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FISCAL IMPACT REPORT

ORIGINAL DATE 2/03/2020
 SPONSOR Campos LAST UPDATED 2/13/2020 HB _____
 SHORT TITLE Include Acequia & Land Grant Learning SM 31/aSCONC
 ANALYST Liu/Gelay

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Memorial 31
 Companion to Senate Bill 239

SOURCES OF INFORMATION

LFC Files

Responses Received From
 State Land Office (SLO)
 Higher Education Department (HED)

No Responses Received From
 Public Education Department (PED)

SUMMARY

Synopsis of SCONC Amendment

The Senate Conservation Committee amendment to Senate Memorial 31 adds a provision noting acequias and community ditches are some of the oldest democracies in North America and a model for community engagement in local government and water stewardship. The amendment also simplifies the request for recommendations from the New Mexico Acequia Association, Land Grant Council, and New Mexico Land Grant Consejo to PED and HED on integrating acequias and land grants into multicultural curriculum development.

Synopsis of Original Bill

Senate Memorial 31 requests PED to incorporate education about acequias and land grants into public school curricula, and HED to develop and train educators for multicultural curriculum development. The memorial also requests the Center for the Education of Diverse Populations, Ben Lujan Leadership and Public Policy Institute at Highlands University, New Mexico Acequia

Association, Acequia Commission, Land Grant Council, and New Mexico Land Grant Consejo to convene stakeholder groups, make recommendations, and support PED and HED in this process.

FISCAL IMPLICATIONS

This memorial does not contain an appropriation. Additional costs of training educators, developing curricula, and attending stakeholder meetings would be borne by PED and HED within the current operating budgets.

SIGNIFICANT ISSUES

On February 14, 2019, the 1st Judicial District Court issued a final judgment and order on the consolidated *Martinez v. New Mexico* and *Yazzie v. New Mexico* education sufficiency lawsuits, and found that New Mexico's public education system failed to provide a constitutionally sufficient education for at-risk, English language learner, Native American, and special education students. The court's findings suggested overall public school funding levels, financing methods, and PED oversight were deficient. As such, the court enjoined the state to provide sufficient resources, including instructional materials, properly trained staff, and curricular offerings, necessary for providing the opportunity for a sufficient education for all at-risk students. Additionally, the court noted the state would need a system of accountability to measure whether the programs and services actually provided the opportunity for a sound basic education and to assure that local districts spent funds provided in a way that efficiently and effectively met the needs of at-risk students.

On October 30, 2019, the *Yazzie* plaintiffs filed a motion claiming the state failed to comply with the injunction and requested a statewide plan to reach compliance. The *Martinez* plaintiffs filed a motion requesting the court to grant post-judgment discovery to assess whether the state had complied with the injunction.

SLO notes including curriculum in public and higher education focusing on practices, history, and structure of land grants and acequias would provide New Mexico's students with a robust context for some of the earliest governmental structures in the history of the state, as well as provide a guide and framework for tackling some of the complex land and water management challenges students will need to solve now and in the near future.

PERFORMANCE IMPLICATIONS

Findings in the *Martinez* and *Yazzie* lawsuit highlighted dismal student performance on standardized reading and math tests, particularly the performance for at-risk, English language learner, Native American, and special education students. The court also found few bilingual multicultural education programs were instructing students using evidence-based practices and the state had little or no fiscal and programmatic oversight of these programs.

While culturally and linguistically responsive instruction is a key goal of the Bilingual Multicultural, Hispanic, and Indian Education Acts, the approach has not been sufficiently evaluated for its impact on student achievement. A 2019 LFC *Results First* report noted research on culturally responsive teaching is inconclusive, with a lack of experimental or quasi-experimental research. While a number of studies have examined the approach, only two looked

at the impact on student outcomes, and neither established a conclusive relationship. The report further highlighted that New Mexico does not clearly define culturally responsive practices.

RELATIONSHIP, COMPANIONSHIP

This memorial relates to House Memorial 31, which also requests recommendations from various stakeholders on integrating acequias and land grants into school curricula. The memorial is a companion to Senate Bill 239, which seeks an appropriation of \$75 thousand from the general fund to the Board of Regents of Highlands University to fund the Center for the Education and Study of Diverse Populations and the Ben Lujan Leadership and Public Policy Institute to convene educators, acequia and land grant stakeholders, and youth to develop recommendations for curriculum and teacher development that will support integration of acequias and land grants into multicultural education in public schools.

OTHER SUBSTANTIVE ISSUES

The acequia systems presently in use are similar to the gravity-fed irrigation systems developed by Puebloan peoples prior to Spanish colonization. Acequias, as used today, and historically, since Spanish settlement, are a communal system of irrigating fields with formal laws. Acequia systems with centralized authority have been present in New Mexico for more than three centuries.

Each acequia is governed by a mayordomo, who, with input from acequia members, decides how water is distributed among members, makes plans during times of water scarcity, and oversees maintenance and repairs of the system. Historically, acequia governance was also used to help settle other instances community conflict, and the mayordomo was known and respected as an authority figure in New Mexico communities.

Spanish and Mexican land grants were issued in order to promote settlement in the frontier land now known as New Mexico, as well as to Puebloan tribes, creating political and ethnic boundaries. Two types of grants were issued, individual grants and community grants. In 1848, the Treaty of Guadalupe Hidalgo ended the Mexican-American War. Pursuant to the Treaty, the United States agreed to honor Mexican and Spanish land grants in New Mexico and five other states.

SLO has over one hundred years of history working with traditional communities and traditional land uses including acequias and land grants. Because these constituency groups are primarily land-based, they have been intrinsically linked to SLO in terms of mutual land use and land management practices.

SL/JGG/sb/rl