

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 03/02/09

SPONSOR Lopez LAST UPDATED _____ HB _____

SHORT TITLE School Tolerance & Diversity Curriculum SB 638

ANALYST Varela

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with HJM 31, HB 615, HB 342, HB 348, HB 659, SB 400

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$34.5		\$34.5	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 638 mandates a K-12 curriculum that includes teaching and training in tolerance, diversity awareness and communication by establishing a new section of the Public School Code. In addition, this bill amends statute at 22-13-1 NMSA 1978 to require the Public Education Department (PED) establish by rule content and performance standards for the new curriculum and further requires instruction in "tolerance, diversity awareness and communication," as the fourteenth required subject area for New Mexico public school children.

FISCAL IMPLICATIONS

Senate Bill 638 carries no appropriation. PED indicates that the bill appears to require PED to establish new content and performance standards for the tolerance, diversity awareness and communication curriculum, which would require a commitment of at least a half-time FTE. The process would need to include public review. The estimated cost for the FTE is \$34.5 thousand.

SIGNIFICANT ISSUES

According to the Office of Educational Accountability (OEA), this bill appears to tie tolerance with issues of diversity awareness, the domains of which include race, ethnicity, country of origin, age, appearance, mental or physical abilities, gender, sexual orientation, religion, marital status, parental status, education, income, occupation, geographic location, and veteran status, among others.

OEA notes that the purpose of instruction in diversity communication is to identify barriers to effective communication associated with racial, gender, cultural, and socio-economic diversity in school, the workplace and the community. As a result of education in diversity communication students should develop an understanding of why and of how diversity issues influence effective communication and would include introducing techniques for improving written, oral, and interpersonal communication skills in response to diversity concerns.

OEA states that possessing an enhanced understanding of cultural diversity and intercultural communication is becoming increasingly important as the shift towards globalization occurs and these types of “soft skills” become more invaluable to help support social and economic success. The need for these skills is underscored by three trends identified in a report by Penn State (An Overview of Diversity Awareness, 2001) that are helping shape the world:

- The Global Market – awareness of other cultures and the ability to effectively communicate is critical in the highly competitive world economy;
- Changing Demographics – the ethnic and gender make-up of the United States population and workforce is undergoing a fundamental shift and knowledge of how this is occurring is important to social harmony; and
- A Changing Concept of America – Individuals will continue to celebrate their differences and are less likely to compromise their uniqueness in order to “fit in.”

National and international organizations, such as the Southern Poverty Law Center, American Bar Association, the National Education Association, the American Civil Liberties Union, the National Association for the Advancement of Colored People, the Anti-Defamation League of B'nai B'rith, and the Friends of the United Nations are involved in various facets of tolerance education.

PED noted the following concerns in their analysis:

- This bill would require daily instruction for all K through 3rd grade students. In grades 4 through 8 and in grades 9 through 12, instruction shall be provided using this curriculum. This new curriculum would become the 14th subject area required to be taught to all students.

- Currently there are no grade-specific textbooks that have been adopted in the areas of tolerance, diversity awareness and communication. If this bill were to pass, then grade-level textbooks would need to be purchased.
- The next year for the adoption of social studies instructional materials is 2010 and the next year to adopt health education instructional materials is 2011.
- It would be difficult for districts/schools to fully implement the requirements in SB 638 next school year. Content standards need to be developed, instructional materials need to be found and purchased, districts need time to modify class schedules and hire appropriate staff, and appropriate staff will need to be trained.
- At this time, there is no separate PED K-12 document of Tolerance/Cultural Diversity/Communications Content Standards with Benchmarks and Performance Standards; however, these topics can be found in the PED K-12 Content Standards documents and other instructional materials in the areas of Social Studies, Health Education and others. An example can be seen in Health Education - Content Standard 4: Students will analyze the influence of culture, media, technology, and other factors on health. Benchmark 9: Analyze how cultural practices can enrich or challenge health behaviors.
- Many school counselors currently implement programs that address the issues of tolerance, diversity awareness and communication.

ADMINISTRATIVE IMPLICATIONS

According to PED, the department will have to establish a rule regarding the teaching and training in tolerance, diversity awareness and communication, which would include forming a work group to develop a new rule, notification of this rule, schedule and complete public hearings regarding this rule and file rule with the appropriate agency, distribute new rule to all districts and schools, request and review all new district policies, take actions that will involve non-accreditation for those public schools or school districts that fail to meet minimum requirements regarding the new rule, develop Content Standards with Benchmarks and Performance Standards for this curricular area and provide technical assistance to schools to implement this new requirement. PED cannot do this with existing staff.

Local school boards and district/school staff will need to spend an indeterminate amount of time and money to implement the requirements of this bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to HJM 31: Study Effects of Bullying and HB 615, HB 342, HB 348, HB 659, SB 400 – all proposing to impose additional course or course content requirements on public schools.

OTHER SUBSTANTIVE ISSUES

According to PED, Page 2, line 13, states that instruction for K-3 students shall be daily. This requirement is not consistent with the other required subject areas. Districts have the flexibility as to when and how the other required subject areas will be addressed.

PV/mc