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

Bill Number	<u>SB396</u>	Sponsor	<u>López/Sedillo Lopez/Jaramillo/Pope/Pinto</u>
Tracking Number	<u>.230654.1</u>	Committee Referrals	<u>SIRC/SEC</u>
Short Title	<u>Hispanic Student Education and Reporting</u>		
Analyst	<u>Davalos</u>	Original Date	<u>2/24/2025</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Bill 396 (SB396) would amend the Hispanic Education Act (Chapter 22, Article 23B NMSA 1978) to support educational opportunities for Hispanic students. SB396 would expand collaboration efforts, improve data reporting, increase efforts to maintain the Spanish language, and require school districts and charter schools to construct systemic frameworks to improve educational outcomes for Hispanic students. Additional proposed changes include:

- SB396 would add the maintenance of the Spanish language as a core purpose of the act.
- SB396 would require the Public Education Department (PED) to provide mechanisms for community-based organizations and the Higher Education Department (HED) to participate in statewide efforts to close the achievement gap, improve graduation rates, and increase postsecondary enrollment, retention, and completion. The bill would require PED's existing five-year strategic plan for Hispanic education to expand to include issues related to postsecondary education.
- SB396 would require the Hispanic Education Status Report (HESR) to include a more detailed analysis of Hispanic student achievement across all grade levels based on statewide assessments approved by the Public Education Department (PED). Under SB396, the HESR would also be required to include district-led initiatives to reduce dropout rates and improve attendance.
- SB396 would require every school district and charter school to develop and publish a systemic framework to improve educational outcomes for Hispanic students. Systemic frameworks must be developed in partnership with the Hispanic education liaison, school staff, students, families, social service providers, and community organizations.
- SB396 would permit school districts to seek assistance from state postsecondary institutions to identify best practices for collecting and using student-centered data to enhance teaching strategies and close achievement gaps. The frameworks would be required to incorporate culturally relevant curricula, instructional materials, services, activities, and professional development to strengthen Hispanic education.

FISCAL IMPACT

SB396 does not contain an appropriation.

SB396 would require school districts and charter schools to undergo an extensive strategic planning process to develop a systemic framework to improve educational outcomes for Hispanic students. LESC staff estimate costs to PED or school districts and charter schools related to implementation of SB396 would be minimal.

Funding for the [Hispanic Education Act](#) has been variable in recent years, with the Legislature appropriating to PED \$500 thousand in FY22, \$1 million in FY23, and \$500 thousand for FY24 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.

PED [reports](#) there is a lack of parity for the Hispanic Education Advisory Council to allow for mileage, per diem, and stipends for the council members compared with other education acts, which limits its ability to support statewide initiatives.

SUBSTANTIVE ISSUES

Hispanic Student Outcomes. SB396 could contribute to improved outcomes for Hispanic students by requiring more detailed descriptions of Hispanic student academic performance and a greater emphasis on strategic planning at both state and local levels. Hispanic students make up 63 percent of the state's total student population, a slight decline from 64 percent in 2021.

The [Hispanic Education Status Report 2023-2024](#) 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. Data from school year 2023-2024 (SY24) indicate that Hispanic EL students and those receiving special education services exhibit the lowest proficiency levels. 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.

Figure 1: Four-Year Adjusted Cohort Rate shows the four-year graduation rate for Hispanic students in 2023 was 76.1 percent, slightly below the statewide average of 76.7 percent.

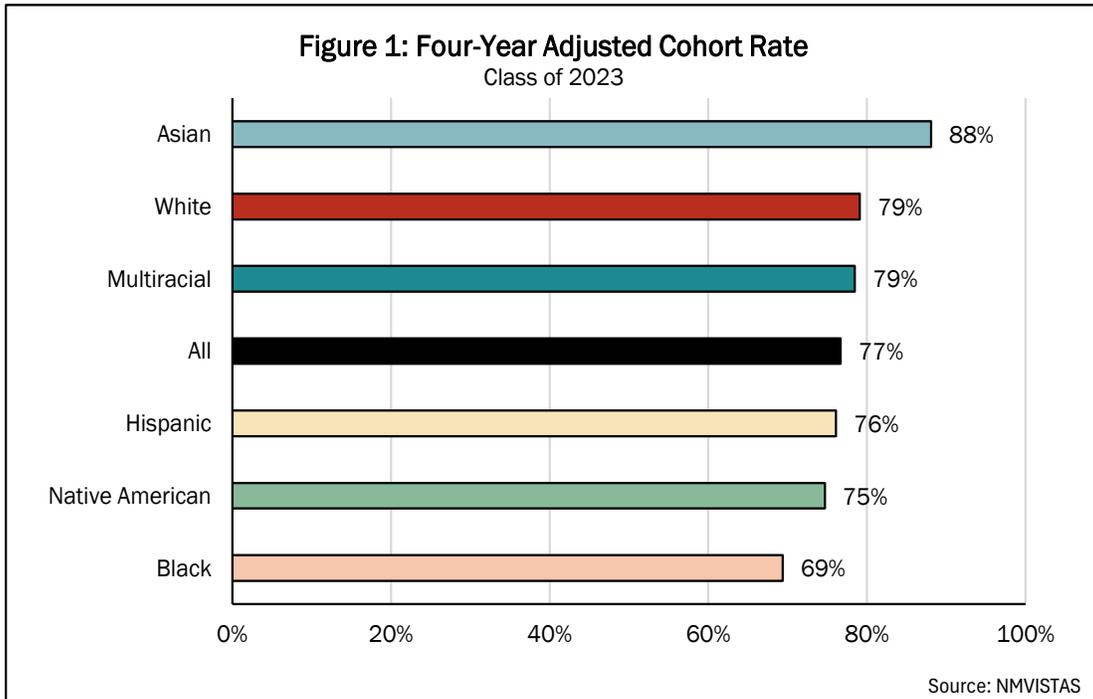
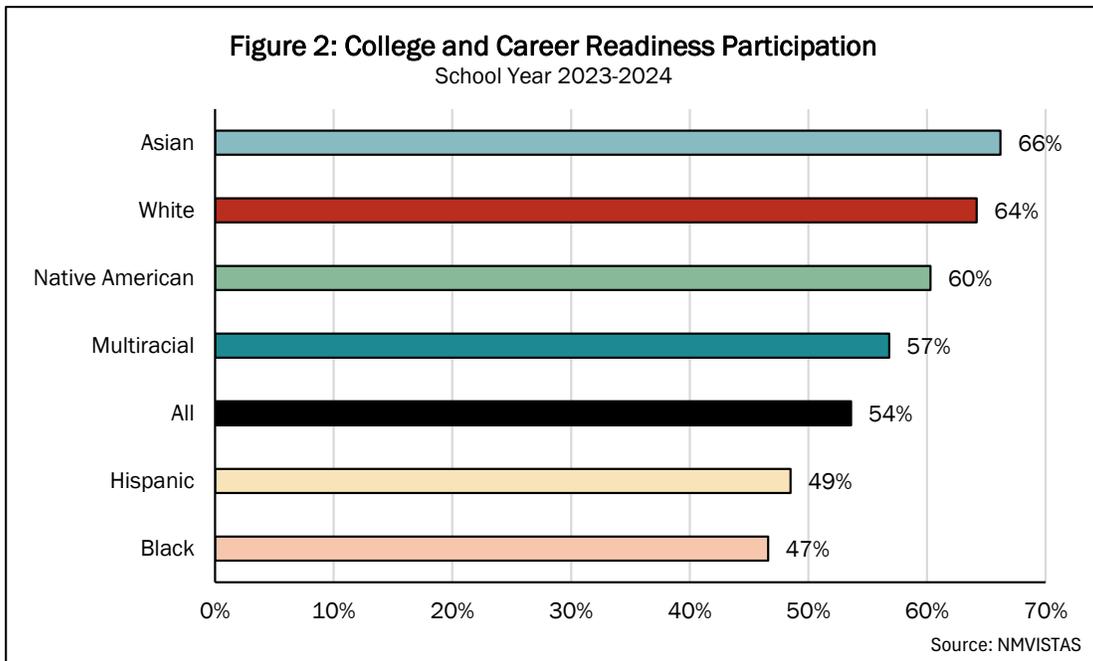


Figure 2: College and Career Readiness Participation shows the percentage of high school students participating in college and career courses.



Postsecondary Enrollment. Hispanic students represent a significant portion of postsecondary enrollment in New Mexico. In fall 2023, over 53 thousand Hispanic students were enrolled in higher education institutions. However, the retention rate from fall 2023 to spring 2024 was 73 percent with variation across institutions. Research universities like the University of New Mexico and New Mexico State University, reported retention rates above 80 percent, whereas other institutions fell below 50 percent.

Bilingual Multicultural Education Programs. SB396 would add the maintenance of the Spanish language as a core purpose of the act, reinforcing the role of bilingual and multicultural education in New Mexico’s schools. The integration of Spanish language preservation aligns with the state’s longstanding commitment to linguistic and cultural diversity, as demonstrated by the Bilingual Multicultural Education Act. SB396 would ensure bilingual programs go beyond English proficiency to actively sustain Spanish as a heritage language, which could promote biliteracy and cultural identity among Hispanic students. The Hispanic Education Status Report (HESR) highlights the critical role bilingual education plays in academic achievement, particularly for Hispanic students, who comprise most ELs in the state. Research has consistently shown bilingual education supports cognitive development, enhances academic performance, and strengthens students’ connection to their cultural heritage, making it an essential component of equitable and inclusive education.

Bilingual and multicultural education programs (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 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 higher graduation rates and greater access to postsecondary education. Strengthening BMEPs, particularly maintenance and dual-language models, could help close these gaps while fostering linguistic diversity. The BMEP [Annual Report](#) noted in SY24, Hispanic students comprised 67 percent (30,412 students) of all students participating in BMEPs.

Beyond academic benefits, bilingual and multicultural education can reinforce cultural pride and community engagement among Hispanic students and families. The BMEP report emphasizes maintaining Spanish 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. By explicitly adding Spanish language maintenance as a core objective of the act, SB396 could help ensure New Mexico’s bilingual programs continue to meet the needs of its diverse student population.

Hispanic Education Bureau. SB396 would add community organizations and HED to the list of collaborators that would provide input on PED’s five-year strategic plan for Hispanic education. In 2022, the HEB was established within PED to address systemic challenges and improve educational outcomes for Hispanic students in New Mexico. The Hispanic Education Bureau [Annual Report](#) for FY22 and FY23 highlights the progress, challenges, and priorities for advancing Hispanic student success in New Mexico. HEB focuses on closing achievement gaps by supporting bilingual education, leadership programs, and community engagement efforts. The Hispanic Education Act requires the state to provide mechanisms for parents, community, business organizations, public schools, school districts, charter schools, public postsecondary educational institutions, PED, and state and local policymakers to work together to improve educational opportunities for Hispanic students. HEB has taken the role of facilitating this collaboration to ensure Hispanic students have equitable access to education and culturally relevant opportunities.

Community Connections in K-12 Education. SB396 would include community organizations in statewide efforts to improve educational outcomes for Hispanic students. [Research](#) has shown that having community connections in kindergarten through 12th grade education can help shape student success, strengthen schools, and foster community development. Students in well-

connected schools have shown increased attendance, improved academic achievement, higher motivation, and social skills. Schools that successfully integrate their communities into decision-making often see enhanced student engagement and reduced disciplinary issues.

SB396 would require providing mechanisms for community-based organizations to participate in collaboration efforts to improve educational outcomes for Hispanic students. By engaging with local businesses, civic organizations, and families, schools could provide students with real-world learning experiences, career exploration, and mentorship opportunities that enhance academic and personal growth. [Research](#) suggests these collaborations can also help schools access additional resources, such as funding, technology, and extracurricular programs, which improve student outcomes and school effectiveness. Additionally, these partnerships help schools address challenges such as food insecurity, mental health support, and housing instability by linking students to essential services.

ADMINISTRATIVE IMPLICATIONS

HEA currently requires the state provide mechanisms to parents, communities, business organizations, public schools, school districts, charter schools, public postsecondary education institutions, PED, and state and local policymakers to collaboratively improve educational opportunities for Hispanic students. SB396 would require these mechanisms are also provided to community-based organizations and HED.

PED's Hispanic education liaison would be required to advise PED and the commission on the development and implementation of the five-year strategic plan for postsecondary education in addition to public elementary and secondary education.

PED's Hispanic education liaison would be required to assist school districts and charter schools with development and implementation of the systemic frameworks SB396 would require.

School districts and charter schools would be required to submit to PED Hispanic students statewide test results, in addition to the already required HESR data. They would also be required to provide their initiatives to decrease dropout rates and increase attendance.

SB396 would require each school district and charter school to develop and publish a systemic framework for improving education outcomes for Hispanic students in collaboration with the Hispanic education liaison, school staff, students, families, social service providers, and community organizations.

OTHER SIGNIFICANT ISSUES

The Hispanic Education Advisory Council is an advisory body to the Secretary of Education, made up of, at most, 23 members. The council is focused on improving educational outcomes for Hispanic students in New Mexico. It provides recommendations on policy, parental and community engagement, and strategies to support Hispanic students' academic, professional, and vocational success.

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 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.

Relates to House Bill 488, Use of Language for Bilingual Education, which would amend the Bilingual Multicultural Education Act to require bilingual programs to use students' home or heritage language as the primary medium of instruction. The bill would also emphasize the cultural and historical aspects of students' heritage languages and require parent advisory committees for program development and evaluation.

SOURCES OF INFORMATION

- LESC Files
- New Mexico Early Childhood Education and Care Department (ECECD)
- New Mexico Higher Education Department (HED)
- New Mexico Independent Community Colleges
- New Mexico Institute of Mining and Technology (NMIMT)
- New Mexico Regional Education Cooperatives Association (NMRECA)

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