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## F I S C A L   I M P A C T   R E P O R T

SPONSOR Figueroa ORIGINAL DATE 01/26/21 LAST UPDATED 02/05/21 HB 52/aHEC  
SHORT TITLE Bilingual Multicultural Ed Advisory Council SB \_\_\_\_\_  
ANALYST Becerra

### **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Education Department (PED)

#### No Response Received

Regional Education Cooperatives (RECs)

### SUMMARY

#### Synopsis of HEC Amendment

The House Education Committee amendment to House Bill 52 changes the makeup of the bilingual multicultural education advisory council that would be created in the bill to advise the secretary and department staff on the effective implementation of the Bilingual Multicultural Education Act.

The amendment removes the governor from the list of members and increases the number of members from Indian nations from three to five, to include one member each from the Navajo Nation, the Mescalero Apache Tribe, Jicarilla Apache Nation, the southern pueblos and the northern pueblos. Consequently, it reduces the number of members who represent prekindergarten through 12th grade teachers, principals, superintendents, and other education administrators and higher education faculty from nine to eight and reduces the number of members who represent parents of students who are enrolled in bilingual multicultural education programs from three to two.

The amendment also clarifies that members who are currently serving appointments prior to the effective date of this act shall continue to serve through the remainder of their appointed term.

**Synopsis of Original Bill**

House Bill 52 establishes the Bilingual Multicultural Education Advisory Council, provides its duties, and defines “bilingual learner” in the Bilingual Multicultural Education Act. HB52 elevates the state’s current *ad hoc* bilingual advisory committee to statutory level, similar to the status accorded to the advisory councils for Indian education and Hispanic education.

The duties of the bilingual multicultural education advisory council as specified by HB52 are to advise the Public Education Department (PED) and the governor on matters related to implementing the Bilingual Multicultural Education Act in the areas of curriculum, instruction, assessment, teacher preparation and evaluation, professional development, teacher licensure, and student and family services.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

**FISCAL IMPLICATIONS**

The bill does not contain an appropriation, and carries no major fiscal implication beyond per diem and mileage reimbursement for non-salaried public officers pursuant to the Per Diem and Mileage Act.

In 2020, PED responded to HB87 noting that any costs associated with the bilingual multicultural advisory council would be the responsibility of PED.

**SIGNIFICANT ISSUES**

HB52 could potentially duplicate the efforts of existing advisory councils. The statutorily created Hispanic and Indian education advisory councils are tasked with advising the public education secretary on matters related to improving public school education for Hispanic students and meeting the need of tribal students, respectively. The state bilingual advisory council is a council established by PED, not governed by state statute or agency rule, to advise the public education secretary on bilingual education. Since no requirements are in place for the already established state bilingual advisory council, efforts to advise the department on bilingual education may be duplicative or confusing.

**TECHNICAL ISSUES**

The Legislative Education Study Committee (LESC) notes in their analysis that Subsections B and C of Section 1 of HB52 contain a potential technical issue due to contradictory language regarding how council members are appointed. It is unclear whether the Native American representatives on the advisory council would be appointed by tribes or by PED from a list generated by PED and co-chairs. Subsection B states three members are to be Native Americans appointed or designated by Native nations, tribes, or pueblos that they represent. However, Subsection C states council members would be appointed by PED from a list representative of the various stakeholder groups that is created and approved by PED and the co-chairs of the advisory council.