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FISCAL IMPACT REPORT

SPONSOR <u>Gurrola/Roybal Caballero/Little/Ortez/ Lente</u>	LAST UPDATED <u>1/24/24</u> ORIGINAL DATE <u>1/23/24</u>
SHORT TITLE <u>Yazzie Lawsuit Educational Funding</u>	BILL NUMBER <u>House Bill 39</u>
	ANALYST <u>Liu</u>

APPROPRIATION* (dollars in thousands)

FY24	FY25	Recurring or Nonrecurring	Fund Affected
	\$27,552.7	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to appropriations in the General Appropriation Act

Sources of Information

LFC Files

Agency Analysis Received From
 Higher Education Department (HED)
 University of New Mexico (UNM)
 New Mexico State University (NMSU)

Agency Analysis was Solicited but Not Received From
 New Mexico Highlands University (NMHU)
 Public Education Department (PED)

Agency Declined to Respond
 Indian Affairs Department (IAD)

SUMMARY

Synopsis of House Bill 39

House Bill 39 appropriates \$27.6 million from the general fund to UNM, NMSU, NMHU, and HED for various colleges and departments in FY25 and subsequent years for educator workforce and school leadership development, health and wellness programs, cultural and curricular programs, and student access and support initiatives. This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

FISCAL IMPLICATIONS

The appropriation of \$27.6 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY25 shall not revert to the general fund and may be used in subsequent fiscal years. Although the bill does not specify future appropriations, establishing a new grant program could create an expectation the program will continue in future fiscal years; therefore, this cost is assumed to be recurring.

The bill funds 42 initiatives, appropriating \$13.5 million to UNM for 15 initiatives, \$2.3 million to NMSU for three initiatives, \$5 million to NMHU for 12 initiatives, and \$6.8 million to HED for 12 initiatives. See Attachment 1 for a more detailed list of initiatives and funding amounts. HED notes UNM, NMSU, and NMHU did not request appropriations outlined within the bill during HED's budget development process for FY25.

SIGNIFICANT ISSUES

Martinez-Yazzie Lawsuit. On February 14, 2019, the 1st Judicial District Court issued a final judgment and order on the consolidated *Martinez v. New Mexico* and *Yazzie v. New Mexico* education sufficiency lawsuits, and found New Mexico's public education system failed to provide a constitutionally sufficient education for at-risk students, particularly English language learners, Native American students, and special education students. The court's findings suggested overall public school funding levels, financing methods, and PED oversight were deficient. As such, the court enjoined the state to provide sufficient resources, including instructional materials, properly trained staff, and curricular offerings, necessary for providing the opportunity for a sufficient education for all at-risk students.

Additionally, the court noted the state would need a system of accountability to measure whether the programs and services actually provided the opportunity for a sound basic education and to assure that local school districts spent funds provided in a way that efficiently and effectively met the needs of at-risk students. However, the court stopped short of prescribing specific remedies and deferred decisions on how to achieve education sufficiency to the legislative and executive branch instead.

While the primary defendant in the *Martinez-Yazzie* lawsuit was PED, findings by the court suggested one of the most critical deficiencies was the quality of instruction and the availability of appropriate programs and curriculum for at-risk students, which could be addressed through higher education institutions. Provisions of this bill that increase the number of qualified bilingual teachers, particularly to serve at-risk students in schools, more directly address issues flagged by the court. Other appropriations within the bill, such as the \$750 thousand allocation to UNM for school of architecture operations, do not appear to directly address findings in the *Martinez-Yazzie* lawsuit.

PERFORMANCE IMPLICATIONS

Appropriations within this bill may increase the number of bilingual teacher candidates graduating from higher education institutions and expand the number of resources for educators serving in bilingual multicultural education programs. These issues were highlighted in a 2022 LFC program evaluation on bilingual multicultural education programs. The evaluation also

found over 4,000 bilingual endorsed teachers are currently working in schools but have chosen not to teach in bilingual multicultural education programs due to various reasons, including a lack of bilingual instructional materials and additional work in developing materials and implementing programs.

HED notes the bill does not outline specific performance measures. However, if funded, Navajo Technical University, Dine College, Southwestern Indian Polytechnic Institute, and Northern New Mexico College should develop performance measures in coordination with HED.

ADMINISTRATIVE IMPLICATIONS

UNM notes teacher candidates currently seeking bilingual endorsement must complete additional coursework beyond a general education pathway for certification. Additionally, student teachers in general teacher preparation pathways are often not exposed to bilingual education practices or clinical experiences and must invest additional time and financial resources to obtain the endorsement. The institution would need to develop a new program that could support appropriate student bilingual teaching experiences in conjunction with more specific courses designed to support bilingual education.

NMSU notes the bill would require higher education institutions to develop clearer reporting lines and supervisory roles, given funds and resources involve programs and units across multiple disciplines.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

UNM notes some of the appropriations in the bill are existing research and public service projects (RPSPs) that receive direct appropriations in the General Appropriations Act. In FY23, the Legislature appropriated \$2.5 million to UNM, NMHU, NMSU, Northern New Mexico College, and HED for tribal education initiatives.

UNM notes the Native American suicide rate is 31.7 suicides per 100 thousand individuals, which is disproportionately higher than the general New Mexico population at 24.8 suicides per 100 thousand individuals. Between 2011 and 2020, suicide rates for Native Americans increased by 58 percent. UNM's Clearinghouse for Native American Suicide Prevention provides mental and behavioral health education to help reduce suicide risk and contagion in tribal communities and currently receives a state appropriation of \$91 thousand per year. Provisions of this bill would appropriate an additional \$250 thousand to this program.

UNM notes the \$450 thousand appropriation in this bill to the Center for Native American Health would support the expansion of 3 FTE for two positions to study Native American student needs and STEM gaps and one scientist position to research declining life expectancy and health disparities for Native Americans. The program currently receives a \$324.4 thousand RPSP.

UNM notes the \$1.4 million appropriation in this bill to the Health Sciences Center will support program enhancements and expansion of the BA/MD program—a pipeline program for students seeking medical degrees. The institution notes New Mexico ranks 41st in the country for overall health, with 32 out of 33 counties designated as health professional shortage areas.

TECHNICAL ISSUES

The bill appropriates \$450 thousand to HED to contract with an organization to provide technical assistance and professional development to educators that reflects and focuses on the needs of bilingual multicultural education programs. However, New Mexico's Bilingual Multicultural Education Act gives PED, rather than HED, the authority to issue rules, implement, assist school boards, evaluate, and oversee bilingual multicultural education programs.

Attachment

1. House Bill 39 Appropriations Table

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House Bill 39 Appropriations

Institution	College/Department/Political Subdivision	Type	Purpose	Appropriation (in thousands)
University of New Mexico	College of Arts and Sciences Language, Literacy, and Sociocultural Studies Department	Education	Elementary bilingual education program	\$250.0
		Education	Recruitment, mentorship, and supports for students pursuing elementary bilingual education degrees	\$250.0
		Education	Graduate studies pathway for bilingual education endorsement	\$250.0
		Education	Native language certification program	\$350.0
		Education	Undergraduate bilingual pathway for Native American language teachers	\$300.0
		Indigenous College Access	Chicana and Chicano students expansion of educational pathways	\$316.0
	Department of Africana Studies	Indigenous College Access	African American high school student recruitment and transition to higher education, establish Association for the Study of Education, Health, and Human Development in School-Age Children, increase faculty and staff	\$2,500.0
	Institute for American Indian Education	Education	Curriculum and materials development center	\$500.0
	HSC Office for Diversity, Equity, and Inclusion	Health	Bachelors of arts and medical doctorate degree program	\$2,518.1
		Indigenous College Access	Communities to careers programs and healthcare workforce pathways	\$1,400.0
	HSC Center for Native American Health	Health	Student recruitment and retention	\$450.0
	School of Medicine Division of Community Behavioral Health	Health	New Mexico clearinghouse for Native American suicide prevention, mental and behavioral health training	\$250.0
	Native American Studies Department	Culturally Sustaining Frameworks	Curricula, teacher education, language revitalization, student supports, and research	\$2,980.0
	School of Architecture Indigenous Design and Planning Institute	Culturally Sustaining Frameworks	Faculty and staff positions, online certificate program, and graduate student assistantships	\$750.0
College of Education and Human Sciences	Culturally Sustaining Frameworks	Curricula, regional professional development workshops, and materials development	\$400.0	
UNM Subtotal:				\$13,464.1
New Mexico State University	College of Health, Education and Social Transformation	Education	Teacher training on assessment literacy	\$825.0
		Education	Bilingual education program	\$500.0
	Borderlands and Ethnic Studies Department	Culturally Sustaining Frameworks	Native American studies, Chicana and Chicano studies, borderlands and ethnic studies, Africana studies, professional development, instructional materials, and a research center	\$1,000.0
NMSU Subtotal:				\$2,325.0
New Mexico Highlands University	School of Education	Education	Additional bilingual teacher education faculty	\$550.0
		Education	Doctoral degrees in bilingual teacher education	\$216.0
	Institute for Culturally and Linguistically Responsive Learning and Teaching	Education	Research activities, retention of diverse teachers, co-teaching apprenticeships, professional development partnerships, bilingual community schools	\$1,801.6
	Center for Education and Study of Diverse Populations	Education	Teacher training, bilingual support, instructional leadership, and youth leadership	\$775.0
	School of Social Work Center for Excellence in Social Work	Health	Culturally relevant, trauma-responsive training	\$325.0
	Department of Languages and Culture	Culturally Sustaining Frameworks	Native American and Hispanic studies program agriculture and natural resource project-based learning and cabanuelas curriculum	\$115.0
		Culturally Sustaining Frameworks	Chicana and Chicano studies major degree and dual credit courses	\$115.0
		Culturally Sustaining Frameworks	Student language learning resources	\$115.0
	Multicultural Center	Culturally Sustaining Frameworks	Academic and service program activities coordinated by student organizations, staff, and faculty	\$115.0
	Native American and Hispanic Studies Program	Culturally Sustaining Frameworks	Collaboration with the National Hispanic Cultural Center	\$115.0
	New Mexico Highlands University	Indigenous College Access	Tuition waivers for Native American undergraduates	\$375.0
Indigenous College Access		Native American ambassador program	\$375.0	
NMHU Subtotal:				\$4,992.6
	Higher Education Department	Education	Contract for technical assistance to bilingual multicultural education programs	\$450.0
		Education	Center to develop culturally and linguistically responsive materials and supports	\$1,500.0

Higher Education Department	Navajo Technical University	Education	Early childhood programs and Navajo teacher training lab	\$1,200.0
		Health	Courses, training, and staff development for substance abuse, suicide prevention, and behavioral health intervention strategies	\$1,200.0
	Dine College	Education	Recruitment and retention of teachers	\$500.0
	Southwestern Indian Polytechnic Institute	Education	Bilingual pathway for Native language and culture teachers and professional development for tribal early childhood and community schools	\$450.0
		Indigenous College Access	Summer bridge program	\$200.0
		Indigenous College Access	Dual credit, transfer support services, and scholarships	\$275.0
	Northern New Mexico College	Indigenous College Access	High school recruitment to teacher, social work, and behavioral health career pathways	\$246.0
		Education	Culturally appropriate student support services at department of teacher education	\$400.0
		Culturally Sustaining Frameworks	Outreach and recruitment initiatives for teacher education	\$100.0
			Indigenous College Access	Teacher education student stipends for tuition, books, and supplies
			HED Subtotal:	\$6,771.0
			GRANT TOTAL:	\$27,552.7