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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**57th Legislature, 1st Session, 2025**

<b>Bill Number</b>	<u>HB223</u>	<b>Sponsor</b>	<u>Gurrola/Mejia/Dow/Mirabal Moya</u>
<b>Tracking Number</b>	<u>.229420.1</u>	<b>Committee Referrals</b>	<u>HEC/HAFC</u>
<b>Short Title</b>	<u>Bilingual Education Cost Differential</u>		
<b>Analyst</b>	<u>Estupiñan</u>	<b>Original Date</b>	<u>2/3/2025</u>
		<b>Last Updated</b>	<u></u>

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## **BILL SUMMARY**

### Synopsis of Bill

House Bill 223 (HB223) would increase the cost differential in the state equalization guarantee (SEG) for bilingual education by 0.1 each year for five years.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## **FISCAL IMPACT**

The bill does not contain an appropriation.

LESC staff analysis indicates each increase of 0.1 to the bilingual education cost differential could generate 1,596 program units in the SEG, or approximately \$10.5 million at the fiscal year 2025 (FY25) preliminary unit value of \$6,553.75. If the bill were to be fully enacted in FY30, there may be 7,982 additional program units in the SEG, or \$52.3 million at the FY25 preliminary unit value.

These estimates use preliminary data for FY25 and do not consider potential fluctuations in student membership or participation in bilingual education programs.

## **SUBSTANTIVE ISSUES**

**SEG Funding for Bilingual Programs.** The SEG—the public school funding formula—provides flexible and discretionary funding to school districts and charter schools based on the characteristics of the students they serve. Section 22-8-22 NMSA 1978 includes a cost differential of 0.5 in the SEG for bilingual multicultural education programs, which generates program units based on the full-time-equivalent (FTE) student membership in programs implemented in accordance with the provisions of the Bilingual Multicultural Education Act. The FTE student membership is calculated depending on the level of service each student is receiving, which can range from one to three hours.

In FY25, the SEG generated 7,982 program units for bilingual education programs, or approximately \$52.3 million.

**Bilingual Multicultural Education Act.** The Bilingual Multicultural Education Act requires research-based bilingual and multicultural education programs, including professional development for teachers. The act defines a bilingual multicultural education program as a program using two languages for instruction, including English and the home or heritage language, and emphasizes the history and cultures associated with the students' home or heritage language.

The act prioritizes programs for students in kindergarten through third grade, although it provides for programs through 12th grade, and requires a student continue to be assessed in both English and in the home language until the student achieves proficiency in both languages. The program is to be delivered as part of the regular academic program and students cannot be segregated by ethnic group, race, or national origin.

In addition, classroom staff and school administrators must receive professional development in research-based bilingual multicultural education programs, best practices for bilingual multicultural education programs and teaching English as a second language, and classroom assessments that support language acquisition and academic development. Teachers must have specialized training in bilingual education conducted using two languages.

A qualifying program must establish a parent advisory committee, representative of the languages and cultures of the students, to assist and advise in the development, implementation, and evaluation of the program. Statute requires written instructional materials for bilingual multicultural education programs to ensure consistency among programs, unless written materials are not permitted by a Native American nation, tribe, or pueblo.

**Impact of Bilingual Education Programs.** Studies show bilingual and multicultural education programs are often beneficial for students. English learners in particular benefit from these programs because developmentally appropriate instruction in the student's home language teaches students the value of their culture and improves academic outcomes.

In the consolidated *Martinez-Yazzie* education sufficiency lawsuit, the 1st Judicial District Court ruled the state failed to provide a sufficient public education for English learners who, as a result, often score lower than non-English learners in reading and math assessments, complete fewer advanced courses, and graduate at a lower rate than other student groups.

A January 2021 Legislative Finance Committee [report](#) found culturally and linguistically responsive education can increase student engagement and outcomes but noted quantitative research on these teaching practices remained limited. In New Mexico, 19 percent of public school students have been identified as English learners in the 2023-2024 school year—higher than the national rate of 10 percent—but most do not participate in bilingual programs and most students in bilingual programs are not English learners.

Approximately [410](#) schools offer programs in American sign language, Spanish, Diné, Jicarilla Apache, Keres, Lakota Tewa, Tiwa, Towa, or Zuni.

**RELATED BILLS**

House Bill 63, Public School Funding Formula Changes, would amend the at-risk index and basic program components of the SEG.

**SOURCES OF INFORMATION**

- LESC Files
- New Mexico Regional Cooperatives (NMRECA)

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