

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number: HB 150a**

**49th Legislature, 2nd Session, 2010**

**Tracking Number: .181003.1GR**

**Short Title: Hispanic Education Act**

**Sponsor(s): Representatives Rick Miera and Mary Helen García and Others**

**Analyst: Pamela Herman**

**Date: February 12, 2010**

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**AS AMENDED**

**The House Floor amendment:**

- **inserts the phrase “that represent the ethnic diversity of the community” to describe the site-based and school district committees for which the Hispanic Education liaison will support school districts and charters in recruiting parents; and**
- **limits to 23 the number of members the Secretary of Public Education may appoint to the Hispanic Education Advisory Council.**

**The House Education Committee amendments:**

- **create a Hispanic Education Liaison rather than a Hispanic Education Office in the Public Education Department (PED) by replacing the word “office” with the word “liaison” throughout; and**
- **provide that members of the Hispanic Education Advisory Council shall not receive per diem and mileage or other compensation for their services.**

**Original Bill Summary:**

HB 150 adds a new short-titled act to the *Public School Code* to establish the *Hispanic Education Act*. The stated purposes of the bill are to:

- provide for the study, development, and implementation of educational systems that affect Hispanic student educational success;
- encourage and foster parental involvement in their children’s education; and
- provide means for parents, community and business groups, public schools, school districts, public postsecondary institutions, the Public Education Department (PED), and state and local policymakers to work together to improve educational opportunities for Hispanic students in order to close the achievement gap and increase graduation rates and postsecondary enrollment, retention, and completion.

Among its provisions, HB 150 creates:

- the Hispanic Education Office in PED, whose duties are to:

- focus on issues related to Hispanic education and advise the Secretary of Public Education on development of policy regarding education of Hispanic students;
  - advise PED and the Public Education Commission (PEC) on the development of the five-year strategic plan for public education in the state as it relates to Hispanic student education;
  - assist and be assisted by other PED staff to improve elementary, secondary, and postsecondary educational outcomes for Hispanic students;
  - be a resource for school districts and charter schools to provide equitable and culturally relevant learning environments, educational opportunities, and instructional materials for Hispanic public school students;
  - support and consult with the Hispanic Education Advisory Council; and
  - support districts and charter schools in recruiting parents to site-based and district committees that represent the ethnic diversity of the community; and
- the Hispanic Education Advisory Council to advise the Secretary on improving public school education for Hispanic students, increasing parent involvement and community engagement in education of Hispanic students, and increasing the number of Hispanic high school graduates who succeed in postsecondary academic, professional, or vocational education. HB 150 requires that the Council:
    - include members appointed by the Secretary, serving at the Secretary's pleasure and chosen with regard for geographic representation, who are knowledgeable about and interested in the education of Hispanic students, including representatives of:
      - public schools;
      - postsecondary education;
      - teacher preparation programs;
      - parents;
      - Hispanic cultural, community, and business organizations;
      - other community and business organizations; and
      - interested citizens;
    - elect a chairperson and other officers as it deems necessary;
    - meet as necessary, but at least twice per year; and
    - advise the office, PED, and the PEC on matters related to Hispanic education in New Mexico.

In addition, HB 150 requires the office, in collaboration with the Higher Education Department (HED), to submit an annual P-20 statewide Hispanic Education Status Report by November 15 to the Governor and the Legislature through the Legislative Education Study Committee (LESC). The report shall include the following data statewide:

- by school district and by charter school:
  - Hispanic student achievement at all grades;
  - attendance in all grades;
  - graduation rate for Hispanic students;
  - parents and community involvement;
  - the number of Hispanic students in schools that make adequate yearly progress and at each level of school improvement or restructuring; and
  - the number and type of bilingual and multicultural programs in each school district; and

- by postsecondary education institution:
  - Hispanic student enrollment;
  - Hispanic student retention; and
  - Hispanic student completion rates.

The effective date of HB 150 is July 1, 2010.

HB 150 is the subject of House Executive Message 59.

**Fiscal Impact:**

HB 150 does not contain an appropriation.

**Fiscal Issues:**

- The PED analysis for HB 150 states that PED can accomplish the duties required of it in HB 150 with existing staff and resources.
- According to the PED testimony to the House Appropriations and Finance Committee on January 26, 2010 in connection with the PED budget request for FY 11, the department stated it would establish a Hispanic Education Office by redirecting one full-time staff position to implement the provisions of HB 150 if it passes.

**Substantive Issues:**

***Hispanic Students in New Mexico***

According to the PED bill analysis for HB 150, Hispanic students represent 56 percent of the total enrollment in New Mexico public schools. Of these students:

- 15.6 percent speak a language other than English; and
- 24.2 percent participate in Bilingual Multicultural Education programs funded through the state equalization guarantee, constituting 77 percent of all students who participate in those programs.

There exist substantial gaps in academic achievement between Hispanic students and non-Hispanic Caucasian students in the state as illustrated in the table below:

**Table: Comparison of School Performance in New Mexico for Hispanic and Caucasian Student**

	Hispanic Students	Caucasian Students	Gap
<i>State Standards-based Assessments, 2009</i>			
4 <sup>th</sup> Grade Reading, Proficient or Better	36%	59%	23 points
8 <sup>th</sup> Grade Reading, Proficient or Better	35%	61%	26 points
4 <sup>th</sup> Grade Math, Proficient or Better	46%	67%	21 points
8 <sup>th</sup> Grade Math, Proficient or Better	55%	79%	24 points
<i>Graduation Rate, Class of 2008</i>	56.2%	71.3%	15.1 points

Once in college, approximately 57 percent of Hispanic students in New Mexico take one or more remedial courses in their first semester, compared with approximately 36 percent of Caucasian

students, a 21 point difference, according to the study, “Ready for College 2009” published by the Office of Education Accountability (OEA), Department of Finance and Administration.

### ***Proposed Hispanic Education Act Compared to Other State Statutes Addressing Education and Culture***

- The *Hispanic Education Act* contained in HB 150 is similar in some respects to the *Indian Education Act* and the *Bilingual Multicultural Education Act* in that it creates an administrative structure within PED to focus on issues related to Hispanic education, to cooperate with stakeholders with an interest in the success of Hispanic students, and to issue an annual status report.
- The *Hispanic Education Act* differs from the *Indian Education Act* in several respects. Most notably, it creates an office within PED with limited duties, not a division; it does not create a fund or charge the office with seeking funds to carry out its purposes.
- The *Hispanic Education Act* also differs from the *Bilingual Multicultural Education Act* in that:
  - it creates a structure within PED, which the *Bilingual Multicultural Education Act* does not;
  - it does not provide for funding of programs, which the *Bilingual Multicultural Education Act* does; and
  - it focuses first on community and parent engagement as a strategy to improve Hispanic achievement, whereas the *Bilingual Multicultural Education Act* focuses primarily on implementation of language and cultural programs and curricula as means to help all students in the state become bilingual and biliterate in English and a second language, as well as to meet academic content and performance standards in all subject areas.

### **Technical Issues:**

- HB 150 has the same short title as HB 19 and SB 132a.
- HB 150 and SB 132a both create a Hispanic Education Office, while HB 19 creates a larger structure within PED, a Hispanic Education Division.
- HB 150 and SB 132a and HB 19 all create Hispanic Education Advisory Councils to advise the Secretary on matters related to Hispanic education.
  - HB 150 and SB 132a require the council to meet at least twice a year, which HB 19 requires it to meet at least once.
  - HB 150 and SB 132a make no provision for payment of mileage and per diem to council members, while HB 19 provides for such payments pursuant to the *Mileage and Per Diem Act* as the PED budget permits.
- See Attachment (“A Comparison of Provisions in Three *Hispanic Education Act* Bills”) for more points of comparison among the three bills.

## **Background:**

- According to the Editorial Projects in Education Research Center, racial and ethnic achievement gaps are often attributed to:
  - socioeconomic factors, particularly, higher proportions of minority group members living at, near, or below the poverty line;
  - limited educational resources in the home, including parental education levels and access to books, newspapers, and computers;
  - poor access to health care and social supports;
  - high mobility due to housing insecurity; and
  - school-based factors, especially the greater likelihood that Hispanic and other non-White students will be taught by less-experienced and less-qualified teachers, working in less favorable conditions.
  
- Nationally, achievement gaps measured by scores on the National Assessment of Educational Progress (NAEP) have proven difficult to eliminate or even reduce. According to the National Center for Education Statistics (NCES):
  - the Hispanic-White achievement gap in reading has remained unchanged since 1992 despite improving performance for both groups; and
  - the Hispanic-White gap in mathematics has not substantially narrowed since 1990, although, again, the performance of both groups on the NAEP improved over that time.
  
- Likewise, achievement gaps in New Mexico on the NAEP are approximately the same size as in the early 1990s:
  - the Hispanic-White gap in reading was substantially the same in 2007 as in 1990 for both fourth and eighth graders; and
  - the Hispanic-White gap in mathematics was also the same in 2009 as in 1992.

## **Related Bill(s):**

HB 19 *Hispanic Education Act*

SB 132a *Hispanic Education Act* (similar)