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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**55th Legislature, 1st Session, 2021**

<b>Bill Number</b>	<u>HB227</u>	<b>Sponsor</b>	<u>Roybal Caballero/Lopez</u>
<b>Tracking Number</b>	<u>.218410.2</u>	<b>Committee Referrals</b>	<u>HLLC/HEC</u>
<b>Short Title</b>	<u>Ethnic Studies Definition</u>		
<b>Analyst</b>	<u>Juliani</u>	<b>Original Date</b>	<u>2/4/2021</u>
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## **BILL SUMMARY**

### Synopsis of Bill

HB227 requires ethnic studies instruction for kindergarten through 12<sup>th</sup> grade students and amends high school graduation requirements, so students entering the ninth grade in the 2023-2024 school year must take four units in social science with one-half unit in ethnic studies. The bill also defines “ethnic studies” and creates an Ethnic Studies Council to identify the next steps in developing ethnic studies curricula in the public schools and report its findings and recommendations to LESC by July 1, 2022. The council will expire on July 1, 2023.

## **FISCAL IMPACT**

HB227 allows members of the Ethnic Studies Council who are not paid with public money to receive per diem and mileage as provided in the Per Diem and Mileage Act. It is difficult to project exactly how much the per diem and mileage will total for the council members because the bill sets neither a minimum or maximum number of members.

High schools may incur an expense if they need to hire an instructor for the ethnic studies course. However, current social studies teachers likely will be able to teach the ninth grade ethnic studies course. Elementary and middle school teachers will be expected to integrate ethnic studies into their existing social studies curricula. Consequently, these schools should not incur any costs to hire any additional staff. The only other expense for schools will involve adoption of appropriate ethnic studies instructional materials.

PED did not indicate any fiscal impact to the department from HB227 beyond the per diem and mileage reimbursement for members of the Ethnic Studies Council.

## **SUBSTANTIVE ISSUES**

**History and Significance of Ethnic Studies.** Ethnic studies emerged in universities across the nation during the 1960s as a result of social reform movements for equity and empowerment of racial minorities, arising from the Civil Rights movement. Scholars developed research

perspectives shaped partially by histories of oppression in the United States, as well as by the intellectual and cultural resources and traditions of African American, Asian American, Chicano/Hispanic, and Native American groups. Prior to the 1960s very few universities offered courses reflecting the literature, art, culture, and politics of these groups. Since the Civil Rights movement, ethnic studies programs have provided the means to address racial and ethnic concerns in a productive manner and, in turn, have contributed to critical analyses of traditional academic fields, such as history, literature, political science, anthropology, psychology, and law.

As analysis from the Office of African American Affairs indicated, research shows the value of ethnic studies in contributing to growth in students' critical thinking, sense of empowerment, wellness, and academic success, beyond building knowledge about racial and ethnic communities. A study from the Stanford Graduate School of Education in 2016 found high school ethnic studies courses examining the roles of race, nationality, and culture on identity and experience increased attendance and academic performance for students at risk of dropping out of school.

**Ethnic Studies in New Mexico.** Currently, The Public Education Department (PED) does not require students take any ethnic studies courses during their school careers. All students must take one-half unit of New Mexico history in the ninth grade, but this course does not fit the broader focus of ethnic studies and likely does not encompass the inter-disciplinary approach inherent in ethnic studies. Currently, the most common way high school students in New Mexico can take an ethnic studies course is through dual-credit opportunities offered by tribal colleges or the state's institutes of higher education.

HB227 requires ethnic studies instruction for kindergarten through 12<sup>th</sup> grade students. Schools must provide students in kindergarten through third grade with grade-appropriate instruction on ethnic studies as it relates to New Mexico history, while students in fourth through eighth grades must receive instruction in ethnic studies that meets academic content and performance standards. HB227 also mandates students entering the ninth grade in the 2023-2024 school year must take four units in social science with one-half unit in ethnic studies in order to graduate from high school. However, the bill's language is a bit ambiguous regarding whether this requirement will apply only to those students entering ninth grade in the 2023-2024 school year or to all students entering ninth grade in subsequent years as well. The bill drafters may want to consider clarifying this ambiguity in the bill's language.

The state has begun work on developing curricula reflecting indigenous histories and cultures. As noted in the analysis from the Indian Affairs Department (IAD), in 2016 PED began the Indigenous New Mexico Curriculum Initiative, social studies lesson plans integrating the perspectives, histories, and cultures of the state's Indian tribes, nations, and pueblos to be used in public schools. IAD's analysis also indicated the development of a pueblo-centered curriculum through the efforts of the Indian Pueblo Cultural Center. PED has also collected instructional resources related to the Diné government and history for use in kindergarten through 12th grade classrooms. However, IAD's analysis indicated the Indigenous New Mexico Curriculum Initiative has not been implemented statewide.

**Definition.** Ethnic studies is commonly defined as the interdisciplinary study of race and ethnicity, as understood through the perspectives of major underrepresented racial groups in the United States, as a means to understanding the sociocultural, intellectual, and historical experiences that inform the construction of racial, gender, and cultural identities. HB227 defines ethnic studies as "the interdisciplinary study of multiple perspectives through the examination of social, ethnic, cultural, gender and historical experiences to build critical thinking skills." This definition suggests

the objective of ethnic studies is to build critical thinking skills and overlooks any reference to or recognition of the core objective of ethnic studies to inform the construction of racial, gender, and cultural identities within underlying power relations.

**Ethnic Studies Council.** The secretary of public education shall appoint the members of the Ethnic Studies Council, which will be charged with identifying next steps in developing ethnic studies curricula in the state’s public schools.

*Membership.* Members of the Ethnic Studies Council may include the following individuals or representatives from the following entities:

- University and public school ethnic studies programs, including Africana, Native American and Chicana and Chicano studies;
- Professional or community organizations that promote Native American, African American, Chicana, Chicano, and Latino education and the education of distinct underrepresented cultural and ethnic groups;
- Colleges of education and institutions of teacher preparation;
- Office on African American Affairs;
- Indian Affairs Department;
- All Pueblo Council of Governors;
- Public schools;
- PED's Hispanic education liaison;
- Director of PED’s Indian Education Division (or the director's designee);
- Director of PED’s Language and Culture Bureau (or the director's designee);
- PED’s deputy secretary for identity, equity, and transformation;
- PED’s director of the Special Education Bureau;
- A legislator appointed by the Speaker of the New Mexico House of Representatives;
- A legislator appointed by the house minority leader of the New Mexico House of Representatives;
- A legislator appointed by the President Pro Tem of the New Mexico Senate;
- A legislator appointed by the minority leader of the New Mexico Senate;
- Teachers' unions; and
- Other organizations or persons whose work or interests can provide valuable insights into the benefits and costs of ethnic studies.

Members will elect an Ethnic Studies Council chair, who will determine when the council will convene. The council is to report its findings and recommendations to LESC by July 1, 2022, and will cease functioning on July 1, 2023.

## **ADMINISTRATIVE IMPLICATIONS**

The secretary of PED would be required to appoint the members of the ethnic studies council and to provide staff support for the ethnic studies council in the performance of its duties. According to analysis from PED, the department’s Language and Culture Division, Indian Education Division, Literacy and Humanities Bureau, and Instructional Materials Bureau would need to collaborate closely and coordinate how to move forward with allocating funding, providing support to districts and charters, coordinating council meetings, and ensuring the final report is completed.

**RELATED BILLS**

Relates to SB210/aSFC, Ethnic Studies Education, which requires ethnic studies instruction for kindergarten through 12<sup>th</sup> grade students.

Relates to HB83, which would amend Section 22-13-1 NMSA 1978 to comprehensively change all graduation requirements for high school students entering ninth grade in school year 2022-2023 and subsequent years.

Relates to HB163, which would amend Section 22-13-1 NMSA 1978 to allow financial management to count as an elective in sixth through eighth grades and amend graduation requirements to require one-half unit of financial management prior to graduation.

Relates to SB170, which would amend Section 22-13-1 NMSA 1978 to require one-half unit of financial literacy prior to high school graduation.

**SOURCES OF INFORMATION**

- LESC Files
- Office of African American Affairs
- Indian Affairs Department (IAD)
- Public Education Department (PED)

**RJ/mb**