



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 01/30 /25

Bill No: HB223

Agency Name and Code: PED - 924

Sponsor: Gurrola/Mejia/Dow/Moya

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Short Title: BILINGUAL EDUCATION COST
DIFFERENTIAL

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$13,601	\$28,432	\$44,580	\$86,613	Recurring	GF

Duplicates/Relates to Appropriation in the General Appropriation Act: Relates to the approximately \$4,422.8 million appropriation for the state equalization guarantee in [HB141](#), which includes approximately \$56 million for a variety of program units including English learners.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 223 (HB223) would amend the [Public School Finance Act](#), increasing the bilingual multicultural education cost differential in the statewide equalization guarantee formula by 0.1 each year for five years, from the current cost differential factor of 0.5, to 1.0 per student in a qualifying program.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the legislature enacting them unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

The bill may lead to an increase in participation in bilingual multicultural education programs (BMEPs). Given that a modest increase in participation may be anticipated each year, and assuming the legislature wishes to maintain the current unit value, annual increases in school budgets may be projected. An increase in the total number of units generated statewide each year would increase the SEG appropriation if the unit value were to remain the same or greater, as shown in the table below.

Fiscal Year	FTE MEM BMEP (estimated +5% annually)	HB223 cost differential factor	Statewide BMEP Unit	Unit Value	Total BMEP Allocation	HB223 Difference
FY25	15,964.00	0.5	7,982.00	\$6,553.75	\$52,312,032.50	\$0.00
FY26	16,762.2	0.6	10,057.32	\$6,553.75	\$65,913,160.95	\$13,601,128.45
FY27	17,600.31	0.7	12,320.22	\$6,553.75	\$80,743,622.16	\$28,431,589.66
FY28	18,480.33	0.8	14,784.26	\$6,553.75	\$96,892,346.60	\$44,580,314.10
FY29	19,404.34	0.9	17,463.91	\$6,553.75	\$114,454,084.42	\$62,142,051.92
FY30	20,374.56	1.0	20,374.56	\$6,553.75	\$133,529,765.15	\$81,217,732.65

SIGNIFICANT ISSUES

The [Bilingual Multicultural Education Act](#) of 1973 was the first such law in the nation. It was amended and expanded in 2004 and stands as a national model.

The PED [2023-2024 Bilingual Multicultural Education Report](#) shows that the proportion of students participating in BMEPs has not increased substantially in the past six years.

School Year	All Students	Hispanic Students		Native American Students		Other Students	
		BMEP Participant	Non-Participant	BMEP Participant	Non-Participant	BMEP Participant	Non-Participant
2018-2019	322,776	35,783	163,757	7,025	25,414	3,417	87,380

2019-2020	320,581	36,030	162,938	7,246	25,257	3,330	85,780
2020-2021	306,504	33,710	159,571	7,073	24,661	2,920	78,569
2021-2022	308,265	34,566	159,781	6,885	25,095	3,124	78,814
2022-2023	305,267	35,592	157,836	7,163	24,483	3,056	77,137
2023-2024	311,746	30,412	144,980	7,651	23,839	7,311	97,553

The number of participants in Native language BMEPs are shown in the table below by language.

School Year	Diné (Navajo)	Jicarilla (Apache)	Keres	Lakota	Tewa	Tiwa	Towa	Zuni	Total
2019-2020	4,648	280	633	-	291	48	49	989	6,968
2020-2021	4,889	281	767	-	173	34	79	1,047	7,270
2021-2022	4,983	248	649	-	171	13	54	927	7,045
2022-2023	5,176	195	738	62	248	66	62	887	7,434
2023-2024	6,095	238	808	22	235	78	43	897	8,416

In FY24, 50 school districts (56 percent) and 14 state-chartered charter schools (21 percent) offered BMEPs approved by PED.

In addition to Spanish and Native American Languages, American Sign Language and English BMEP began in the 2022-2023 school year. The Albuquerque Sign Language Academy in Albuquerque is a state-chartered charter school that employs a dual language model.

PERFORMANCE IMPLICATIONS

The [Bilingual Multicultural Education Act](#) sets a goal for all students, including both English learners and others with full English language proficiency, “to become bilingual and biliterate in English and a second language, including Spanish, a Native American language, where a written form exists and there is tribal approval, or another language.”

[Section 22-13-1 NMSA 1978](#) requires all students in grades one through eight to receive instruction in a language other than English, but without more specific requirements. The standards for implementing state-funded BMEPs are specified in [6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Programs](#). Growing participation in BMEPs may be incentivized by increasing the cost differential factor pursuant to the enactment of HB223.

ADMINISTRATIVE IMPLICATIONS

Expansion of BMEPs to new school districts and charter schools would likely result in a gradual increase in staffing and department dollars needed to maintain the level of support provided by the Language and Culture Division of PED. A future appropriation by the legislature to the PED may be required.

PED works collaboratively and in partnership with internal and external partners to inform school district and charter school leaders and staff about standards, instructional materials, assessments, best practices, and reporting to best serve students in a state-funded BMEP. The Language and Culture Division provides guidance in establishing effective BMEPs to support local school districts and charter schools in meeting BMEP goals as outlined in Bilingual Multicultural Education Act and [6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Education Programs](#).

An important aspect of meeting language proficiency and academic achievement goals is ensuring educators at each school location receive professional development, as required in [Section 22-23-5 NMSA 1978](#) and [6.32.2.13 NMAC](#).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- House Bill 63, which would make changes to the SEG funding formula. The Legislative Education Study Committee (LESC) has endorsed HB63 and developed the proposed changes of the bill with extensive involvement of selected stakeholders. HB63 does not include the change in the BMEP cost differential that would be provided for in HB223.
- House Bill 200, which proposes amendments to the Public School Finance Act to add program units for endorsements for bilingual education and for teaching English to speakers of other languages.
- House Bill 467, which proposes broadening elements of discrimination subject to discipline to enhance support and protection for multicultural students.
- Senate Bill 396, which proposes multiple amendments to the Hispanic Education Act to address reporting requirements and the creation of a systemic framework for improving educational outcomes for Hispanic students.
- Senate Memorial 9, which requests the Legislative Education Study Committee to convene a working group to study the improvement of the 520 Native American Language and Cultural Certification Program.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

A comprehensive report with detailed data tables is available for each year from 2013 to 2024 on the [PED website](#).

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.