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FISCAL IMPACT REPORT

SPONSOR <u>Gurrola/Torres-Velásquez/ Roybal</u> <u>Caballero</u>	LAST UPDATED _____ ORIGINAL DATE <u>3/4/25</u> BILL <u>House Memorial</u> NUMBER <u>43</u> ANALYST <u>Liu</u>
SHORT TITLE <u>Hispanic & Bilingual Education Programs</u>	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact					
Total						

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Relates to House Bills 200, 223, 467, 487 and 488 and Senate Bill 396

Sources of Information

LFC Files
 Legislative Education Study Committee (LESC) Files

Agency Analysis Received From
 Regional Education Cooperatives (REC)

Agency Analysis was Solicited but Not Received From
 Public Education Department (PED)

SUMMARY

Synopsis of House Memorial 43

House Memorial 43 (HM43) requests the Legislative Education Study Committee (LESC) to study the implementation of the Hispanic Education Act and Bilingual Multicultural Education Act and study the current state of Hispanic education, including evaluating and identifying successful initiatives related to students' academic performance and the funding structures for Hispanic and bilingual education.

LESC is also requested to conduct this study in collaboration with:

- A representative group of youth,
- Representatives of the 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
- The Public Education Department (PED).

The memorial requests a published report of research and recommendations by December 31, 2025.

FISCAL IMPLICATIONS

Memorials do not contain appropriations and are not enforceable state laws. Additionally, the study requested in this memorial is considered a normal operating function of the agency involved and is not expected to have a significant fiscal impact.

SIGNIFICANT ISSUES

On February 14, 2019, the 1st Judicial District Court issued a final judgment and order on the consolidated *Martinez v. New Mexico* and *Yazzie v. New Mexico* education sufficiency lawsuits, determining that New Mexico's public education system failed to provide a constitutionally sufficient education for at-risk students, particularly low-income, English learner, Native American, and special education students. The court found overall public school funding levels, financing methods, and Public Education Department (PED) oversight were deficient and ordered the state to provide sufficient resources, including instructional materials, properly trained staff, and curricular offerings, necessary to provide the opportunity for a sufficient education to all at-risk students.

Additionally, the court noted the state would need a system of accountability to measure whether the programs and services 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.

While the court's findings did not outline remedies, the court agreed with testimony that programs assisting students in acquiring English proficiency were required by state law, federal law, and the New Mexico Constitution, and the state had failed to meet these requirements. The court noted effective programs for English learners required qualified teachers, meaning bilingual-certified or Teaching English to Speakers of Other Languages (TESOL)-endorsed teachers. The court also agreed with testimony that well-organized and well-resourced bilingual programs were superior and dual language programs were the gold standard of education for English learners.

The court found most school district leadership lacked understanding about language and culture, PED did not provide guidance nor oversight for bilingual multicultural education programs (BMEP), and schools had insufficient materials and qualified teachers to operate BMEPs. Additionally, stipend amounts for bilingual and TESOL endorsements varied widely across districts, ranging from \$500 to \$3,000.

New Mexico has been a leader in bilingual education, becoming the first state to pass a bilingual multicultural education law, the Bilingual Multicultural Education Act in 1969. The current law was passed in 1973 and was amended in 2004 and again in 2018 to align with the federal Every Student Succeeds Act. School districts and participating schools can choose the model of

bilingual instruction, including those that focus instruction on English as a second language, bilingual maintenance, and dual language instruction. As stated in the Bilingual Multicultural Education Act, the state’s BMEP goals are for all participating students to become bilingual and biliterate in English and a second language, including Spanish, a Native American language, or another language. For Native American languages that are oral only, the literacy component is measured only in the domains of listening, speaking, and comprehension.

The Hispanic Education Act, signed into law in 2010, was intended to improve the educational success and postsecondary attainment of Hispanic students in New Mexico. The act provided for the study, development, and implementation of educational systems to close achievement gaps and increase graduation rates for Hispanic students, encourage and foster parental involvement in education, and provide mechanisms for stakeholder groups to collaborate on solutions.

PERFORMANCE IMPLICATIONS

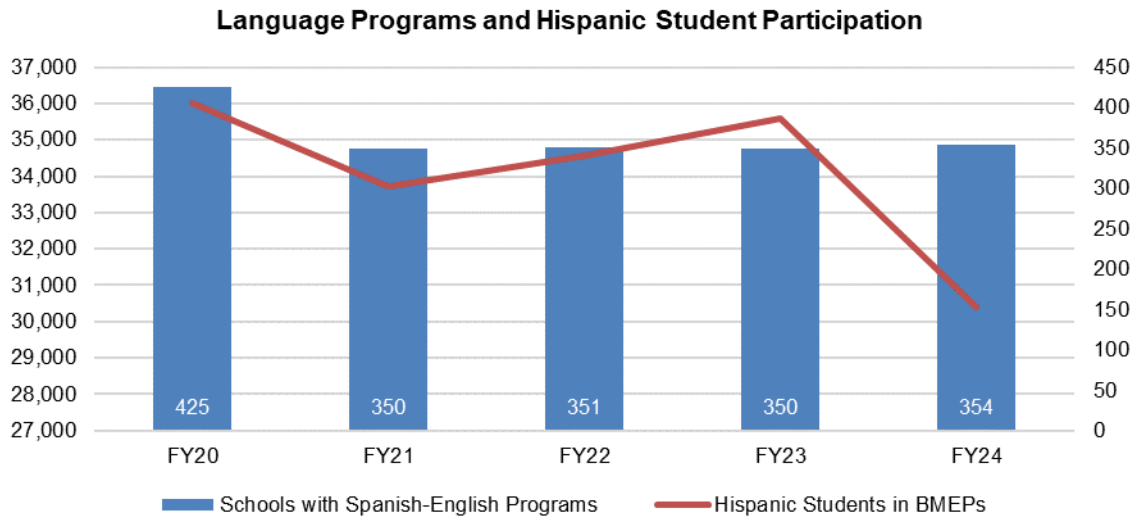
A 2022 LFC evaluation on bilingual multicultural education programs (BMEP) found the state had 4,055 licensed bilingual teachers but only 806 bilingual teachers (20 percent) taught in a bilingual multicultural education program. The report noted the state lacked appropriate instructional materials and curriculum for these programs, which was cited by educators as a barrier for instruction. Additionally, bilingual teachers noted the additional work of developing materials and implementing these programs was challenging due to a lack of time and resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This memorial relates to House Bill 200, which creates a formula factor for bilingual and TESOL certified staff; relates to House Bill 223, which increases the BMEP formula factor; relates to House Bill 467, which adds language instruction requirements in the Hispanic Education Act and Bilingual Multicultural Education Act; relates to House Bills 487 and 488, which amend the Hispanic Education Act; and relates to Senate Bill SB 396, which requires school districts develop a systemic framework for improving the educational outcomes of Hispanic students.

OTHER SUBSTANTIVE ISSUES

In FY24, 503 public schools provided a BMEP, with 354 BMEPs providing at least some Spanish language instruction. The number of Hispanic students participating in BMEPs and the number of schools with Spanish-English BMEPs has declined in recent years.



Source: PED

SL/rl/hg/sgs