

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

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*{Analysis must be uploaded as a PDF}*

**SECTION I: GENERAL INFORMATION**

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

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** 1/22/2024

**Bill No:** HB39

**Sponsor:** Reps. Gurrola, Roybal  
Caballero, Little, Ortez, and  
Lente  
**Short Title:** Yazzie Lawsuit Educational  
Funding

**Agency Name  
and Code** University of New Mexico-952  
**Number:** \_\_\_\_\_  
**Person Writing** Lenaya Montoya  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
	27,552.1	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 39 makes multiple appropriations totaling \$27.6 million to higher education institutions and the Higher Education Department with the stated intent of improving educational outcomes to comply with the consolidated Martinez/Yazzie v. The State of New Mexico lawsuit. The bill will support program expansions, development of new support services that are critical for addressing the unmet curricular, linguistic, and culturally relevant education needs of students identified at most risk in the consolidated Martinez/Yazzie lawsuit. Appropriations include bilingual education, teacher pathways, Native American curriculum and language seals, curricular learning centers, as well as Native American health programming.

## **FISCAL IMPLICATIONS**

House Bill 39 would appropriate recurring general fund to the specified programs. Unexpended or unencumbered balances shall not revert at the end of the fiscal year.

The appropriations to the University of New Mexico (UNM) are directed to programs at the College of Education and Human Sciences, programs at the College of Arts and Sciences, and programs at the Health Sciences Center. Funds from this appropriation for the various programs identified in this bill would provide for operational costs, faculty and staff time for organizing, recruiting and staffing new initiatives and undergraduate bilingual teacher preparation programs; recruit undergraduate students for these programs; expand current work of Native American faculty in developing new pathways for certification of bilingual Native language teachers; and developing professional development for teachers throughout the state in culturally responsive education and associated training materials through the multicultural education program in College of Education and Human Sciences.

Some of these programs listed in HB 39 are existing Research and Public Service Projects that receive direct appropriations in the General Appropriations Act. Other appropriations would be supported by new and expanded efforts through existing and new experts, faculty, and staff. UNM faculty, staff, and program directors agree that the financial resources listed appear appropriate for the work requested and are prepared execute if the bill is passed.

## **SIGNIFICANT ISSUES**

There is a current shortage of both Native American and Spanish bilingual teachers in New Mexico as cited in the Martinez/Yazzie court findings. There is a concomitant lack of appropriate teacher preparation pathways and undergraduate bilingual programs that would help address this issue. The need for increased efforts to reach teachers and administrators in NM public schools through professional development focused on improving culturally responsive curriculum and pedagogy is also addressed through this bill. These proposed initiatives if funded would contribute to the overall improvement of educational outcomes for the students identified as most at risk in NM schools in the Martinez/Yazzie court findings.

### *College of Education & Human Services*

#### *Section 1.a. Undergraduate Elementary Bilingual Education*

There is a great need of Elementary Bilingual Teachers in New Mexico. This program would support the specific preparation of future bilingual teachers. This specific preparation would help student teachers focus specifically on the pedagogical practices and frameworks that have been deemed useful in for multicultural classroom settings, especially of bilingual (Spanish and English) students. Future bilingual teachers need to focus on such practices and frameworks because they need to support the fluent development of two languages in the classroom. These teachers often come from a background where Academic Spanish was not thoroughly developed; thus, one of the main objectives of this program is to provide experiences that may help future bilingual teachers develop their academic language skills in Spanish by using it in during their courses in the program and their fieldwork experiences. Currently, there is a pathway to a Bilingual Education endorsement. However, this current pathway is an addition to an Elementary Education License program. Often student teachers in the current general teaching preparation pathway are not placed in the appropriate classrooms to learn about and implement in situ the

Bilingual Education practices they have learned in the courses. As such, student teachers need to invest additional time and financial resources to obtain a Bilingual Education Endorsement while taking the risk of not being appropriately prepared. In the new Undergraduate Elementary Bilingual Education Program, future teachers will have a set of courses specifically designed to address issues of language, support cultural and linguistic diversity while also teaching rigorous and appropriate content for each grade. In addition to more specific pedagogical courses, this new program would also support the appropriate placement and support for future teachers to gain direct experiences through their fieldwork, clinical experience, or student teaching. The development of the new program aims at developing a place-based preparation of Bilingual Education Teachers. To make this program come through coordination documents, requests of this pathway within UNM and beyond need to be worked through.

#### *Section 1.b. Secondary and Post-secondary Pipeline Program*

Secondary students in New Mexico include a large number of bilingual (Spanish-English) students. A good number of these students choose to participate in a Bilingual Seal Program. Students in these programs have a great potential as future Bilingual Education teachers because they have worked on the strong development of linguistic skills in both (Spanish-English) languages. While the language preparation is at the hand of these students, many of them develop goals of “giving back” to their communities; however, they may need pathways to do so. Bilingual Education could be a great option for these bilingual students. The goal of the pipeline Bilingual Education program will be to inform secondary and post-secondary bilingual students about the possibility of becoming Bilingual Teachers. For this purpose, this program would provide information and experiences that may both inform and motivate secondary and post-secondary bilingual students to pursue a Bilingual Education Program.

#### *Section 1.c. Graduate Studies for Bilingual Teachers*

Transitioning from a teaching preparation program into teaching in the actual classroom requires an adaptation from each teacher. Aware of this issue, the Graduate Studies for Bilingual Education teachers aims at providing a continued professional development through courses and place-based support in Bilingual Education. This program would be implemented through and Practitioner Action Research Process and Teacher Learning Communities. The goal of this program will be improving the quality of experiences, support, and teaching practices of in-service Bilingual Education Teachers. The Department needs to work on devising and coordinating the development of such program.

#### *Section 1.d. Teaching Certification Program for Native Language Speakers*

The goal for this program funding would be to support the development of courses and documentation and experiences of Native Language speakers to become future Native Language Teachers by obtaining an appropriate preparation and certification that can strengthen their teaching practices. This program has currently been practiced as extra courses that teachers or native speakers take. The goal is to develop a complete Certification program.

#### *Section 1.e. Undergraduate Bilingual Education for Native American Language Teachers*

Just as Bilingual (Spanish & English) Education future teachers currently need to add an extra teaching preparation program or endorsement. This program would entail the integrated and specific preparation of Native American Language Teachers by including coursework and as well as appropriate fieldwork teaching experiences that may strengthen pedagogical, linguistic, and cultural practices to support Native American children’s bilingual education (Native language and English).

## *Native American Suicide Prevention*

American Indians and Alaska Natives (AI/AN) comprise approximately 11% of New Mexico's population, however suicide disproportionately affects the AI/AN population. For example, AI/AN suicides occur at a rate of 31.7/100,000 versus 24.8/100,000 for all New Mexicans. Suicide rates for the period 2011 to 2020 indicate a 58% increase for American Indians. To address this public health issue, the Clearinghouse for Native American Suicide Prevention (NASP) based at UNM School of Medicine, Division of Community Behavioral Health provides culturally and linguistically appropriate, community-based mental and behavioral health education to help reduce suicide risk and contagion in American Indian tribal communities. NASP serves as a statewide resource for all 23 Tribes, tribal communities and tribal serving organizations and agencies to access culturally appropriate and culturally tailored information, and technical assistance. The NASP team has been actively supporting efforts in tribal communities to develop and expand their behavioral health crisis programs in order to align with New Mexico's efforts to develop a 988 system of care. NASP receives a state appropriation of approximately \$91,000 per year.

With additional funding, NASP could expand its reach to schools and school districts serving Native American students, to provide culturally and linguistically appropriate mental and behavioral health training. Examples of training could include mental health first aid, prevention and intervention services, emotional regulation, complex grief and loss, and other efforts aimed to reduce stigma and increase awareness of suicide prevention and mental illness through effective community outreach. NASP currently receives more requests for training from communities in New Mexico than we can currently address.

## *Center for Native American Health*

The UNM Health Sciences Center for Native American Health (CNAH) has received funding as an RPSF since 2004 and received a state appropriation of \$324,400 for FY 24. Created to address the significant health disparities of Tribes, Pueblos, and Nations in New Mexico, CNAH consists of four priority cores that were identified by tribal leadership assessments, health reports and research findings, symposia and other meetings with tribal key stakeholders, and Native American student feedback, as strategies for addressing pressing health issues and high rates of morbidity and mortality. The cores include *Native American Student and Tribal Health Workforce Development*, *Public Health Capacity Expansion*, *Health Disparities and Equity Research*, and *Native American Clinical Care Engagement*.

CNAH currently operates with 5 full-time employees and 2 undergraduate student employees, 83% of whom are Native American. The salaries of all 5 employees and the 2 students have some portion of their time paid by the State appropriation. CNAH employees include 3 faculty, 1 administrative support manager, and 1 education and outreach director. CNAH also has 1 research staff member whose salary is 100% covered by research funds. Significant issues being addressed by CNAH include strengthening the fragile pipeline of Native American undergraduates into the health professions degree programs. The pipeline concern is at least three-pronged: 1) low rate of high school graduation, and 2) low and decreasing (from 4<sup>th</sup> to 11<sup>th</sup> grades) proficiency scores in reading, math, and science, and 3) the low pass rate in undergraduate gateway STEM courses that are pre-requisites for entry into health professions degree programs. CNAH is supporting NA undergraduate students in STEM courses through the delivery of a peer learning facilitators program and an undergraduate research fellowship to support science and health professions career development. In addition, CNAH supports the

needs and academic success of the current 135 Native American health professions students to address tribal health workforce needs. CNAH's two student centers offer internet and computer access, exam prep materials, tutoring, mentoring, and cultural support as strategies for retention and academic achievement of the Native American Health Sciences students who are predominately pursuing nursing, medical, and pharmacy degrees. However, CNAH is vastly understaffed in comparison to the magnitude of effort needed to remedy educational insufficiency and health disparities of Native Americans in New Mexico.

Almost thirty percent of CNAH's current workforce is comprised of students who are term employees with limited work hours. The additional appropriation of \$450,000 to the Center for Native American Health would support the hiring of at least three new staff positions. CNAH would hire two high-level staff who have the experience and expertise in American Indian primary through post-secondary education (1 Director, Academic Success, grade 15; and 1 Education and Outreach Manager, grade 14). These experts will assess undergraduate Native American student needs and STEM gaps and identify locally resourced and collaborative remedies (sustainability), engage tribal colleges and tribal universities in a CNAH-based UNM health careers pipeline, and create a CNAH-based STEM Hub that is culturally rooted and that offers remote participation. They will also create and maintain a database of metrics of student success that can be tracked from undergraduate years to health career employment, which is currently a major void in understanding actual factors of Native American student success and persistence. It would also fund hiring of a Senior Scientist in Health Sciences (grade 16) position to expand CNAH's ability to translate its growing health disparities research (7 current NIH grants) findings into a range of interventions and public health capacity expansion initiatives within tribal communities. The additional appropriation will expand CNAH's ability to address the persistent health (including behavioral health) disparities (e.g., diabetes, suicide, unintentional injuries and deaths, alcohol and other drug use, cardiovascular disease, maternal and infant morbidity/mortality) of Native Americans and to conduct investigations into the overall declining life expectancy of Native Americans, as identified by the CDC. The additional positions at CNAH would allow current CNAH employees who have invested in decades of relationship building with Tribes, Pueblos, and Nations in NM to provide in-person public health technical assistance and to promote the integration of community health concepts and health career exposure within NM primary and secondary school systems with large Native American populations.

### *Chicana and Chicano Studies*

Chicana and Chicano studies (CCS) seeks to advance the needs and opportunities for degree-seeking students from high schools and community college that are currently without an ethnic studies curriculum and to build a higher education pipeline for Hispanic students to address college preparation and sufficient education

CCS has increased the number of undergraduate and graduate students it served. The College of Arts and Sciences reported that CCS achieved a 36% enrollment increase from 2020 to 2023 and a 57% increase in graduate and undergraduate students during that period. The number of high school students enrolled in the College Preparation Program has grown by 230 since 2020. CCS now serves community college students at CNM and UNM Taos through specific degree pathways, including the AA degree and an Area of Focus. CCS also increased the number of undergraduate and graduate degree earners by 66.7% in the same three-year period noted above. CCS faculty and students serve over 15 community-based organizations through two required community-based learning courses, including non-profits, schools, and grassroots organizations.

Fourth, undergraduate and graduate students in the program have conducted significant research projects aligned with CCS student learning outcomes. Fifth, CCS has increased the number of public high school teachers involved in professional development activities.

### *Native American Studies*

Native American Studies (NAS) is one of a handful of departments nationwide that offers bachelor's to Ph. D degrees in Native American studies. NAS students are primarily Native American who come from New Mexico or the Southwest. The funding will significantly enhance NAS's ability to deliver curriculum, service, and conduct research relevant to the Martinez/Yazzie lawsuit and the educational needs of Native American students in New Mexico. NAS is undertaking human resource capacity building by producing students with NAS degrees that can be directly applied to careers in governance at tribal, state, and federal levels, along with careers in non-profit and community organizations.

### *Indigenous Design and Planning Institute, School of Architecture and Planning*

Indigenous design and planning go hand in hand with the role of design and planning practice in building environments that enhance and meet the social and cultural needs of tribal community. Indigenous planning is a process that engages the community to reimagine future growth and development using culturally responsive and value-based approaches. They provide the foundation for PlaceKnowing—a collective approach to design and planning used for shaping environments in a responsible and sustainable manner.

The Indigenous Design and Planning Institute (iD+Pi) has three major components. The first is to establish programs that advance scholarship around the role of Indigenous design and planning in a manner that informs scholarship and practice in the academy. The second is to maintain an interdisciplinary Institute (planning, architecture, and landscape architecture) for faculty, students and emerging practitioners who can provide technical assistance to tribes in the region. The third is to advocate for the recognition and representation of Indigenous practitioners in its respective professional organizations.

Funding will allow the support and expansion of curriculum planning and course development including a graduate certificate in Indigenous Planning in the Community and Regional Planning Department as well as an online professional certificate made available at the national level. The funding will also expand community outreach by developing and formalizing relations with outside partners among tribal community organizations, tribal community colleges, and other regional and national academic programs. The funding will support Indigenous students in the study of planning and design as well as provide academic fellowships for emerging leaders in the field.

Presently, the Institute operates on soft funding from awards and grants. Established in 2012, it has assisted close to 100 communities in various initiatives around land-use, master, and strategic planning, as well as building design. It works with national partners to facilitate approaches to community development using a 7-Generations framework. Over the course of these projects it has developed an Indigenous Toolkit called PLACES (Population analysis, LandUse/LandTenure analysis, Asset mapping, Community engagement practice, local Empowerment and Storytelling). These techniques inform the unique pedagogy for mentoring faculty and teaching Indigenous students. iD+Pi also helps provide funding, support and coordination of specialized courses and studios that allows faculty and students to experience

community engagement in Indigenous settings.

In matters pertaining to the Martinez/Yazzie lawsuit and the court's findings, its activities provide a pipeline for Indigenous students to be exposed and consider careers in planning and design. With the advent of the 1975 Indian Self Determination Act, tribes have had to develop their local capacity for infrastructure development as well as build and construct facilities that serve their populations, especially in service areas such as government, health, education, housing, and recreation. Developing a means to expose and influence young people into these fields is paramount for the future of tribal community development.

### *UNM combined BA/MD Degree Program*

This appropriation will provide funding to support sustainability, program enhancements and a program expansion. Specifically: increased costs of student scholarship funding and new scholarship funding for a program expansion; operational costs of the rural summer practicum experience; medical school entry test (MCAT) preparation courses and medical student support services; faculty time to develop and teach courses to optimize success at medical school; to account for rank progression and the proportional cost of national benchmark AAMC 25th percentile for faculty salaries to support retention; and additional staff to recruit, support and retain students on the path to become doctors to serve New Mexico.

The Program has been predominately funded by the State Legislature since 2006 and has not requested additional funding since 2013. It has sustained itself despite increasing costs due to savings from hiring freezes and unfilled faculty positions. UNM SOM has absorbed and covers approximately \$1,000,000 in costs due to the class expansion by the Program such as medical student advisement and support.

New Mexico (NM) has a critical need to improve the overall number, distribution, and diversity of the state's health professions workforce. Ranked 41<sup>st</sup> in the country for overall health, the majority of the population belong to at least one group in a high-risk population for health disparities, with 40% covered by Medicaid. NM is the 5th largest state geographically and one of the most rural in the nation with an overall poverty rate of 18.4%, the third highest in the nation. Of the state's 33 counties, 32 are designated Health Professional Shortage Areas (HPSA) where only 23% of the need for primary care is met. Residents of rural communities typically travel long distances to obtain health care and are more likely than urban dwellers to report having been unable to obtain needed medical care. Even the only metropolitan urbanized area in the state has pockets of extreme poverty and medically underserved areas. Demographically, NM is Hispanic (50%), White, Non-Hispanic (36%), Native American (11%), African American (3%), and Asian American (2%) and is home to 23 federally recognized tribes including 19 Indian Pueblos, 3 Apache tribes, and the Navajo Nation, each with distinct languages and cultures. Yet, with only 1.7% of active physicians identifying as American Indian and 14.6% as Hispanic, there is a need for a greater diversity of physicians to serve in the State as a representative workforce is key to increased access, cultural competence, quality of care, and consequently, improved health outcomes.

To bring the state up to the benchmark, NM has need of an additional:

- 334 Primary care physicians (and this shortage has increased from the 2013 shortage of 153)
- 59 Ob-gyns (up from 40 in 2013)
- 119 Psychiatrists (up from 104 in 2013)

## *Office for Diversity, Equity & Inclusion-Communities to Careers*

Funds from this appropriation will provide for the University of New Mexico Health Science Center Office for Diversity, Equity & Inclusion, Communities to Careers to sustain and expand programs and regional hubs for rural and underserved students and communities through staff time for programmatic efforts, community-based program expenses, community-based coordination, student stipends, and transportation and housing costs. These funds will result in additional health career pathway program locations in rural and underserved areas, increased access to existing health career pathway programs in rural and underserved areas, increased student participation, and improved program outcome tracking.

Communities to Careers' mission is to grow "our own" diverse health care workforce. Reaching first generation, bilingual, underserved, and underrepresented students from rural and urban underserved communities, and sovereign nations across New Mexico is critical to our mission. The increasing diversity of NM requires a future health workforce that is reflective of the population, knowledgeable, and culturally attuned to care for a growing range of health needs and to increase healthcare in underserved locations. Fostering a representative, culturally and linguistically attuned health care workforce has been shown to result in improved patient-provider relationships and health outcomes.

C2C serves youth and communities by developing and implementing a replicable series of 12 health career and education pathway programs that are integrated, inter-professional, and high quality, adapted to and offered at 45 sites across NM and Tribal communities. These programs work upstream to provide underrepresented and underserved diverse K-20 learners from across NM and Tribal communities, longitudinal academic and personal enrichment and exploration and attainment of their health professions training and career goals. Programs are offered at no cost to participants while providing stipends and/or scholarships.

Communities to Careers strengthens NM's campus and community capacity to improve the health care workforce by building multi-level, multi-partner capacity to meet the growing needs of New Mexico's rural and medically underserved communities and investing in communities through C2C Regional Health Careers Pathway Hubs that deliver a series of K-20+ community-based programs, a network of partners representing schools, health care facilities, higher education institutions, mentors, role models, community-based organizations, and on-site regional coordination. C2C Regional Hubs serve the Northwest, Northeast, North, Central, Southeast, and Southwest regions of our state, and neighboring Tribal communities.

### **ADMINISTRATIVE IMPLICATIONS**

The programs funded through this bill will support ongoing expansion costs of all educational pathways and community-engaged programs from dual enrollment to doctorate. The funding will allow the Native American Studies to hire the faculty and staff necessary to deliver at full capacity its degree programs, comprehensive research projects, and provide direct service to Native communities and organizations. The UNM Combined BA/MD Degree Program expressed that their staff, faculty, and partners have the track record and ability to administer these augmentations to the program's basic functions.

HB 39 funds will be administered by the University of New Mexico Health Science Center Office for Diversity, Equity & Inclusion Communities to Careers staff and faculty. UNM Health Science Center Office for Diversity, Equity & Inclusion has been the successful steward of a



diversified portfolio of funding to establish and grow the Communities to Careers programs and regional hubs over the past 20 years. This track record includes Research and Public Service Projects, federal grants, and private donations, and ensures that the Communities to Careers staff and faculty are well-prepared to manage the administration of HB 39. The activities of HB 39 will align with and complement existing Communities to Careers efforts to advance program capacity towards the mission of growing New Mexico's diverse health care workforce as we strive to achieve health equity for our communities.

## **PERFORMANCE ISSUES**

The programs funded under HB 39 would contribute to increasing the number of bilingual teachers that are sorely needed in NM classrooms. Particularly it would open up new professional development pathways for Native American teachers to obtain certification as Native language teachers and/or bilingual teachers.

Additionally, the combined BA/MD program seeks to address the critical physician shortage by providing educational opportunities to a diverse group of New Mexican students committed to serving New Mexico communities. Currently, the students in the program represent 31/33 New Mexico counties. The program expansion; continued ability to fund full basic educational cost for the undergraduate portion of the Program; maintaining high levels of academic support and curriculum enhancements; and new mental health support will result in short term and long-term benefits. Short term impacts will sustain the high levels of retention in the Program of a set of diverse students in the pipeline to become doctors. This will lead directly to more practicing physicians in New Mexico who are educated in the healthcare needs of the state and reflect the State's demographic. Long term impact will sustain and build upon the 81 alumni, 53 of whom are practicing in 10 different towns across New Mexico.

The Communities to Careers programs funded under HB39 will contribute to increasing the diverse health care professionals that are desperately needed in our rural and underserved communities in New Mexico. In particular, it will provide sustainability and consistent pathways to health careers for K-20+ students in regions around the state through the Communities to Careers Regional Hubs. Funds will be used to sustain and expand our K-20+ health career pathways programs and regional hubs to rural and underserved areas, improving access to programs thereby increasing the number of students we can serve.

## **TECHNICAL ISSUES**

A correction is needed on page 2 in Section 1, Subsection A, Paragraph (1). Delete: College of Arts and Sciences. Replace with: College of Education and Human Sciences.

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

The implications for not enacting this bill will be a lack of funding intended to support disparities and inequities that will persist in the state's current education system. These proposed initiatives if funded would contribute to the overall improvement of educational outcomes for the students identified as most at risk in NM schools in the Martinez/Yazzie court findings. Without the proposed finding, some of the programs have expressed that they cannot ensure maintenance of the current level of student support and will be unable to sustain high student retention thus leading to fewer new physicians for New Mexico and a prolonged timeframe for impactful research and service initiatives that can address the court's findings in Martinez/Yazzie. Without

the additional funding provided for in this bill, the pipeline to address the critical physician shortage in NM will operate at a markedly lower rate and the BA/MD Program will be forced to provide reduced educational opportunities to support these diverse groups of students committed to serving New Mexico communities. Without these funds, the BA/MD Program will be less able to achieve their mission to improve the health and well-being of the people of New Mexico by addressing the critical physician shortage. Not funding HB 39 will result in a reduction in Communities to Careers program locations and diminished capacity to serve students interested in health career pathways. New Mexico's students can be a key part of the strategy for addressing our state's health care needs, if we support them early and consistently in their educational pathway with the type of tiered training, mentoring, and resources that Communities to Careers offers. Failure to fund this bill will contribute to the high risk of morbidity and mortality of Native Americans in New Mexico due to low educational attainment. Education is a modifiable risk factor and with additional resources the Center for Native American Health is well positioned to tailor culturally acceptable approaches to decreasing health disparities by improving academic success for Native American students.