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LEGISLATIVE EDUCATION STUDY COMMITTEE  
**BILL ANALYSIS**  
**57th Legislature, 2nd Session, 2026**

<b>Bill Number</b>	<u>SB216</u>	<b>Sponsor</b>	<u>Pinto</u>
<b>Tracking Number</b>	<u>.233414.1</u>	<b>Committee Referrals</b>	<u>SIRC/SFC</u>
<b>Short Title</b>	<u>Certificate for Native American Languages</u>		
<b>Analyst</b>	<u>Chavez</u>	<b>Original Date</b>	<u>2/12/2026</u>
		<b>Last Updated</b>	<u></u>

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## **BILL SUMMARY**

### Synopsis of Bill

Senate Bill 216 (SB216) would appropriate \$500 thousand to the Public Education Department (PED) to issue certificates to persons proficient in a Native American language and culture of an Indian nation, tribe, or pueblo located wholly or partially in New Mexico.

The bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or May 20, 2026.

## **FISCAL IMPACT**

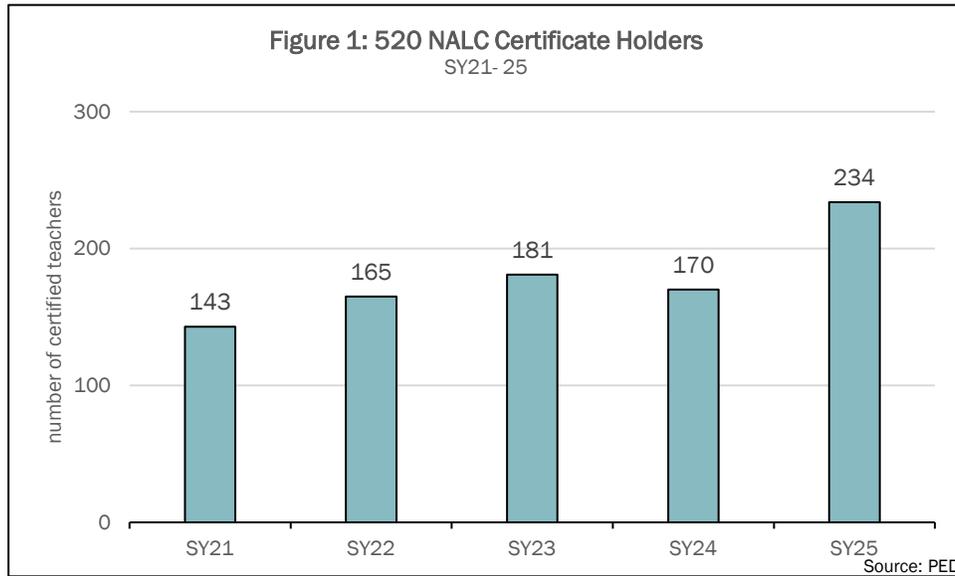
The bill appropriates \$500 thousand from the general fund to PED for expenditure in FY27. Any unexpended or unencumbered balance remaining at the end of FY27 shall revert to the general fund.

The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) does not include a line item specific to the parameters outlined in SB216. HB2/HAFCS does, however, appropriate \$20 million to the Indian education fund (IEF). In addition, the General Appropriation Act of 2025 included \$30 million to PED to support activities pursuant to the Indian Education Act for expenditure in FY26, FY27, and FY28, restricting spending to no more than \$10 million each fiscal year. Funding to the IEF and for the Indian Education Act could potentially support the provisions of this bill.

## **SUBSTANTIVE ISSUES**

SB216 makes an appropriation to issue 520 Native American Language and Culture (NALC) certificates, which are currently issued and funded through PED's Indian Education Division (IED). Established in 2003, the NALC certificate authorizes individuals to teach Native American language and culture within public school districts and charter schools, and requires tribes, nations, and pueblos to develop standards tailored to their respective communities. The criteria and standards for proficiency are formalized through a memorandum of agreement with PED. The

Legislature also amended state law in 2022 to establish salary parity between 520-certified NALC instructors and level 1 licensed teachers. PED’s IED reported a total of 234 NALC certificate holders as of SY25. **See Figure 1: 520 NALC Certificate Holders.**



**Senate Memorial 9.** The Legislature passed Senate Memorial 9 (SM9) during the 2025 legislative session requesting LESC to study and make recommendations to improve the 520 Native American Language and Culture (NALC) certification. While IED indicates an increase in certificate holders, [LESC staff](#) found some tribal communities are not fully aware of the certification process, nor the extent of their authority in practice. Furthermore, LESC staff identified challenges in the NALC certification process that may hinder individuals’ ability to become certified and help to support language efforts in New Mexico’s tribes, nations, and pueblos.

Despite PED’s allocation of \$1.3 million in FY25 (through the department’s IED) to support NALC certificates, district directors and instructors of Native American programs report access to required training and testing materials require significant travel time; barriers in professional development may impede high-quality instruction; insufficient compensation impedes retention and recruitment of language and culture educators; and data accountability and analysis impacts accountability.

**Native American Student Achievement.** PED requires an annual [Tribal Education Status Report](#) (TESR) for all New Mexico school districts with tribal lands located within their boundaries, while districts adjacent to tribal lands may voluntarily submit TESRs to ensure transparency and partnerships with neighboring tribes. PED’s IED published its 2024-2025 TESR indicating a total of 40.4 thousand students affiliated with tribal nations were enrolled in New Mexico public schools in the 2024-2025 school year (SY25). Additionally, IED reported a distribution of [\\$23.4 million](#) from the Indian education fund to pueblos, tribes, and nations. For [SY25](#), Native American students were one of the subgroups in grades three through eight that showed the strongest literacy growth from 2022 to 2025, including improvements in science. Despite these gains, the 2024-2025 TESR highlights teacher recruitment and retention challenges, particularly for certified bilingual or Indigenous educators, that limit Native American student access to consistent high-quality instruction.

## OTHER SIGNIFICANT ISSUES

***Martinez-Yazzie Consolidated Lawsuit.*** In 2019, the 1<sup>st</sup> 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 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.

## RELATED BILLS

Relates to HB118, Biliteracy Development and Training Project, creating the biliteracy development and training project for specialized biliteracy training and professional development for teachers.

Relates to HB119, Bilingual License Endorsement Pgm Units, establishing program units for licensed school employees with a bilingual endorsement.

## SOURCES OF INFORMATION

- LESC Files

**EC/de/mca/jkh**