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FISCAL IMPACT REPORT

SPONSOR Lopez/ Roybal **ORIGINAL DATE** 02/05/21
Caballero **LAST UPDATED** 03/08/21 **HB** _____
SHORT TITLE Ethnic Studies Education **SB** 210/aSFC
ANALYST Becerra/Liu

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	See Fiscal Implications					

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB227

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of African American Affairs (OAAA)
 Early Childhood Education and Care Department (ECECD)
 Indian Affairs Department (IAD)
 Public Education Department (PED)

SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee amendment to Senate Bill 210 delays implementation of the ethnic studies instruction in schools until the 2023-2024 school year and requires PED to appoint specific representatives from various stakeholder groups to the ethnic studies council.

Synopsis of Original Bill

Senate Bill 210 (SB210) defines “ethnic studies”; requires that students in kindergarten through 12th grade receive appropriate instruction on ethnic studies and amends the high school graduation requirements to require four units in social science, with one-half unit in ethnic studies; and reduces the elective requirements to seven units. These changes are applicable to students entering the ninth grade in the 2023-2024 school year. SB210 also creates the Ethnic Studies Council that will study and identify the next steps in developing ethnic studies curricula in public schools.

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

FISCAL IMPLICATIONS

SB210 does not include an appropriation. As such, costs of implementing these provisions would fall on PED and schools. Although the SFC amendment delays implementation of ethnic studies curriculum until FY24, development and training costs may be incurred in FY22 and FY23 to prepare for implementation. In FY21, the Legislature appropriated \$9 million to PED for culturally and linguistically responsive curriculum and instructional material development, which may help with initial implementation of provisions of this bill.

Provisions of SB210 require the secretary of public education to provide staff support for the Ethnic Studies Council in the performance of its duties. PED will potentially require additional staff to support the ethnic studies council.

Additionally, public members of the Ethnic Studies Council are entitled to reimbursement for per diem and mileage as provided in the Per Diem and Mileage Act. Public members shall receive no other compensation, perquisite, or allowance. Since SB210 does not specify a minimum or maximum number of council members, the fiscal impact of per diem and mileage reimbursement cannot be determined.

Although ethnic studies will be a social science course and current social science instructors can likely be used to teach the course, public high schools may incur a cost if they determine the need to hire ethnic studies instructors.

SIGNIFICANT ISSUES

Ethnic Studies

New Mexico Efforts. Although current Public Education Department (PED) requirements do not include ethnic studies courses – defined in the bill as the interdisciplinary study of multiple perspectives through the examination of social, ethnic, cultural, gender and historical experiences to build critical thinking skills – several notable efforts have been made to include curricula that represent the diverse populations within the state. As also noted in the analysis of the Office of African American Affairs, in 2016, the regional education cooperatives (RECs) and the Indian Education Division of PED administered an Indigenous New Mexico Curriculum Initiative with the goal of incorporating the provided lesson plans into the public school system. The Indian Pueblo Cultural Center (IPCC) created the Indigenous Wisdom Curriculum Project that includes downloadable curricula that can be used by kindergarten-through-12th-grade educators to strengthen the identity of Native American students. These efforts have not been implemented statewide.

Currently, the Early Childhood Education and Care Department (ECECD) is working on its Sowing Seeds Project – a digital eight-lesson capacity-building workshop for tribal communities to create early childhood learning curricula infused with the values, culture, and language from within their own knowledge systems. The project is expected to launch in April 2021.

Notable Provisions. SB210 requires that schools provide students in kindergarten through third grade with grade-appropriate instruction on ethnic studies, as it relates to New Mexico history, while students in fourth through eighth grades must receive instruction in ethnic studies that meets academic content and performance standards. Students in ninth through 12th grade will be required to take one-half credit in ethnic studies as part of their social science unit requirements.

Ethnic Studies Council

Duties. The Legislative Education Study Committee, the Public Education Department, and institutions of higher education shall convene the council to study and identify the next steps in developing ethnic studies curricula in public schools.

Membership. The public education secretary will appoint the members of the council that may include the following individuals or representatives from the following entities:

- University and public school ethnic studies programs;
- Professional or community organizations that promote Native American, African American, Chicana, Chicano, and Latino education, and the education of distinct underrepresented cultural and ethnic groups;
- Colleges of education and institutions of teacher preparation;
- Office of African American Affairs;
- Indian Affairs Department;
- All Pueblo Council of Governors;
- Public schools;
- PED's Hispanic education liaison;
- Director of PED's Indian Education Division (or the director's designee);
- Director of PED's Language and Culture Bureau (or the director's designee);
- PED's deputy secretary for identity, equity, and transformation;
- PED's director of the Special Education Bureau;
- A legislator appointed by the Speaker of the New Mexico House of Representatives;
- A legislator appointed by the house minority leader of the New Mexico House of Representatives;
- A legislator appointed by the president pro tem of the New Mexico Senate;
- A legislator appointed by the minority leader of the New Mexico Senate;
- Teachers' unions; and
- Other organizations or persons whose work or interests can provide valuable insights into the benefits and costs of ethnic studies.

Members will elect the council chair, who will determine when the council will convene. The council is to report its findings and recommendations to the Legislative Education Study Committee by July 1, 2022, and will exist only until July 1, 2023.

PERFORMANCE IMPLICATIONS

SB210 requires the Ethnic Studies Council to report its findings but does not specify in what format the report should be delivered nor what the report should contain.

ADMINISTRATIVE IMPLICATIONS

Provisions of SB210 specify the ethnic studies council will be convened by the Legislative Education Study Committee, the Public Education Department, and institutions of higher education.

PED would be required to appoint the members of the ethnic studies council and to provide staff support for the ethnic studies council in the performance of its duties. PED's bureaus would need to work together on allocating funding, providing support to districts and charters, coordinating council meetings, and ensuring the final report is completed.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB210 duplicates House Bill 227, Ethnic Studies Definition.

TECHNICAL ISSUES

SB210 does not provide a specified minimum or maximum number of council members.

MB/SL/sb/rl/al/rl