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FISCAL IMPACT REPORT

SPONSOR Lente/Johnson/Allison /Caballero ORIGINAL DATE 2/05/2020 LAST UPDATED _____ HB 134

SHORT TITLE Funding to Improve Educational Outcomes SB _____

ANALYST Gaussoin

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
	\$19,807.5	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

House Bills 136, 137, 138, 139, and 140.

Relates to an appropriation in the General Appropriation Act.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)

University of New Mexico (UNM)

University of New Mexico Health Sciences Center (UNM-HSC)

New Mexico State University (NMSU)

No Response Received

New Mexico Highlands University (NMHU)

SUMMARY

Synopsis of Bill

House Bill 134 appropriates \$19.8 million from the general fund to the Higher Education Department and New Mexico public colleges and universities for the purpose of developing programs addressing issues related to the *Martinez* and *Yazzie* consolidated lawsuit finding that New Mexico schools do not provide an adequate education to all students, particular those at at-risk because of income and English proficiency, disabled students, and Native American students.

There is no effective date of this bill. It is assumed the effective date is 90 days following adjournment of the Legislature.

HB134 spending proposal are primarily focused on Native American education, although the bill includes spending on Hispanic and African American studies and student supports. Under the bill, UNM would get slightly more than half the total appropriation – \$9.152 million. NMHU would receive \$2 million, NMSU would get \$654 thousand, and HED would receive xx million to provide Navajo Technical University with \$3.955, Diné College with \$3.3 million, and Southwestern Indian Polytechnic Institute with \$746 thousand.

FISCAL IMPLICATIONS

The appropriation of \$19,807,528 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY21 shall revert to the general fund.

Appropriations Within HB134	
UNM	
Hispanic studies curriculum for high schools lacking ethnic studies	\$316,000
Efforts to increase African American participation students in STEM (science, technology, engineering and mathematics) and assist African American students' transition to higher education	\$316,000
New American Indian education institute to recruit and retain Native American students	\$550,000
American Indian Language Policy Research and Training Center	\$500,000
American Indian Curriculum and Material Development Center	\$550,000
Native American leadership doctoral cohort	\$450,000
New Native American education leadership education specialist and administrative licensure programs	\$1,300,000
English and Navajo and English and Spanish bilingual degree programs	\$545,000
Gallup branch dual-license program in special education and elementary education	\$170,000
Native American student services	\$946,230
Native American studies in the College of Arts and Sciences:	\$928,706
Native American studies curriculum for 10 high schools lacking indigenous studies curricula	\$316,000
Center for Native American Health at the School of Medicine	\$696,000
Native American suicide prevention and clinical and community-based prevention and intervention services at public schools and tribal communities through the Community Behavioral Health Division	\$450,000
Legal and technical support for pueblos and tribes through the Southwest Indian Law Clinic	\$393,000
Planning, design and technical support to tribes through the School of Architecture	\$725,000
Total UNM	9,151,936
NMHU	
Ben Lujan Leadership and Public Policy Institute	\$625,000
Center for the Education and Study of Diverse Populations	\$775,000
Native American Social Work Studies Institute	\$250,000
Native American student support services	\$250,000
New supports for parents of Native American students	\$100,000
Total NMHU	\$2,000,000
NMSU	
College of Education American Indian Program	\$337,000
College prep programs for Native Americans and dual-credit program focused on agriculture, engineering, natural resources, and business	\$58,500
Recruitment and retention of borderlands and ethnic studies students	\$259,000
Total NMSU	\$654,500
HED (for tribal colleges)	
Navajo Technical University	\$3,955,200
Diné College	\$3,300,000
Southwestern Indian Polytechnic Institute	\$745,892
Total HED	\$8,001,092
TOTAL HB134	\$19,807,528

SIGNIFICANT ISSUES

The Martinez and Yazzie consolidate lawsuit that found New Mexico is providing an unconstitutionally inadequate public school education focused many of its findings on services to Native American students. According to UNM-HSC, Native Americans in New Mexico have a four-year high school graduation rate of 54.6 percent, the lowest rate among all racial or ethnic groups

UNM reports 8.8 percent of its main campus students are Native American, slightly under the 10.9 percent share of Native Americans in the state population. “While the UNM-Main Campus American Indian enrollment has not yet reached parity with the state’s demographic, it enjoys the largest American Indian student enrollment in comparison to other [research] institutions. On a national scope, American Indian students comprise only 1 percent of enrollees at all colleges and universities collectively.”

The university says American Indian Student Services is the primary student support center for Native students at the UNM-Main Campus and promotes the empowerment of tribal citizens and strives to enhance the quality of life in Indigenous communities by producing quality academic and student support services, meaningful cultural programming, and distinctive constituent relationships. Efforts include individualized academic advisement, cultural activities and programs, tutoring and mentoring services, academic performance monitoring and academic intervention support, and “honoring ceremonies to recognize the academic achievements. The center also works with high school and tribal college transfer students and tribal leaders.

HB134 would support the American Indian Summer Bridge Program for student retention, targeted outreach, and academic and holistic student supports. In the College of Education, HB134 would help fund

seven programs for indigenous students addressing the critical shortage of Native American bilingual teachers, Native language teachers, special education teachers, and education leaders in New Mexico public schools, districts, and universities. The university says increased funding for these programs is important to increasing the number of educators familiar with the cultural and linguistic needs of New Mexico’s indigenous students.

According to UNM-HSC, funding in HB134 for the Community Behavioral Health Division of Native American Suicide Prevention would allow the program to support and expand pre-event clinical assistance, technical assistance and training at the community level and regional summits, youth-focused mentorship and training, and culturally appropriate suicide prevention curricula.

Citing studies from the U. Department of Health and Human Services and the American Psychiatry Association, the Health Sciences Center reports

- Suicide rates in American Indian and Alaskan Native communities are strikingly higher than that of the overall U.S. population –16.93/100,000 compared with an overall U.S. rate of 12.08/100,000.
- Suicide as the second leading cause of death for AI/AN youth between the ages of 5 and 24, and the adjusted suicide rate for AI/AN individuals between 15 and 24 years old was 39.7 per 100,000 compared with the U.S. all-race rate of 9.9 per 100,000.
- When health and behavioral health care services are accessed by AI/AN, the services often are provided by non-Native health professionals. Consequently, care can be culturally inappropriate and thus ineffective.

- AI/AN populations have disproportionately higher rates of mental health problems than the rest of the U.S. population. High rates of substance use disorders, posttraumatic stress disorder, suicide, and attachment disorders in many AI/AN communities have been directly linked to the intergenerational historical trauma forced on them, such as forced removal off their land and government-operated boarding schools that separated AI/AN children from their parents, spiritual practices, and culture.
- In 2014, approximately 21 percent of AI/ANs ages 18 and up reported past-year mental illness, compared with 17.9 percent for the general population.
- AI/AN children and adolescents have the highest rates of lifetime major depressive episodes and highest self-reported depression rates than any other ethnic or racial group.
- In 2014, suicide was the second leading cause of death for AI/ANs between the ages 10 and 34. Suicide was the leading cause of death for AI/AN girls between ages of 10 and 14; in AI/AN females from ages 15 to 19, rates of completed suicides were almost 4 times higher than white females' counterparts.
- In 2014, approximately 9 percent of AI/ANs ages 18 and up had co-occurring mental illness and substance use disorder in the past year – almost three times that of the general population.

UNM-HSC says 49 indigenous students graduated from UNM Health Sciences degree programs in 2019, including six with medical degrees. In 2015, the nine Native American medical students who graduated from the UNM School of Medicine represented about 45 percent of all Native American medical school graduates in the nation. The school says a recent American Association of Medical Colleges report concludes Native American physicians are more likely to practice primary care than physicians of all other races or ethnicities and are more likely to practice in rural and all underserved areas. Funding for the Center for Native American Health would support the development of a pipeline into elementary schools in tribal communities, evidence-based programs; and a locally developed healthcare workforce.

From UNM-HSC: “Racial concordance between patients and providers has significant, positive effects on patient care. ... Thus, growing a Native American health workforce for NM’s tribal and Native American urban communities is an achievable, evidence-based strategy for promoting health equity and addressing the significant health disparities experienced by Native Americans.”

PERFORMANCE IMPLICATIONS

HED says it will work on needed performance measures with the tribal colleges, which are not part of state higher education performance monitoring and, unlike the state’s public colleges, do not report performance to the Legislature.

UNM indicates supporting indigenous students is critical to improving overall student performance, at all levels. It notes four of the College of Education programs that would be funded under the bill support indigenous students pursuing careers in education. It suggests the college report on “the number of American Indian students enrolled and completing degree programs, and working in NM districts, public/charter schools or [institutes of higher education] to assure that the outcomes in support of increasing the number of American Indian bilingual teachers, school administrators, and special education specialists in New Mexico, are being met per the *Yazzie/Martinez* court findings.”

ADMINISTRATIVE IMPLICATIONS

UNM indicates a lack of infrastructure support has prevented a coordinated long-term comprehensive approach to address indigenous education issues. HB134 includes sufficient funding for staff to better coordinate internally and externally. UNM and UNM-HSC indicate some funding would be used for administrative positions.

However, NMSU says HB134 does not “sufficiently” address the full cost of managing and sustaining the program, jeopardizing long-term sustainability.

Expanded funding at NMSU beyond the Native American program would allow for the expansion and delivery of evidence-based programs to directly impact affected schools and populations, including expanded delivery of educational outreach through co-curricular and out-of-school programming, teacher preparation, teacher professional development, early career awareness, community engagement, and analysis/assessment of student outcomes.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB134 relates to HB136, American Indian Student College Readiness program; HB138, Funding for Yazzie Lawsuit Responses; HB139, Zuni Pueblo Education Improvements; and HB140 Mescalero Apache Education Improvements; all of which propose remedies to issues raised in the *Martinez* and *Yazzie* consolidated lawsuit. In terms of appropriations, HB136 appropriates funds for an American Indian college readiness program; HB137 appropriates funds to the Indian Affairs Department for libraries, Internet access, and education projects for Native American nations, tribes, and pueblos; HB139 appropriates funding to IAD for education projects in the Pueblo of Zuni; and HB140, appropriates funding to IAD for education projects at the Mescalero Apache tribe.

OTHER SUBSTANTIVE ISSUES

From UNM:

Continued decreases in state funding levels over the course of the past five years is the most pressing obstacle to maintaining the mission and vision of American Indian Student Services and associated objectives and success outcomes. General lack of support has the potential to inhibit this critical focus and ultimately diminish the capacity for American Indian student to access higher education opportunities designed to support their success. While the University of New Mexico values rich relationships with American Indian students and tribal communities – as well as the opportunity to positively impact the state’s economic health by developing a skilled workforce with UNM graduates – inadequate financial resources to continue the development and implementation of programmatic efforts that consistently demonstrate success will undoubtedly result in negative impacts ranging from declining student enrollments and success/graduation rates to a decay in partnerships and collaborative efforts with New Mexico tribes.

NMSU says the funding in HB134 falls short of actual need. In addition to \$213 thousand more needed to provide instructional, administrative, recruitment, and outreach support for the NMSU College of Education programs in the bill, NMSU indicates the need for an additional \$3.5

million for a statewide indigenous education network and \$20 thousand for Native American participating in two summer outreach programs.

Also from NMSU:

This bill does not fully reflect the diverse contributions by institutions like NMSU, which have a number of curricular and outreach programs that specifically address the statewide educational needs of American Indian and other under-represented populations. The ability to expand curricular and outreach programming through expanded funding at NMSU could directly impact learning outcomes for affected schools and populations, both near and long term, and would specifically address ... educational deficiencies identified in the *Yazzie-Martinez* court ruling.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

UNM contends:

The consequences of not enacting this bill are far-reaching and would be devastating to the advancement of access to a higher education experience and retention of American Indian students at the University of New Mexico. Additionally, it would negate the continued evolution, development, and enhancement of student support services for UNM's Native student community. Absence of funding will likely negatively affect the institution's relationship with tribal leadership and tribal communities statewide; and will reverse strides in recruitment and outreach efforts resulting in ultimately diminishing annual increases in enrollment. The diversity and composition of the overall UNM student community would change dramatically from its current state.

HFG/sb/rl