



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/18 /25
Bill No: SB396

Sponsor: López / Sedillo Lopez / Jaramillo/
Pope / Pinto

Agency Name and Code: PED - 924

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 396 (SB396) would amend the [Hispanic Education Act](#) by:

- expanding the purpose of the act to include community-based business organizations and the Higher Education Department (HED) as part of the mechanisms in which stakeholders, including state and local policymakers, work together to improve educational opportunities for Hispanic students;
- ensuring the maintenance of the Spanish language;
- expanding the role of the Hispanic education liaison of the Public Education Department (PED) to advise on the development and implementation of five-year strategic plans for post-secondary education, as is currently done for elementary and secondary education;
- requiring Hispanic student achievement at all grades, in the statewide Hispanic Education Status Report (HESR), be measured by a statewide test approved by PED, with results disaggregated by ethnicity;
- requiring the HESR include school district initiatives to decrease the number of school dropouts and increase attendance; and
- creating a new requirement for systemic frameworks for improving educational outcomes for Hispanic students.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

The bill would add accountability and technical assistance requirements, and the need for Spanish language maintenance programming, which would require funding and an additional staff member for PED, and possibly for local school districts and charter schools.

The FY26 [Executive and LESC recommendations for public school support](#) include \$1.5 million for the Bilingual-Multicultural Education Act, Hispanic Education Act, and Black Education Act. In FY25, \$500,000 was appropriated to fund the work of the Hispanic Education Act.

SIGNIFICANT ISSUES

Hispanic students make up 64 percent of the K-12 school system's student body.

The Bilingual Multicultural Education Act provides mechanisms and supports for school districts and charter schools to apply for funding to implement heritage language programs that are designed to support and revitalize a student's heritage language and culture through oral and written communication. However, this applies to bilingual programming where English and any home or heritage language are taught through a specific methodology.

SB396 adds post-secondary education to the development and implementation of the existing five-year strategic plan for elementary and secondary education – a duty of the Hispanic education liaison.

PERFORMANCE IMPLICATIONS

Requiring school districts to develop and publish a systemic framework may improve student

outcomes and improve Hispanic education in the state.

ADMINISTRATIVE IMPLICATIONS

Currently, the Hispanic education bureau consists of three employees; two are licensed educators. The increased responsibilities required by the amendments to the act would require a fourth staff member to comply with the act. The Hispanic education bureau has paid for the three staff member using the previous non-recurring appropriations mentioned below in fiscal year 2023, fiscal year 2024, and fiscal year 2025.

The bill's provision for Hispanic education systemic frameworks adds significant administrative burden for personnel at school districts and for the Hispanic education liaison in supporting them. It would require collaboration in developing frameworks at each local school district involving school employees, Hispanic students and families, social service providers, and community and civic organizations. The frameworks would address improved outcomes for Hispanic students through academic programs, culturally related activities, and early interventions, comprehensive guidance and counseling services, parental involvement activities, and family literacy services.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- House Bill 467, Multicultural Student Safety & Support, which proposes broadening elements of disparate treatment and discipline to better support multicultural students.
- House Bill 487, Protection of Hispanic Education, which proposes to amend the purposes of the Hispanic Education Act to include protection and preservation of New Mexico's heritage Spanish language and culture.
- Senate Bill 367, Medical Spanish Education Program, which proposes to appropriate \$350 thousand to the University of New Mexico Health Science Center for Spanish language health sciences curriculum and implementation, which would be within the purview of the PED Hispanic education liaison's advisement, per SB396.

TECHNICAL ISSUES

The bill's proposed amendment to [The Hispanic Education Act](#) would change the Hispanic student achievement reporting requirement to be "desegregated" by ethnicity. The correct word is "disaggregated." Disaggregating the data may be redundant as the only ethnicity currently available for student demographic records is Hispanic/Latino. If the sponsors' intent is for disaggregation of achievement data by race distinct from Hispanic ethnicity, as provided for in the [Assessment and Accountability Act](#), they may wish to amend the bill to require disaggregation by race.

The proposed new section of the Hispanic Education Act that would require the development and publication of systemic frameworks for improving outcomes for Hispanic students. This is directed only to school districts and makes no clear provision for the inclusion of state-chartered charter schools, which essentially act as their own school districts. The definition for "school district" in the General Provisions of the Public School Code – which is the applicable definition of "school district" in the act – does not include state-chartered charter schools, so the newly proposed section of the Hispanic Education Act would not impose any obligations on those

charter schools relative to the systemic frameworks. The sponsor may wish to consider amending the bill so that state-chartered charter schools must also develop and publish the frameworks. Similarly, the sponsor may also wish to amend newly proposed paragraph (5) of Subsection B of Section 22-23B-6 MSA 1978 to include specific reference to charter schools.

OTHER SUBSTANTIVE ISSUES

The systemic framework requirement in this bill is similar to the 2019 amendments made to the [Indian Education Act](#).

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

If the sponsors' intent is for disaggregation of achievement data by race distinct from Hispanic ethnicity, as provided for in the [Assessment and Accountability Act](#), they may wish to amend the bill to require disaggregation by race rather than duplicating the requirement for disaggregation by Hispanic ethnicity.

If the sponsors' intent is to maintain New Mexico Spanish heritage language, they may wish to amend the bill to specify.

The sponsor may wish to consider amending the bill to include state-chartered charter schools in the new requirements for systemic frameworks. The sponsor may add a definition for "school district" to the definitions section of the Hispanic Education Act, itself, in Section 22-23B-2 NMSA 1978, which currently only contains a definition for "liaison." Alternatively, the sponsor may wish to amend the newly proposed section to make specific reference to state-chartered charter schools within the body of Section 5 of the bill. Similarly, the sponsor may wish to include specific reference to charter schools in the newly proposed Paragraph 5 of Section 22-23B-6(B) NMSA 1978.