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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 2nd Session, 2024

Bill Number	<u>HB39</u>	Sponsor	<u>Gurrola/Roybal Caballero/Little/Ortez/Lente</u>
Tracking Number	<u>.227024.1</u>	Committee Referrals	<u>HEC/H AFC</u>
Short Title	<u>Yazzie Lawsuit Educational Funding</u>		
Analyst	<u>Davalos</u>	Original Date	<u>1/23/2024</u>
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BILL SUMMARY

Synopsis of Bill

House Bill 39 (HB39) would make appropriations for 42 initiatives at public postsecondary educational institutions and tribal colleges to develop and support educator workforce and school leadership development, health and wellness, culturally responsive frameworks, and Indigenous college access initiatives.

Appropriations would be directly allocated to the University of New Mexico (UNM), New Mexico State University (NMSU), New Mexico Highlands University (NMHU), and the Higher Education Department (HED). HED would be responsible for allocating funds to Navajo Technical University (NTU), Diné College, Southwestern Indian Polytechnic Institute (SIPI), and Northern New Mexico College (NNMC).

FISCAL IMPACT

HB39 appropriates a total of \$27.6 million from the general fund to the board of regents at postsecondary educational institutions and HED for expenditure in FY25 and subsequent fiscal years. Any unexpended or unencumbered balances remaining at the end of FY25 shall not revert to the general fund. However, for FY25, it appears the House Appropriations and Finance Committee Substitute for House Bills 2 and 3 as amended (HB2/HAFCS/aHF1#1/aSFC) does not contain the specific appropriation proposed by HB39.

HB39 provides 42 appropriations for supportive services and the development of new program initiatives for Native American and Hispanic students in response to the *Martinez-Yazzie* lawsuit at the following public postsecondary institutions and tribal colleges:

- UNM: \$13.5 million;
- NMSU: \$2.3 million;
- NMHU: \$5 million;
- HED: \$450 thousand;
 - Diné College: \$500 thousand;
 - Navajo Technical University: \$3.9 million;

- Northern New Mexico College: \$750 thousand; and
- Southwestern Indian Polytechnic Institute: \$1.2 million.

HB39 provides appropriations to these institutions across four subject areas, each with its own section of the bill:

- Section 1. Educator workforce and school leadership development: \$11.1 million
- Section 2. Culturally responsive health and wellness: \$4.7 million
- Section 3. Culturally sustaining frameworks: \$5.8 million
- Section 4. Indigenous college access initiatives: \$5.9 million

UNM analysis notes several of the programs slated for additional appropriations in HB39 are currently funded through the research and public service projects process, while others would be new or expanded.

SUBSTANTIVE ISSUES

Educator workforce and school leadership. HB39 would allocate funding to four state colleges and two tribal colleges for educator workforce and school leadership development, culturally responsive health and wellness programs, culturally sustaining frameworks, and Indigenous college access initiatives.

HB39 includes funding to higher education institutions and HED to develop undergraduate programs for bilingual education, increase recruitment and retention services for students, develop culturally and linguistically relevant curriculum and materials, increase the number of bilingual faculty, and provide professional development and technical assistance. PED notes they have allocated funds to educator pipeline programs including \$6 million for teacher experiences, and \$13 million for teacher residency programs.

Culturally responsive health and wellness. HB39 includes funding to UNM's health science's center to recruit students into medical school pathways who are committed to in-state service, as well funds to UNM, HED, and NTU to develop supports and training for social workers and behavioral health practitioners.

Culturally sustaining frameworks. The bill includes 10 separate appropriations to postsecondary education institutions and HED for the development of culturally sustaining curriculum, including an online indigenous planning certificate program at UNM; the provision of courses and minors in Native American studies, Chicana and Chicano studies and borderland and ethnic studies at UNM; partnerships between NMHU and school districts to provide K-12 project-based learning focused on ranching, agriculture, food traditions, and other natural resource utilization; as well as other cultural and linguistic program supports.

Indigenous college access initiatives. HB39 includes nine appropriations ranging from \$200 thousand to \$2.5 million to UNM, NMHU, NNMC and HED toward recruiting a diverse healthcare workforce, increasing higher education access, and supporting higher education program costs.

Tribal Remedy Framework¹. The Tribal Education Alliance produced the report, [Pathways to Education Sovereignty: Taking a Stand for Native Children](#) that builds upon the [Tribal Remedy](#)

¹ The Tribal Remedy Framework has been endorsed by the [All Pueblo Council of Governors](#), the [Jicarilla Apache Nation](#), the [Mescalero Apache Tribe](#), and the [Navajo Nation](#).

[Framework](#) by taking the recommendations made by tribal leaders and community members in response to the *Martinez-Yazzie* court ruling. The report describes how New Mexico’s tribes, nations, and pueblos can reclaim education of their children by proposing “shared responsibility and increased tribal control over the schooling of Native children” as the first of three strategic solutions to address historical injustices and ensure equitable outcomes for Native American students.

***Martinez-Yazzie* Education Sufficiency Lawsuit.** In 2019, the 1st Judicial Court issued a final judgement and order on the consolidated *Martinez-Yazzie* education sufficiency lawsuit, finding New Mexico’s public education system failed to provide a constitutionally sufficient and adequate education for at-risk students, defined as English language learners, Native American students, students with disabilities, and students from low-income families. The court pointed to high school graduation rates, student test proficiencies, and college remediation rates as indicators of how the state is not meeting its constitutional obligation to ensure all students are college, career, and civics ready. 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.

The court also cited testimony regarding the importance of “culturally relevant” curriculum where programs or services are planned, designed, implemented, and evaluated respecting and accounting for the client’s cultural and linguistic values and heritage. The appropriations in HB39 would support programs that would develop culturally relevant curriculum or provide professional development and technical assistance to school districts in the use of that curriculum.

ADMINISTRATIVE IMPLICATIONS

The boards of regents at UNM, NMHU, and NMSU would be required to administer funds outlined in HB39. HED will administer the funds involving receipt, disbursement, and tracking to Diné College, NTU, NNMC, and SIPI. NMSU analysis notes the burden of administering these funds would also fall to individual departments and colleges and would require the definition of supervisory and reporting duties in higher education institutions.

RELATED BILLS

Relates to HB135, Indian Education Fund Distributions, which amends the Indian Education Act to designate funds from the Indian education fund to New Mexico tribes distributed via an equitable formula that considers tribal needs and tribal size and includes both a base amount and a student count element.

Relates to HB134/aHEC/aHAFC/aHF#1, Tribal Education Trust Fund, which creates a tribal education trust fund with provisions detailing how investment returns on the fund would provide stable and consistent revenue for tribal education departments.

SOURCES OF INFORMATION

- LESC Files
- New Mexico Higher Education Department (HED)
- University of New Mexico (UNM)
- New Mexico State University (NMSU)
- Public Education Department (PED)

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