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FISCAL IMPACT REPORT

SPONSOR Dow/Martinez, J/Lara/Ramos **ORIGINAL DATE** 2/11/2020
LAST UPDATED _____ **HJM** 5
SHORT TITLE School Cultural Relevance Index & Units **SB** _____
ANALYST Gaussoin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	See Fiscal Implications					

(Parenthesis () Indicate Expenditure Decreases)

Companion to HB361.

Relates to House Bills, 134, 59, 241, 281, 199, 87, 135, and 138, Senate Bills 96 and 171, and HM12.

Relates to appropriations in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Legislative Education Study Committee (LESC) Files

Responses Received From

Indian Affairs Department (IAD)

No Response Received

Public Education Department (PED)

Albuquerque Public Schools (APS)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 5 requests LESC and LFC convene a working group of PED personnel and educators from school districts and charter schools with significant populations of at-risk students to develop a cultural and linguistic relevance index to generate funding units in the public school funding formula.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

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The working group is asked to consider a “cultural and linguistic responsive index” that would generate funding for individual public schools that serve a higher-than-state-average number of economically disadvantaged, indigenous, and Hispanic English learners, and class C and D special education students. The group would report to LESC, LFC, and PED by November 1, 2020.

FISCAL IMPLICATIONS

The creation of any work group involves agency staff and resources to develop the workplan, convene the members, and produce a report. In many cases, the agency can absorb these costs; however, work groups and studies divert agency staff and participants from other entities from other, perhaps equally important, responsibilities.

SIGNIFICANT ISSUES

A focus of the court ruling in the *Martinez* and *Yazzie* education sufficiency lawsuit was the needs of students at risk of failure, defined in the decision as indigenous students, English learners, low-income students, and students with disabilities. Further, the court found the state was violating state and federal laws on bilingual and multicultural education and indigenous students.

In response to the lawsuit, the Legislature in 2019 created funding formula factors for extended school year and extended learning time programs and nearly doubled the weight of the at-risk differential in the formula to allow school districts and charter schools to pay for programs and services aimed at addressing the special needs of at-risk students. The at-risk differential now in state law calculates funding based on the percentage of a school district’s or charter school’s population that is low income, learning English, and transient. Funding factors for students with special needs are separate and based on counts of students who fall into those categories. Existing law does not include funding formula consideration of indigenous students.

However, New Mexico has a variety of special programs with funding for indigenous students. The House Appropriations and Finance Committee substitute for House Bills 2 and 3, the General Appropriation Act, contains \$6 million for the Indian education fund, \$5 million for a summer extended learning pilot for small Indian-impacted school districts and charter schools, \$9 million for multicultural curricula and materials, and \$5.5 million for indigenous, multilingual, multicultural, and special education.

In addition, House Bill 59 would increase the weight of the at-risk index factor by 20 percent to generate an additional \$50.6 million for schools with high populations of low-income students, English-learners, and highly mobile students.

ADMINISTRATIVE IMPLICATIONS

HJM5 would create additional administrative responsibilities for LESC and LFC.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HJM5 is companion legislation to HB361, which would create a cultural and linguistic relevance index to generate revenue for schools in addition to that generated through the at-risk index.

HJM5 is related to HB134, which would appropriate \$19.8 million to the Higher Education Department and New Mexico public colleges and universities primarily for Native American student supports and services; House Bills 59 and 241 and Senate Bill 171, which all increase the at-risk index in the funding formula to varying degrees; HB281, which requires schools to provide evidence-based programs and services to English learners; SB96, which requires schools to report on at-risk expenditures; HM12, which requests PED to create a task force to study best practices for implementing school programs that support cultural diversity and bilingual education; HB199, which would fund a study on culturally and linguistically responsive instruction; HB87, which would create a 15-member Bilingual Multicultural Advisory Council to advise PED; HB135, which would create a native language education program unit in the funding formula; and HB138, which would fund the development of culturally and linguistically relevant education “blueprints.”

HJM5 relates appropriations in the General Appropriation Act.

OTHER SUBSTANTIVE ISSUES

LFC has prepared a one-page explanation of the public school funding formula, available online here: <https://bit.ly/2SglNps> .

From IAD:

Rebuilding New Mexico’s educational system has been priority of New Mexico’s 23 Tribes, Nations and Pueblos. This is also a priority for the Public Education Department’s Indian Education Division and the Indian Education Advisory Council who are knowledgeable of best practices from Central Consolidated School District, Dulce Public School District, Native American Community Academy, Bernalillo Public School District, Grants Cibola County Schools and Pojoaque School District. The selected school districts are populated with students who practice their culture and speak their heritage language. These schools also use culturally relevant materials.

In 2010, the Indian Education Division of PED contracted with the Indigenous Education Study Group and provided findings/recommendations in a report titled: *Indian Education in New Mexico, 2025* which provides a perspective from local Indigenous educators from the University of New Mexico and Eight Northern Indian Pueblo Council, Inc. Access the report here:

<https://turtletalk.files.wordpress.com/2011/05/nmindianedrpt2011apr24111.pdf>

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