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## FISCAL IMPACT REPORT

SPONSOR Stewart/Lopez ORIGINAL DATE 1/29/19  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE UNM College of Ed Yazzie Lawsuit Needs SB 311

ANALYST Valenzuela/Lobaugh

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
\$3,913.8		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB120

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Higher Education Department (HED)

New Mexico Independent Community Colleges (NMICC)

University of New Mexico (UNM)

Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

Senate Bill 311 appropriates \$3.9 million from the general fund to the Board of Regents of the University of New Mexico (UNM) for the purpose of supporting the UNM college of education in FY20. SB311 specifies how the UNM college of education should allocate the \$3.9 million appropriation for the purposes of hiring personnel, providing student and programmatic support for preparing teachers, and promoting the preparation of Native American teachers. Any unexpended or unencumbered balance remaining at the end of FY20 would revert to the general fund.

### FISCAL IMPLICATIONS

The appropriation of \$3.9 million contained in SB311 is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund. SB311 specifically earmarks the \$3.9 million appropriation from the general fund

for the following purposes:

- 1.) \$106.5 thousand to hire lecture faculty and a senior academic advisor to provide student services and offer more face-to-face courses at the UNM-Gallup branch;
- 2.) \$170 thousand to hire lecture faculty and a graduate assistant to develop a dual license in special education and elementary education at the UNM Gallup branch;
- 3.) \$500 thousand for the UNM college of education’s center for collaborative research and Community Engagement to award competitive proposals to promote effective educator preparation practices for serving culturally and linguistically diverse students;
- 4.) \$545 thousand to provide support (scholarships, books, and supplies) for the creation of bilingual education degrees and to hire faculty, a program coordinator, and an educational specialist to provide doctoral student support and graduate assistantships;
- 5.) \$310 thousand to hire tenure-track faculty and provide 10 stipends for students participating in the UNM college of education’s applied behavior analysis certificate program;
- 6.) \$523.1 thousand to support the UNM Institute for American Indian Education’s efforts to improve Native American student retention and achievement;
- 7.) \$459.2 thousand to support support the American Indian leadership in education doctoral student cohort program; and
- 8.) \$1.3 million to replace expiring funding from the W.K. Kellogg foundation to increase the number of Native American students licensed school administrators.

## SIGNIFICANT ISSUES

On July 20, 2018, the 1st Judicial District Court issued an initial decision and order on the consolidated *Yazzie v. New Mexico* and *Martinez v. New Mexico* education sufficiency lawsuits, which found New Mexico’s public education system failed to provide a sufficient education for at-risk, English language learner (ELL), Native American, and special education students. On December 20, 2018, the court issued its final findings and conclusions of law in the consolidated lawsuits. In both the initial decision and final findings, the court cited evidence highlighting areas where funding levels, financing methods, and department oversight were deficient. Additionally, the court found in its final findings and conclusions of law that the state had failed to provide “a pipeline program to increase the number of Native American teachers” and “pedagogy that is culturally revelant and responsive to Native American student needs” (p.143).

The state Higher Education Department (HED) has a formal process for reviewing earmarked budget requests for higher education institutions when developing the department’s higher education funding recommendation. Although UNM requested \$1.1 million in its FY20 budget request for minority student services, including \$400 thousand for Native American student recruitment and retention, UNM did not specifically request any additional appropriations for the college of education in its budget request for FY20.

According to UNM's FY18 financial report of actuals, the UNM college of education expended \$13.5 million for instruction and student academic support in FY18. The \$3.9 million appropriation contained in SB311 would equate to a 29 percent increase above the UNM college of education's FY18 expenditures.

The UNM college of education had 216 full time employee (FTE) faculty and staff according to the FY18 financial report of actuals. UNM's official enrollment report for Fall 2018 indicates that the college of education had an undergraduate headcount of 1,503 students and a graduate headcount of 882 students, which includes students who have not yet been formally admitted into a traditional or alternative educator preparation program (EPP). UNM's Fall 2018 enrollment report indicates that approximately 5.1 percent of UNM's total enrollment headcount were Native American students.

### **ADMINISTRATIVE IMPLICATIONS**

The UNM Board of Regents would be required to allocate the appropriation to the UNM college of education. The UNM college of education would be required to use the appropriation for the purposes outlined in SB311, track the expenditures, and return any unexpended balances at the end of FY20 to the state general fund.

UNM would need to develop and submit applications for the creation of new bilingual education degree programs for HED approval (5.5.2.1 NMAC and 5.5.6.1 NMAC). UNM would need to ensure that the proposed bilingual education degree programs aligned with HED degree program requirements as well as Public Education Department (PED) teacher preparation and licensure requirements.

### **TECHNICAL ISSUES**

SB311 would require the UNM college of education to return any unexpended balances from the appropriation in SB311 at the end of FY20 to the state general fund. However, HED reports that state appropriations to public higher education institutions do not typically revert back to the general fund.

### **RELATIONSHIP**

SB311 relates to HB120 which would create a Bilingual Teacher Preparation Act in state statute and appropriate funds for bilingual teacher preparation.

CSL/MV/sb