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

Bill Number	<u>HM43</u>	Sponsor	<u>Gurrola/Torres-Velásquez/Roybal Caballero</u>
Tracking Number	<u>.230734.1</u>	Committee Referrals	<u>HEC</u>
Short Title	<u>Hispanic & Bilingual Education Programs</u>		
Analyst	<u>Davalos</u>	Original Date	<u>3/4/2025</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Memorial

House Memorial 43 (HM43) requests LESC to collaborate with education leaders statewide to study and provide recommendations on the Hispanic Education Act and the Bilingual Multicultural Education Act. This study would include evaluating the implementation and current state of Hispanic education and bilingual programs. HM43 would also require the study to identify successful initiatives and analyze funding structures supporting Hispanic and bilingual education.

LESC would be requested to present its findings and recommendations by December 31, 2025.

FISCAL IMPACT

Legislative memorials do not contain appropriations.

SUBSTANTIVE ISSUES

Legislative Funding History. Funding for the Hispanic Education Act has varied in recent years, with the Legislature appropriating to the Public Education Department (PED) \$500 thousand in FY23, \$1 million in FY24, and \$500 thousand for FY25 for the act. The current House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) includes \$500 thousand for the Hispanic Education Act.

Funding for the Bilingual Multicultural Education Act was not provided in FY23. However, the Legislature did appropriate \$5 million in FY24 to PED, including \$750 thousand to update the Prueba de Español para la Certificación Bilingüe Spanish language proficiency exams and other language proficiency exams for licensure endorsement. In FY25, the act did not receive funding. HB2/HAFCS includes \$500 thousand for the Bilingual Multicultural Education Act.

Hispanic Student Outcomes. HM43 could contribute to improved outcomes for Hispanic students in kindergarten through 12th grade (K-12) by requesting the LESC to evaluate Hispanic education and bilingual multicultural education programs (BMEP). Hispanic students make up 63

percent of the state's total student population and represent 67 percent of all BMEP participants, and New Mexico was the first in the nation to enact the Hispanic Education Act and the Bilingual Multicultural Education Act.

The [Hispanic Education Status Report 2023-2024](#) (HESR) highlights persistent gaps in student achievement across multiple academic subjects. Hispanic students consistently score below their non-Hispanic peers, with proficiency rates further stratified by English learner (EL) status and special education classification. Additionally, chronic absenteeism remains a pressing issue for Hispanic students in New Mexico, with 37.5 percent of Hispanic students chronically absent in SY24, above the statewide average of 29.8 percent in the same year.

In terms of academic achievement, outcomes in core subjects—including reading, math, and science—are lower among Hispanic students than their non-Hispanic peers. According to PED's [NM Vistas](#) Accountability Dashboard, in SY24, proficiency rates for Hispanic students were as follows:

- In math, 18.8 percent of Hispanic students scored proficient compared with the state average of 23.1 percent.
- In reading, 34.7 percent of Hispanic students scored proficient compared with the state average of 38.9 percent.
- In science, 32.6 percent of Hispanic students scored proficient compared with the state average of 37.7 percent.

The Hispanic Education Act. HM43 requests an evaluation of the Hispanic Education Act and its implementation, effectiveness, and funding structures to ensure it fulfills its goal of improving educational outcomes and opportunities for Hispanic students in New Mexico. The Hispanic Education Act, enacted in 2010, was designed to enhance Hispanic students' academic achievement and postsecondary success across the state. It addresses educational disparities by implementing systemic reforms aimed at narrowing the achievement gap and improving graduation rates.

Specifically, the Hispanic Education Act mandates the study, development, and implementation of educational systems directly impacting Hispanic students' academic success. These efforts are intended to close achievement gaps and increase high school graduation rates. The Hispanic Education Act emphasizes the importance of parental involvement in the education of Hispanic students, recognizing that family support is a critical factor in academic success. The act also establishes mechanisms for cooperation among various stakeholders, including parents, community and business organizations, public schools, school districts, charter schools, higher education institutions, the state education department, and local policymakers. These collaborative efforts aim to improve educational opportunities for Hispanic students by enhancing academic support systems, increasing graduation rates, and promoting higher postsecondary enrollment, retention, and completion.

The Hispanic Education Act also outlines the provisions for a Hispanic education liaison and a Hispanic Education Advisory Council. Further, the act requires PED to collaborate with the higher education department to submit an annual statewide Hispanic education status report, including data on Hispanic student achievement, attendance, graduation rates, bilingual and multicultural programs across school districts and charter schools, and Hispanic student enrollment, retention, and completion rates at postsecondary institutions.

The Bilingual Multicultural Education Act. HM43 requests an evaluation of the Bilingual Multicultural Education Act and its implementation, effectiveness, and funding structures to ensure it fulfills its goal of improving educational outcomes and opportunities New Mexico’s students. The Bilingual Multicultural Education Act, enacted in 1973, established a framework to support bilingual and multicultural education in New Mexico’s public schools. The act aims to provide equitable and culturally responsive learning environments for linguistically and culturally diverse students, particularly ELs and Native American students.

The primary objectives of the Bilingual Multicultural Education Act include fostering bilingualism and biliteracy, ensuring that students meet state academic content standards, and addressing assessment and program accountability challenges. Additionally, the act prioritizes early language development by allocating funding for bilingual programs in kindergarten through third grade before expanding to higher grade levels.

PED administers, enforces, and evaluates bilingual education programs statewide. This includes technical assistance to school boards in developing and assessing program effectiveness. Schools offering bilingual education must implement a standardized curriculum aligned with state content standards, maintain academic and language proficiency data, and establish parent advisory committees to engage communities in program planning and oversight. The act also established the Bilingual Multicultural Education Advisory Council.

The Bilingual Multicultural Education Programs. Bilingual education plays a critical role in academic achievement, particularly for Hispanic students, who make up most of the ELs in the state. The BMEP [Annual Report](#) noted in SY24, Hispanic students comprised 67 percent (30.4 thousand students) of all students participating in BMEPs.

BMEPs contribute to addressing the persistent achievement gaps between Hispanic and non-Hispanic students in New Mexico. The HESR illustrates Hispanic students, particularly ELs, continue to lag behind their peers in English language arts, math, and science proficiency. However, bilingual programs provide these students with structured language support, allowing them to develop academic skills in their home language and English. Additionally, bilingual education has been [linked](#) to improved long-term outcomes, including academic achievement and postsecondary opportunities. HM43 could help the Legislature understand and strengthen BMEPs to help close these gaps while fostering linguistic diversity.

Beyond academic benefits, bilingual and multicultural education can reinforce cultural pride and community engagement among Hispanic students and families. The BMEP report emphasizes maintaining bilingual proficiency allows students to communicate effectively with their families, preserving intergenerational cultural ties, and strengthening their sense of identity. Moreover, bilingualism provides long-term economic and professional advantages, as bilingual individuals have expanded career opportunities in various industries.

ADMINISTRATIVE IMPLICATIONS

HM43 asks for participation from a large and diverse number of state agencies and stakeholders groups, including:

- A representative group of youth;
- Representatives from student groups named in the *Martinez-Yazzie* lawsuit;
- Educator preparation programs;

- Educational leaders and educators with expertise in bilingual education;
- Higher education institutions;
- Members of the community; and
- PED.

OTHER SIGNIFICANT ISSUES

The Hispanic Education Advisory Council. [The Hispanic Education Advisory Council](#) (Section 22-23B-5 NMSA 1978) is a 23-member advisory body to the secretary of education tasked with guiding policies to improve public education for Hispanic students. Its responsibilities include recommending strategies to improve academic outcomes, increase parental involvement, foster community engagement, and support students' postsecondary and professional success.

The council meets as needed but must convene at least twice annually. The council is a consultative body, advising the secretary on policies and programs affecting Hispanic students in New Mexico. Members serve voluntarily and do not receive per diem, mileage reimbursement, or other compensation.

The Bilingual Multicultural Education Advisory Council. [The Bilingual Multicultural Education Advisory Council](#) (Section 22-23 NMSA 1978) is a 15-member advisory body advising PED on curriculum development, instructional strategies, teacher training, assessment methods, and overall program effectiveness. The council includes representatives from tribal nations, educational institutions, and parent organizations.

The council's meeting requirement is not specifically stated. However, council members may receive per diem and mileage as provided for non-salaried public officers in the Per Diem and Mileage Act. (Section 10-8 NMSA 1978).

The Consolidated *Martinez-Yazzie* Education Sufficiency Lawsuit. In 2019, the 1st Judicial Court issued a final judgement and order in 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 low high school graduation rates, low student test scores, and high college remediation rates as indicators of how the state failed to meet its constitutional obligation to ensure all students are college, career, and civic ready. While Hispanic students at large were not specifically named as a struggling student subgroup in the lawsuit, many Hispanic students are categorized as low-income students, English learners, or students with disabilities.

RELATED BILLS

Relates to House Bill 488, Use of Language for Bilingual Education, which would amend New Mexico's Bilingual Multicultural Education Act, emphasizing the use of students' home or heritage languages as mediums of instruction. HB488 would require instruction to be delivered in students' home or heritage language alongside English when necessary to support language proficiency.

Relates to House Bill 487, Protection of Hispanic Education, which would amend the Hispanic Education Act to protect and preserve New Mexico's heritage Spanish language and culture. It would also mandate biannual Hispanic education summits for the Hispanic Education Advisory Council and allow council members to receive per diem and mileage reimbursement.

Relate to Senate Bill 396, Hispanic Students Education and Reporting, which would amend the Hispanic Education Act to support educational opportunities for Hispanic students by expanding collaboration efforts, improve data reporting, increase Spanish language maintenance, and requiring schools to create a systemic framework.

SOURCES OF INFORMATION

- LESC Files

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