

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 132a

49th Legislature, 2nd Session, 2010

Tracking Number: .180378.2GR

Short Title: Hispanic Education Act

Sponsor(s): Senator Bernadette M. Sanchez and Others

Analyst: Pamela Herman

Date: February 13, 2010

AS AMENDED

Senate Floor amendment number 2:

- **strikes the first of two items in Senate Floor amendment number 1;**
- **includes in the purposes of the *Act* encouragement of other family, as well as parents, in the education of children; and strikes the word “their” modifying children; and**
- **includes in the duties of the Hispanic Education Liaison:**
 - **advising the Public Education Department on “implementation” as well as development of the five-year strategic plan for public education as it relates to Hispanic student education; and**
 - **supporting school districts and charter schools to recruit “other family members” as well as parents on site-based and district committees.**

Senate Floor amendment number 1:

- **in the statement of purposes of the *Act*:**
 - **strikes the term “parental” and replaces it with the word “family” regarding encouragement of involvement in the education of their children; and**
 - **strikes the term “parents” and replaces it with the word “family” regarding stakeholder involvement in improving education of Hispanic student.**

The Senate Finance Committee (SFC) amendments:

- **strike the Senate Education Committee (SEC) amendment that creates the Hispanic Education Advisory Council;**
- **strike all references to a Hispanic Education “Office” and replace that term with a Hispanic Education “Liaison”;**
- **insert a new section to the *Public School Code* creating a Hispanic Education Advisory Council that shall advise the Secretary of Public Education on improving public school education for Hispanic students, increasing parent involvement and community engagement in Hispanic student education, and increasing the number of Hispanic high school graduates who succeed in postsecondary academic, professional, or vocational education;**

- **require that the Council:**
 - **be appointed by the Secretary, with due regard to geographic representation, and serve at the Secretary’s pleasure, as follows: members knowledgeable about and interested in the education of Hispanic students, including representatives of public schools; postsecondary education and teacher preparation programs; parents; Hispanic cultural, community and business organizations; other community and business organizations; and other interested persons;**
 - **be required to meet at least twice a year; and**
 - **be prohibited from receiving per diem and mileage or any other compensation for their services; and**
- **require the Public Education Department rather than the Hispanic Education Office, to collaborate with the Higher Education Department in producing the annual status report.**

The Senate Education Committee (SEC) amendments:

- **create the Hispanic Education Advisory Council to advise the Secretary of Public Education on improving public school education for Hispanic students, increasing parent involvement and community engagement in Hispanic student education, and increasing the number of Hispanic high school graduates who succeed in postsecondary academic, professional, or vocational education;**
- **require 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 division, the Public Education Department, and the Public Education Commission on matters related to Hispanic education in New Mexico; and**
- **add to the duties of the Hispanic Education Office the mandate to support and consult with the Hispanic Education Advisory Council.**

Original Bill Summary:

SB 132 amends the *Public School Code* to add a new short-titled act, the *Hispanic Education Act*. The purposes of the *Hispanic Education Act* are to:

- **focus on, and advise the Secretary of Public Education on, Hispanic education policy;**
- **encourage parental involvement in their children’s education; and**
- **provide means for parents, community and business groups, public schools and districts, public postsecondary institutions, the Public Education Department (PED) and state and local policymakers to work together to improve educational opportunities for Hispanic**

students to close the achievement gap, increase graduation rates and increase postsecondary enrollment, retention, and completion.

SB 132 creates the Hispanic Education Office in PED, whose duties are to:

- focus on Hispanic education issues and advise the Secretary of Public Education in developing policy regarding education of Hispanic students;
- advise PED and the Public Education Commission in developing the state five-year strategic plan for public education as it relates to Hispanic student education;
- assist and be assisted by other PED staff to improve elementary, secondary, and postsecondary (P-20) 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; and
- support districts and charter schools in recruiting parents to site-based and district committees that represent community ethnic diversity.

SB 132 requires the office, in collaboration with the Higher Education Department (HED), to submit an annual P-20 Statewide Hispanic Education Status Report to the Governor and the Legislature through the Legislative Education Study Committee (LESC) by November 15. The report must include the following information:

- statewide and by school district and charter school:
 - Hispanic student achievement in all grades;
 - attendance in all grades;
 - graduation rates for Hispanic students;
 - the number of Hispanic students in schools that make adequate yearly progress and in schools at each level of school improvement or restructuring; and
 - the number and type of bilingual and multicultural programs in each school district and charter school; and
- by postsecondary institution:
 - Hispanic student enrollment;
 - Hispanic student retention; and
 - Hispanic student completion rates.

The effective date of SB 132 is July 1, 2010.

Fiscal Impact:

SB 132 does not contain an appropriation.

Fiscal Issues:

- PED states that the duties required of it pursuant to SB 132 can be accomplished with existing resources.

- According to PED’s testimony to the House Appropriations and Finance Committee on January 26, 2010 in connection with the PED budget request for FY 11, the department would establish a Hispanic Education Office by redirecting one full-time staff position to implement the provisions of SB 132 if it passes.

Substantive Issues:

Hispanic Students in New Mexico

- Hispanic students represent 56 percent of the total enrollment in New Mexico public schools, according to PED. 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, or 77 percent of all students who participate in those programs.
- There exist persistent, substantial gaps in academic achievement between Hispanic students and non-Hispanic Caucasian students in the state. For example, Table 1, below, shows data from PED indicating some differences in academic performance between Hispanic and Caucasian students:

Table 1: Comparison of School Performance in New Mexico for Hispanic and Caucasian Students

	Hispanic Students	Caucasian Students	Gap
4 th Grade Reading, Proficient or Better, 2009	36%	59%	23 points
8 th Grade Reading, Proficient or Better, 2009	35%	61%	26 points
4 th Grade Math, Proficient or Better, 2009	46%	67%	21 points
8 th Grade Math, Proficient or Better, 2009	55%	79%	24 points
Graduation Rate, Class of 2008	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

- The *Hispanic Education Act* contained in SB 132 is similar in some respects to the *Indian 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; and it does not create an advisory council (see Technical Issues, below).

Amended Technical Issues:

SB 132a is identical to HB 150a, *Hispanic Education Act*.

Original Technical Issues:

SB 132 is similar in most respects to HB 150, *Hispanic Education Act*. However, unlike SB 132, HB 150 includes a requirement to create a Hispanic Education Advisory Council, sets forth the membership and duties of the Council, and requires the Hispanic Education Office to support and work with the Council (see Attachment, “A Comparison of Provisions in Three *Hispanic Education Act 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 parent 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 in the state was substantially the same in 2007 as in 1990 for both fourth and eighth graders; and
 - the Hispanic-White gap in mathematics was also approximately the same in 2009 as in 1992.

Related Bill(s):

HB 19 *Hispanic Education Act*

HB 150a *Hispanic Education Act* (identical)