

LFC Requester:

Sunny Liu

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/21/2025

Check all that apply:

Bill Number: HB 489

Original x Correction
Amendment Substitute

Sponsors
: Rep. E. Diane
Torres-Velásquez
Rep. Pamelya Herndon
Sen. Harold Pope
Rep. Janelle Anyanonu

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Analysis: Adolfo Mendez

Short Title: Black Education Liaison
Portal

Phone: 505-537-7676

Email: legisfir@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

In 2021, the legislature enacted a new section of New Mexico’s Public School Code, “the Black Education Act.” See NMSA 1978, §§ 22-23C-1 – 22-23C-7. Section 22-23C-5 created a Black education liaison within the public education department, and set forth the liaison’s duties. HB 489 proposes to modify three subsections of § 22-23C-5.

First, whereas subsection (B)(2) currently provides that the liaison shall advise on the development and implementation of New Mexico’s five-year strategic plan for public elementary and secondary education “as the plan relates to Black student education[.]” HB 489 proposes to change the quoted language to read “as the plan relates to the education of Black students.”

Next, HB 489 would modify the text of subsection (B)(4), which obligates the liaison to maintain and update certain information online. Now, instead of managing “links to a statewide hotline for reporting racially charged incidents[.]” the liaison would, pursuant to subsection (b)(4)(a), manage links to an “online reporting portal” to which “school-based incidents of racism or racial discrimination against anyone” would be communicated. Pursuant to proposed HB 498, such submissions, as well as related information, would not be public records, nor would they be subject to the Inspection of Public Records Act (IPRA).

Finally, HB 489 proposes to change the term “white” papers, as used in subsection (B)(4)(b), to “policy briefs or position” papers.

FISCAL IMPLICATIONS

None to this office.

SIGNIFICANT ISSUES

The online portal proposed to be created by HB 489 appears to already exist. See the “ARAO Portal” on the New Mexico Public Education Department (PED) website here:

<https://webnew.ped.state.nm.us/bureaus/identity-equity-transformation/black-education-act/>.

More significantly and concerning is that HB 489 proposes to categorically make submissions to the portal, as well as information relating to submissions, not public record and exempt under the Inspection of Public Records Act. However, incidents of racism or racial discrimination in our public schools are of utmost public concern. Hiding reports of such incidents from parents,

students, journalists, and the community-at-large would make it difficult to identify, and therefore stop, patterns of discrimination. Understanding that personal privacy is an important countervailing interest, consider instead a more tailored exemption to explicitly protect the confidentiality of personally identifiable information (PII) from public disclosure.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A