

LFC Requester:

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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

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SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date 01/09/24

Bill No: [HB39](#)

Sponsor: Gurrola
Short Title: YAZZIE LAWSUIT
EDUCATIONAL

Agency Name
and CodeNumber: PED-924Person Writing Denise TerrazasPhone: 505-470-5303 Email denise.terrazas@ped.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$27,582.7	None	Nonrecurring	GF

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 39 (HB39) would appropriate funds to the Higher Education Department (HED), state institutions of higher learning to develop student and educator recruitment and retention programs and bilingual education teaching and training programs, and to create partnerships with tribal institutions. The bill would provide funds to support the transition of Hispanic, Native American, and African American high school students to college and to support students at higher education institutions committed to staying in New Mexico to pursue Native American, Chicano, and African American studies.

HB39 also appropriates funds for increased mental and behavioral health training to students enrolled in institutions of higher education who are pursuing teaching, medical, and social and behavioral health work.

While the summary of HB39 states that an appropriation would be made to PED, there is no appropriation made to PED in the text of the bill. (See Technical Issues.)

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 15, 2024.

FISCAL IMPLICATIONS

HB39 would appropriate a total of \$27,582,700 from the General Fund to HED and institutions of higher learning to create or expand programs that impact the Martinez Yazzie consolidated lawsuit. The bill would appropriate:

- \$4,992,600 to New Mexico Highlands University;
- \$13,464,100 to the University of New Mexico;
- \$2,325,000 to New Mexico State University; and
- \$6,771,000 to HED.

The funds would be appropriated for expenditure in FY25. Any unexpended or unencumbered funds would not revert to the General Fund at the end of the fiscal year.

SIGNIFICANT ISSUES

The Professional Practices and Standards Council (PPSC), an advisory group to the Secretary of Public Education, that recommends approval of educator preparation programs, including administration programs offered in the state and ensures that standards are maintained in accordance with current regulations and standards.

The PED has and is administering programs that address the achievement gap, including work to improve the educator pipeline; implement provisions of the Indian Education Act, the Hispanic Education Act, the Black Education Act, and the Bilingual Multicultural Education Act; address barriers that students with disabilities and economically disadvantaged students face; and promote digital equity.

Educator Pipeline. The PED continues to build the educator pipeline to recruit and retain quality educators. In FY24, PED offered student teaching stipends for 16-week student teaching experiences, funded for a total of \$6 million.

Teacher residency programs continued to be offered. The programs last for a full year and offer residents a chance to co-teach full-time alongside a mentor teacher. 280 teacher residents were funded for a total of \$13 million.

The Educator Fellows program, a two-year program that provides school districts and charter schools funding to compensate individuals pursuing a bachelor's degree in education while they serve as teaching assistants in the district, supported 492 fellows.

The agency also administered a \$2 million residency pilot for principals, counselors, and social workers, which will result in a pre-residency semester and a full-year, full time residency for 20-40 residents in FY25. These preparation programs are focused on providing a culturally and linguistically responsive pedagogy for teachers, especially for those who teach students named in the Martinez Yazzie Consolidated Lawsuit.

Indian Education. In FY23, the legislature allotted \$13.3 million for tribal and rural extended learning time. PED allocated these funds to all 22 pueblos, tribes, and nations. In FY24, the Indian Education Division (IED) at the PED was funded at \$20.0 million. Of this allocation, PED distributed \$4.0 million to pueblos, tribes, and nations, and \$5.0 million to school districts and charter schools under the Indian Education Act (IEA). This \$9.0 million investment was aimed at helping to meet the outcomes of the systematic framework of the IEA, which directly aligns with improving educational outcomes for Native American students. The state also awarded \$2.0 million to improve student achievement, teacher retention, and the calibration of equity and teacher mentorship for Native American students.

In FY23 and FY24, PED will grant nearly \$4.0 million to pueblos, tribes and nations, school districts, and charter schools to increase the number of fluent speakers within a specific community and establish, expand, or strengthen language programming. PED has also worked to expand classroom services for Native American students, such as increased funding through the Improving Educational and Cultural Outcomes for Native American Students grant. Programming can include language and culture classes, tutoring, professional development, mental and social-emotional health supports, and cultural arts and activities.

Additionally, in FY23 PED provided \$12.0 million to Pueblos, Tribes, and Nations for Tribal Library Capital Outlay. Several Pueblos have used these dollars to build new libraries and education centers, and other Pueblos, Tribes, and Nations will use the funds for planning, designing, expanding, renovating, and equipping current libraries.

Hispanic Education. With the support of PED's Hispanic Education Bureau (HEB), a tool called the NM Scope for Spanish Language Arts was designed in FY23 to provide guidance to ensure that all students have access to grade-level content and impactful instructional strategies. The tool supports a viable and equitable curriculum across the state while capitalizing on educators' leadership and expertise.

Additionally, the HEB established Hispanic Identity and Belonging Through the Arts mini-grants in 2023. Applications were accepted until December 1, 2023, and were focused on funding music, dance, and the arts, including mariachi, banda, rancheras, corridos, Folklorico, and salsa to develop a sense of identity and belonging. The mini-grants will allocate funds up to \$15,000, each.

Bilingual Multicultural Education. PED supports bilingual and multicultural education programs (BMEPs) throughout the state. BMEPs are funded through the state equalization

guarantee (SEG). The goal of BMEPs is to ensure that students, including English language learners, become bilingual and biliterate in English and a second language, including Spanish, a Native American language, where a written form exists and there is tribal approval, or another language. In FY23, 75 local school districts and charter schools offered BMEPs in grades Kindergarten through 12 to 45,811 students (STARS FY23 80D data). BMEPs offer one-, two-, or three-hour programming.

Black Education. The Black Education Act team at the PED oversees the provisions of the Black Education Act, which was created in statute in 2021 to improve graduation rates for African American students graduating from high school and post-secondary institutions. The BEA team supports professional development opportunities and trainings for teachers, including the BEA School Support Series, a virtual series which is designed for school district, charter School, and tribal leaders, as well as school personnel, to provide live technical support and information about the requirements of the Black Education Act and how to fulfill them.

The BEA team also currently hosts an annual Black Education Act Building an Equity Bridge Conference. This annual three-day conference is for educators, students, and other stakeholders to explore topics on embracing equity, addressing implicit bias, developing transformative strategies, creating anti-racist and anti-oppressive schools, developing school policies to deter discrimination, and more. The overarching goal is to provide knowledge, skills, and strategies that will help to enhance the quality of relationships with students of color and ultimately improve educational outcomes.

Services for Students with Disabilities. In 2023, Governor Michelle Lujan Grisham established the Office of Special Education within PED to improve the timely and effective services for students with disabilities, elevate related challenges statewide, increase professional development in schools and school districts, require interagency coordination, and ensure more comprehensive oversight, data collection, and accountability for special education. The legislature appropriated \$5 million for special education services for FY24.

Economically Disadvantaged Students. In FY23, the legislature provided \$15 million to the Family Income Index to continue supporting economically disadvantaged students. The Family Income Index is an indicator that was created in statute in 2021 to directly allocate funds to one third of New Mexico students with the lowest incomes. These funds are allocated through PED's At-Risk Intervention Response team.

Additionally, exam-fee waivers were made available for economically disadvantaged students participating in the International Baccalaureate Diploma Program.

Access to Technology. In 2023, the state enacted the Digital Equity in Education Act. Key components of the act include a requirement for districts to address digital needs, capacity, and equity in their technology plans; a definition of digital equity in education; an advisory council for the agency; and PED rulemaking authority over digital equity. This law aligns with the commitment of the state to achieve and maintain digital equity for all students, though it remains an unfunded mandate.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

TECHNICAL ISSUES

While the summary of HB39 states that an appropriation would be made to PED, there is no appropriation made to PED in the text of the bill. The sponsor may wish to consider amending the bill to make the summary more accurately reflect the bill's contents.

OTHER SUBSTANTIVE ISSUES

Martinez and Yazzie Consolidated Lawsuit. The 2018 *Martinez and Yazzie v. State of New Mexico* consolidated lawsuit found that all students have a right to be college and career ready, and that the state was failing to meet this obligation, particularly for at-risk students as defined in the lawsuit. Of the four groups specifically identified in the Martinez Yazzie consolidated lawsuit, this bill specifically addresses Native American and English-language language learner student groups.

Legislators may want to use language more closely referencing impacted student groups referenced in the Martinez Yazzie consolidated lawsuit.

The bill, at Section 1(C)(4), considers giving preference to students pursuing doctoral degrees in bilingual teacher education who are residents of and committed to working in New Mexico but does not describe any mechanism for implementing this preference within the bill itself.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.