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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
55th Legislature, 2nd Session, 2022

Bill Number	<u>HB60/aHAFC/aSEC</u>	Sponsor	<u>Lente</u>
Tracking Number	<u>.221886.1</u>	Committee Referrals	<u>HEC/HAFC;SEC/SFC</u>
Short Title	<u>Native American Language Certificate Salaries</u>		
Analyst	<u>Estupiñan</u>	Original Date	<u>1/31/2022</u>
		Last Updated	<u>2/17/2022</u>

BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to House Bill 60 adds language specifying the Public Education Department (PED) “shall” issue the Native American language and culture certificate, rather than previous language specifying PED “may” issue the certificate. The amendment also inserts language requiring a memorandum of agreement, that certificate holders eligible for the compensation increase work “full time in an instructional capacity,” and that those eligible individuals receive the equivalent salary of a level 1 teacher rather than a level 2 teacher.

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment to House Bill 60 removes language making an appropriation.

Synopsis of Original Bill

HB60/aHAFC/aSEC would require the minimum annual salary for an educator holding a Native American language and culture certificate match that of a level 2 licensed teacher. It also clarifies the certificate will be issued based on the criteria established by tribes and pueblos, pursuant to an agreement between PED agreement and each tribal government.

FISCAL IMPACT

For FY23, the Conference Committee Report for Senate Finance Committee amendment to the House Appropriations and Finance Committee substitute for House Bills 2 and 3 appropriates \$1.25 million from the public education reform fund to increase salaries of teachers holding a Native American language and culture certificate.

According to PED, 99 individuals hold a Native American language and culture certificate, and the department estimates the cost of HB60/aHAFC/aSEC would be \$1.37 million, including benefits. There are also 12 individuals with a language and culture certificate who are not currently

teaching that PED estimates would raise the cost of the bill to \$1.95 million if they were to return to the classroom.

The fiscal impact report released by the Legislative Finance Committee (LFC) indicates up to 280 teachers currently hold a language and culture certificate. If there are indeed 280 teachers with a language and culture certificate, LFC estimates the cost of the bill could be upwards of \$5.3 million, including benefits.

Currently, school districts and charter schools receive funding to support Native language programs through the public school funding formula if the school provides Native language education as part of a bilingual multicultural education program. Schools offer bilingual programs in 7 Native American languages. Additionally, school districts and charter schools receiving federal funds through the Impact Aid program may use those funds to support Native language education.

SUBSTANTIVE ISSUES

To expand opportunities for Native American students to receive a culturally and linguistically relevant education, the Native American language and culture certificate allows non-degreed individuals to teach in the language and culture of their tribes and pueblos in any grade level. To receive this certification, candidates must meet the standards of competence and language proficiency as determined by each tribe and pueblo, based on an agreement between PED and each tribal government. The department renegotiates these agreements with tribal governments every four years.

Currently, there is inconsistency in the compensation provided to educators holding a Native American language and culture certification. Unlike the three tier salary system used to determine the compensation of licensed teachers, many school districts have differing approaches in determining the compensation of these certificate holders. Many school districts pay Native American language and culture certificate holders as educational assistants, which has lower pay levels than for licensed teachers.

OTHER SIGNIFICANT ISSUES

One key finding in the *Martinez-Yazzie* education sufficiency lawsuit was the insufficient access to a culturally and linguistically relevant education for Native American students. Expanding access to bilingual and multicultural education programs in those communities aligns with the recommendations of the Tribal Remedy Framework; a set of proposals endorsed by all 23 sovereign tribes, pueblos, and nations for addressing the findings in the *Martinez-Yazzie* sufficiency lawsuit. Their recommendations call for a relevant and revitalizing education provided by diverse educators who mirror the identities of their local communities.

Approximately 11 percent of public school students in New Mexico identify as Native American, compared to only three percent of teachers. The Native American language and culture certification expands the number of people who can provide their linguistic and cultural knowledge to public schools in Native American communities. Currently, some individuals with a Native American language and culture certificate are enrolled in “grow-you-own” programs, where educational assistants pursue a bachelor’s degree while working for a school district or charter school. HB60/aHAFC/aSEC could dissuade these individuals from pursuing a teaching license because they would already be earning a level 2 teacher’s salary. Receiving a level 1 teaching

certificate would come with a reduction in salary. Additionally, teacher preparation programs provide educators with additional tools to improve practice in the classroom; forgoing a teacher preparation program could impact this professional development.

SOURCES OF INFORMATION

- LESC Files
- LFC
- Public Education Department (PED)

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