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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number	<u>HB381/aHEC/aHAFC</u>	Sponsor	<u>Trujillo/Gallegos/Roybal Caballero/Romero, GA/Lente</u>
Tracking Number	<u>.223999.1</u>	Committee Referrals	<u>HEC/HAFC</u>
Short Title	<u>Hispanic Education Fund</u>		
Analyst	<u>Andrews</u>	Original Date	<u>2/15/2023</u>
		Last Updated	<u>3/13/2023</u>

BILL SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment to HB381 (HB381/aHEC/aHAFC) removes the appropriation from the original bill. The amendment also changes language to specify that money in the Hispanic education fund is subject to appropriation to the Public Education Department (PED) to be distributed as necessary to further the purposes of the Hispanic Education Act.

Synopsis of HEC Amendment

The House Education Committee amendment to HB381 (HB381/aHEC) adds an appropriation for \$1 million from the public education reform fund to the Public Education Department (PED) for expenditure in FY24 to support educators with teaching English to speakers of other languages. Any unexpended or unencumbered balance remaining at the end of FY24 shall revert to the public education reform fund.

Synopsis of Original Bill

House Bill 381 (HB381) amends the Hispanic Education Act to allow members of the Hispanic Education Advisory Council to receive per diem and mileage for their services, creates the Hispanic education fund, and provides technical clean up. The Hispanic education fund would be administered by the Public Education Department (PED) and would be distributed as necessary to further the purposes of the Hispanic Education Act.

FISCAL IMPACT

The Senate Finance Committee amendment to the House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS/aSFC) includes \$1 million from the public education reform fund for expenditure in FY24 for the Hispanic Education Act. Any unexpended

or unencumbered balance remaining at the end of FY24 shall revert to the public education reform fund.

SUBSTANTIVE ISSUES

Hispanic Education Act. While New Mexico law includes provisions to meet the needs of historically underserved Hispanic students, it appears not all aspects are fully implemented and monitored. The Hispanic Education Act provides for the study, development, and implementation of education systems that affect the educational success of Hispanic students to close the achievement gap and increase graduation rates. In FY23, the Legislature provided \$500 thousand in a nonrecurring appropriation to PED from the general fund for the Hispanic Education Act, which PED used to conduct statewide community listening sessions, provide grants to districts, and establish a Hispanic Education Act team. Prior to FY23, PED attempted to address the goals of the Hispanic Education Act through existing initiatives, arguing existing programs meet the needs of Hispanic students because they address the needs of all students. However, the persistence of the achievement gap—a focus of the *Martinez* and *Yazzie* ruling—illustrates that New Mexico must do more to improve educational opportunities for Hispanic students.

Hispanic Education Advisory Council. The Hispanic Education Advisory Council exists in statute to advise the PED secretary on improving public education for Hispanic students, increasing parental involvement and community engagement in the education of Hispanic students, and increasing the number of Hispanic high school graduates who succeed in postsecondary academic, professional, or vocational education. Statute requires the PED secretary to appoint no more than 23 members to meet at least twice a year, and does not currently allow members of the council to receive per diem or mileage or other compensation for their services. Statute allows similarly situated education advisory councils in the Public School Code, such as the Indian Education Advisory Council and the Bilingual Multicultural Education Advisory Council, to receive per diem and mileage.

ADMINISTRATIVE IMPLICATIONS

New Mexico State University notes that an initiative such as HB381/aHEC, which aims to increase access and equity, could bring about additional enrollment for higher education in the future.

OTHER SIGNIFICANT ISSUES

In 2019, the 1st Judicial Court issued a final judgement and order on the consolidated *Martinez-Yazzie* education sufficiency lawsuit, finding New Mexico’s public education system failed to provide a constitutionally sufficient and adequate education for at-risk students, defined as English learners, Native American students, students with disabilities, and students from low-income families. The court pointed to high school graduation rates, student test proficiencies, and college remediation rates as indicators of how the state is not meeting its constitutional obligation to ensure all students are college, career, and civics ready. 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 school districts spent funds provided in a way that efficiently and effectively met the needs of at-risk students. However, the court stopped short of

prescribing specific remedies and deferred decisions on how to achieve education sufficiency to the legislative and executive branch instead.

SOURCES OF INFORMATION

- LESC Files
- New Mexico State University

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