraging open dialogue, understanding and cooperation between state and tribal governments; and is concerned with the accurate teaching of American history from the perspective of all parties to that history, and

WHEREAS the Impact Aid law was signed into law in 1950 to provide assistance to school districts that experience an adverse financial impact due to federal activity or presence, and the impact aid provides a payment to school districts in lieu of lost taxes. Impact aid is one of the only federal education programs in which discretionary funds go directly into a school district's general operational fund to be used as the local school board sees fit, and

WHEREAS Public Law 81-874 Impact Aid funds are provided to Local Education Authorities (LEAs) on the basis of statutory criteria provided in grant applications submitted to U.S. Department of Education (USDE), and

WHEREAS the concern over the use of impact aid funds has surfaced that requests a review be made on a need for increased accountability in the use of impact aid set-aside as well as ensure compliance when disposing of Impact Aid funds, the LEAs are responsible to the tribes, the parents, the students and the USDE for the proper administration of their IPPs. Given the relationship between the LEAs, tribes and the USDE, the USDE is the proper entity to ensure full compliance.

THEREFORE BE IT RESOLVED BY THE NATIONAL CAUCUS OF NATIVE AMERICAN STATE LEGISLATORS that the inherent sovereignty of Tribes as recognized through historical treaties and legal relationship that exist between Tribal Nations and the United States of America is undeniable; and

BE IT FURTHER RESOLVED that the National Caucus of Native American State Legislators support an examination on the use of Impact Aid supplemental funding that is directed to the LEAs of school districts who have Native American student enrollment be in full compliance for the intent and purpose of this funding and to ensure periodic review by the U.S. Department of Education for accountability on the use of the Impact Aid funding.

Sponsored by: Senator Lynda Lovejoy and Representative Ray Begaye (NM)

Approved date is: August 3, 2011

Certified by Caucus Chair: Representative John McCoy (WA)

Ratified certified by: The NCNASL, August 3, 2011

Distribution List: U.S. Department of Education
New Mexico Tribes
New Mexico Local School Districts