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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Click all that apply:*

Original     Amendment      
Correction     Substitute   

Date 2024-01-16  
Bill No: HB39

<b>Sponsor:</b>	<u>Gurrola, Yanira / Roybal</u>	<b>Agency Name and Code</b>	<u>NMHED</u>
<b>Short</b>	<u>YAZZIE LAWSUIT</u>	<b>Number:</b>	<u></u>
<b>Title:</b>	<u>EDUCATIONAL</u>	<b>Person Writing</b>	<u>Moquino, Nathan</u>
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
N/A	\$27,551.7	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		

N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

HB39 requests an appropriation of twenty-seven million five hundred fifty-one thousand seven hundred dollars (\$27,551,700) in funding to public colleges and universities and tribal colleges to address the court's rulings in the *Yazzie/Martinez V. The State of New Mexico* lawsuit. Allocations aim to improve educational outcomes for Hispanic, African American, and American Indian public school and higher education students and families.

Appropriations are made across the Board of Regents at the University of New Mexico (UNM); New Mexico Highlands University (NMHU); New Mexico State University (NMSU); and the New Mexico Higher Education Department (NMHED) for NMHED to fund tribal college programs and programs at Northern New Mexico College.

Any unexpended or unencumbered balance remaining at the end of FY25 shall not revert to the General Fund.

According to the New Mexico Constitution Article 12, Section 1, every child in New Mexico has the right to a sufficient and equitable public education. The New Mexico Constitution guarantees the right to a sufficient public education for every student in New Mexico. (New Mexico Constitution Article XII, Section 1.) The court in *Yazzie/Martinez* ruled that the State of New Mexico has failed to provide minority students with a constitutionally sufficient education.

Allocations look to support current teachers, recruitment and retention of American Indian teachers, teacher licensure programs in bilingual and multicultural education, culturally and linguistically relevant curricula development, and teacher professional development. Two percent (2%) of all teachers in New Mexico are American Indian.

Source: <https://www.documentcloud.org/documents/5680880-Courts-Findings-of-Fact-and-Conclusions-of-Law.html#document/p81/a479950>

Allocations would also support development of culturally and linguistically relevant curricula. According to the findings of fact in the Yazzie/Martinez lawsuit, "a rigorous and well-designed culturally relevant curriculum has a positive impact on students?."

Source: <https://www.documentcloud.org/documents/5680880-Courts-Findings-of-Fact-and-Conclusions-of-Law.html#document/p80/a474551>

## FISCAL IMPLICATIONS

HB39 requests an appropriation of twenty-seven million five hundred fifty-one thousand seven hundred dollars (\$27,551,700) in funding to public colleges and universities and tribal colleges to address the court's rulings in the *Yazzie/Martinez V. The State of New Mexico* lawsuit.

Any unexpended or unencumbered balance remaining at the end of FY25 shall not revert to the General Fund. Appropriations to New Mexico public postsecondary institutions typically do not revert.

The University of New Mexico (UNM), New Mexico Highlands University (NMHU), and New Mexico State University (NMSU) did not submit this request to the New Mexico Higher Education Department (NMHED) for possible incorporation into the NMHED higher education comprehensive funding recommendation. NMHED has a formal process for reviewing earmarked budget requests for higher education institutions when developing the NMHED funding recommendation.

NMHED submitted its higher education funding recommendation to the Department of Finance and Administration (DFA) and the Legislative Finance Committee (LFC) on November 1 as is required by statute. (9-25-9 NMSA 1978)

## SIGNIFICANT ISSUES

N/A

## PERFORMANCE IMPLICATIONS

HB39 does not outline specific performance measures. However, if funded, Navajo Technical University, Din? College, Southwestern Indian Polytechnic Institute, and Northern New Mexico College should develop performance measures in coordination with the New Mexico Higher Education Department (NMHED).

## ADMINISTRATIVE IMPLICATIONS

The Board of Regents at the University of New Mexico (UNM), New Mexico Highlands University (NMHU), and New Mexico State University (NMSU) would administer these funds as outlined in the bill.

The New Mexico Higher Education Department (NMHED) would administer these funds involving receipt, disbursement, and tracking to Navajo Technical University, Diné College, Southwestern Indian Polytechnic Institute, and Northern New Mexico College.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

## TECHNICAL ISSUES

N/A

## OTHER SUBSTANTIVE ISSUES

N/A

## ALTERNATIVES

N/A

## WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB39 were not passed, twenty-seven million five hundred fifty-one thousand seven hundred dollars (\$27,551,700) would not be appropriated from the General Fund to the Board of Regents at the University of New Mexico (UNM), New Mexico Highlands University (NMHU), New Mexico State University (NMSU), and to the New Mexico Higher Education Department (NMHED) for NMHED to fund tribal college programs.

## AMENDMENTS

N/A

**HOUSE BILL 39**

**SECTION 1**

Entity	Sublist	Expenditure	Recurring/Non	Page, Line Number	Purpose
University of New Mexico	LLSS	\$250,000	Recurring	2, 4	Bachelor's Program in elementary Bilingual education
		\$250,000	Recurring	2, 11	Pipeline Program: Teacher Ed/Elem Bilingual Ed
		\$250,000	Recurring	2, 19	Graduate studies pathway endorsement in Bilingual Ed
		\$350,000	Recurring	2, 25	Native language certification program
		\$300,000	Recurring	3, 5	Undergrad bilingual pathway for NA teachers
		\$500,000	Recurring	3, 15	Curriculum and materials development center
New Mexico State University	College of Health, Ed, Social Trans.	\$825,000	Recurring	4, 5	Partnership for teacher training: Community of Practice
		\$500,000	Recurring	4, 12	Bilingual Ed Program
New Mexico Highlands University	School of Education	\$550,000	Recurring	4, 19	Increase bilingual ed faculty
	Inst. for cult. and ling. responsive learning and teaching	\$1,801,600	Recurring	4, 23	Research/Activities recruitment & retention of professors
	Ctr for the ed and study of diverse pop.	\$775,000	Recurring	5, 8	Professional and curriculum development, youth leadership
	Doctoral Students	\$216,000	Recurring	5, 14	Doctoral Students in bilingual teacher education
HED	Contract w/ organization	\$450,000	Recurring	5, 22	Technical assistance & Professional Development
		\$1,500,000	Recurring	6, 4	Cult. & Ling relevant curricula and instructional materials
	Navajo Technical University	\$1,200,000	Recurring	6, 11	Early Childhood Navajo teacher training and pract. ctr
	Dine College	\$500,000	Recurring	6, 16	Teacher recruitment and retention
	SIPI	\$450,000	Recurring	6, 21	Bilingual pathway for Native lang. and cult. teachers
	Northern New Mexico College	\$400,000	Recurring	7, 1	Department of teacher ed program initiatives
		\$11,067,600			

**SECTION 2**

Entity	Sublist	Expenditure	Recurring/Non	Page, Line Number	Purpose
University of New Mexico	Health Sciences Center	\$2,518,100	Recurring	7, 18	Office for div., equity, inclusion program support for students
	Sch. of Med Div. of Comm. Behavioral Hlth	\$250,000	Recurring	7, 25	Native American suicide prevention
	Health Sciences Center	\$450,000	Recurring	8, 11	Ctr for NA Health: Student recruitment & retention
New Mexico Highlands University	School of Social Work	\$325,000	Recurring	8, 19	Ctr for excellence in soc. work trainings/PD
HED	NTU	\$1,200,000	Recurring	9, 4	Support for training and staff development
		\$4,743,100			

**SECTION 3**

Entity	Sublist	Expenditure	Recurring/Non	Page, Line Number	Purpose
University of New Mexico	Native American Studies Dept	\$2,980,000	Recurring	9, 25	Work w/ Tribes: Develop culturally sus. curricula etc.
	Indigenous Design & Planning Inst.	\$750,000	Recurring	10, 2	Online Ind. Planning certificate, graduate assistantships
	COEHS	\$400,000	Recurring	10, 7	Cult. Responsive curr. dev. disseminate research findings
New Mexico State University	Borderland & Ethnic Studies Dept	\$1,000,000	Recurring	10, 19	Courses and minors
New Mexico Highlands University		\$115,000	Recurring	11, 11	NA & Hispanic Studies Program collaboration w/ sch. districts
		\$115,000	Recurring	11, 19	NA & Hispanic Studies Program Chicano/a Studies major
	Dept. of Languages and Culture	\$115,000	Recurring	12, 7	Language learning center supports
	Multicultural center	\$115,000	Recurring	11, 24	Support academic and service program activities
	NA & Hispanic Studies Program	\$115,000	Recurring	12, 14	Collaborate w/ Nat'l Hispanic Cult. Ctr
HED	Northern New Mexico College	\$100,000	Recurring	12, 19	Dept. of Teacher Ed: Outreach & recruitment initiatives etc.
		\$5,805,000			

**SECTION 4**

Entity	Sublist	Expenditure	Recurring/Non	Page, Line Number	Purpose
University of New Mexico	Health Sciences Center	\$1,400,000	Recurring	13, 13	Office for div., equity, inclusion comm. to careers programs
	College of Arts and Sciences	\$315,000	Recurring	13, 19	Chicano/a Studies: support expansion costs
	Department of Africana Studies	\$2,500,000	Recurring	13, 24	Support efforts to increase participation
New Mexico Highlands University		\$375,000	Recurring	14, 11	Expand number of tuition waivers for NA undergrads
	Native American Center	\$375,000	Recurring	14, 15	Establish a Native American Ambassador Program
HED	SIPI	\$200,000	Recurring	15, 2	Summer Bridge Program
		\$275,000	Recurring	15, 7	Dual credit & transfer support services & scholarships
		\$246,000	Recurring	15, 13	Expose HS Students to teacher, social work, and BH pathways
	Northern New Mexico College	\$250,000	Recurring	15, 18	Dept. of Teacher Ed: Stipends-tuition, books, etc
		\$5,936,000			