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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 216

SHORT TITLE: Certificate for Native American Languages

SPONSOR: Pinto

LAST ORIGINAL
UPDATE: _____ **DATE:** 2/9/26 **ANALYST:** Liu/Joyce

APPROPRIATION* (dollars in thousands)

FY26	FY27	Recurring or Nonrecurring	Fund Affected
	\$500.0	Recurring	General Fund

*Amounts reflect most recent analysis of this legislation.

Relates to House Bills 116, 118, 119 and Senate Bill 158
Relates to appropriation in the General Appropriation Act

Sources of Information

LFC Files
Legislative Education Study Committee (LESC) Files

Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analyses from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

SUMMARY

Synopsis of Senate Bill 216

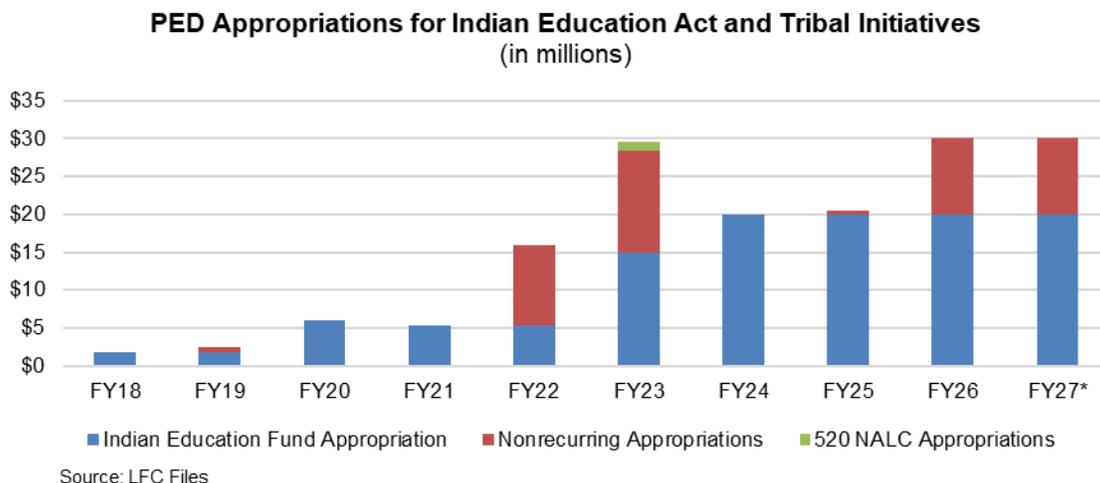
Senate Bill 216 (SB216) appropriates \$500 thousand from the general fund to the Public Education Department (PED) for the purpose of issuing Native American language and culture certificates to persons proficient in a Native American language and culture of an Indian nation, tribe, or pueblo in New Mexico. This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

The appropriation of \$500 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY27 shall revert to the general fund.

PED appropriations dedicated to implementing the Indian Education Act have grown

substantially since the *Martinez-Yazzie* education sufficiency lawsuit. In prior years, the department has dedicated a portion of Indian education fund or special appropriations to support Native American language and culture certificate (also known as a 520 certification) holders.



Laws 2022, Chapter 40 (House Bill 60) set the minimum salary for 520 certificate instructors at a level 1 teacher minimum salary. In FY23, the Legislature included a \$1.3 million appropriation to PED to support 520 certificate instructors. In FY23, PED budgeted \$1.9 million to support 520 certificate instructor salaries. In FY24, the Legislature did not make an appropriation for this purpose, but PED awarded \$1.3 million from the Indian education fund to eight districts, three charter schools, and six pueblos to supplement salaries for 520 certificate holders.

In FY25, PED allocated \$23.4 million from the Indian education fund (including reverted fund balances) directly to New Mexico pueblos, tribes, and nations, and allocated \$5.9 million to eligible districts and charters. The department did not allocate awards for 520 certificate holders as done previously, but consolidated nine other programs into two grants: Indian education allocation based awards and Indian education competitive awards. PED advised school districts and charters to apply through the competitive process to supplement 520 certificate instructor salaries. PED is using the same allocation approach for Indian education funds in FY26.

In FY26, PED requested a budget adjustment to use \$18.3 million from unspent Indian education fund balances. While the department indicated \$1.6 million of this amount would be dedicated to existing programs and extensions of current initiatives, the remaining \$16.9 million was undefined and could be used for competitive grants or other items, including the purposes of this bill.

SIGNIFICANT ISSUES

According to PED’s 2025 tribal education status report, nearly 40.4 thousand students in New Mexico public schools reported an affiliation with tribal nations, including 35.4 thousand affiliated with one of the 23 pueblos, tribes, and nations recognized in New Mexico. The report noted 234 instructors held a 520 certificate in New Mexico public schools, but only 151 instructors with this certification were actively teaching in 26 districts and charter schools. This instructor count includes 73 Diné, 28 Zuni, and 21 Keres language certifications. A 2025 LESC brief noted the number of 520 certificate holders has increased in recent years but reported 194

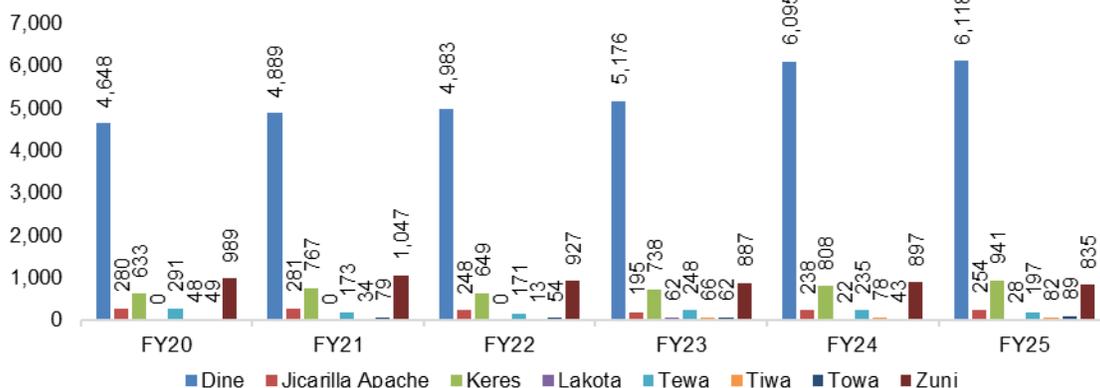
certified individuals for FY25.

	FY21	FY22	FY23	FY24	FY25
520 NALC Certificate Holders	143	165	181	170	194

Source: LESC

The 2025 tribal education status report found districts consistently had challenges in maintaining and expanding Native language instruction. A primary obstacle was the shortage of certified Native language instructors, particularly those holding a 520 certification. Recruitment and retention of qualified instructors was further complicated by the need for fluency and cultural expertise, tribal collaboration for curricula and assessment, funding, instructional materials, and alignment between state academic standards and tribal language preservation goals.

Students in Indigenous Bilingual Multicultural Education Programs



Source: PED

PED reports 8,544 students participated in a Native American language program in FY25, up from 8,416 students the prior year. Despite increased enrollment in these programs, the number of students who tested as fluent and proficient in a Native American language was 449 students, or 13 percent. This represents an improvement from the prior year where only 209 students, or 9 percent, were fluent and proficient. PED notes Native language instruction occurs most frequently at the elementary and middle school levels, with more limited opportunities in high school. Student participation rates in language programs generally decline at higher grade levels due to limited scheduling flexibility, certification challenges, and competing graduation requirements. As such, only a few students achieve the state seal of bilingualism-biliteracy for an indigenous language upon graduation.

Students with a State Seal of Bilingualism-Biliteracy Award for Indigenous Languages

	FY21	FY22	FY23	FY24	FY25
Diné	8	5	7	45	7
Keres	4	4	11	3	9
Tiwa	0	1	3	5	9
Zuni	25	26	13	46	27
Total	37	36	34	99	52

Source: PED

PERFORMANCE IMPLICATIONS

A 2021 LFC evaluation on implementation of the Indian Education Act found Native American students continue to perform well below peers on state and national measures of achievement, despite the availability of nearly \$147 million in state and federal funds at public schools and

institutions of higher education for purposes aligned to the act. The report noted a history of understaffing at PED's Indian Education Division, difficulties with funding utilization, challenges with local collaboration, and a lack of specific, targeted outcomes have resulted in a system that has not served Native American students in a comprehensive and coordinated manner.

Senate Memorial 9 of the 2025 legislative session requested LESC to convene a working group to study 520 certification and make recommendations for improving this process. LESC's subsequent report found some tribes were not aware of the 520 certification process and only 17 pueblos, tribes, and nations had entered into agreements with PED since 2003 to develop 520 certification pathways. Additionally, while tribal technical assistance centers established in Laws 2023, Chapter 72 (House Bill 280), could support the 520 certification process, these centers have not been operationalized and are still in the process of procurement through the Higher Education Department. The LESC report further noted challenges to 520 certification, including long travel distances to receive 520 training, limited skill development opportunities for 520 certified instructors, and compensation ceilings.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to House Bill 116, which amends provisions relating to bilingual multicultural education programs, House Bill 118, which makes an appropriation to create a biliteracy development and training project, House Bill 119, which would allocate additional funding through the state equalization guarantee (SEG) to schools employing teachers with a bilingual endorsement in an approved bilingual multicultural education program, and Senate Bill 158, which makes an appropriation to create a micro-credentialing pilot project. This bill also relates to the Indian education fund appropriation in the General Appropriation Act.

OTHER SUBSTANTIVE ISSUES

On February 14, 2019, the 1st Judicial District Court issued a final judgment and order on the consolidated *Martinez v. New Mexico* and *Yazzie v. New Mexico* education sufficiency lawsuits, and found that New Mexico's public education system failed to provide a constitutionally sufficient education for at-risk students, particularly English language learners, Native American students, and special education students. 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.