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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>SM9</u>	Sponsor	<u>Pinto</u>
Tracking Number	<u>.230398.1</u>	Committee Referrals	<u>SRC/SIRC</u>
Short Title	<u>Continue & Improve 520 Language</u>		
Analyst	<u>Davalos</u>	Original Date	<u>3/1/2025</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

Senate Memorial 9 (SM9) requests LESC to convene a broad working group to study and make recommendations concerning the 520 Native American Language and Culture (520 NALC) certificate. The working group would be requested to include statewide representation and would be tasked with making recommendations to LESC, the Legislature, and the Public Education Department's (PED's) Indian Education Division regarding the 520 NALC organizational structure and accountability, advancement and professional development, data collection and transparency, and a long-term strategy for system improvement. The working group would be requested to present its findings and recommendations by December 31, 2025.

FISCAL IMPACT

Legislative memorials do not contain appropriations.

SUBSTANTIVE ISSUES

The 520 Native American Language and Culture Certificates. Section 22-10A-13 NMSA 1978 authorizes the issuance of 520 NALC certificates, allowing individuals proficient in the language and traditions of a New Mexico tribe, pueblo, or nation to teach without requiring a baccalaureate degree. This certification, governed by memorandums of agreements between tribal governments and PED, recognizes tribal sovereignty and the value of traditional knowledge passed down outside conventional academic pathways. Since 2003, 16 tribes, pueblos, and nations have entered into such agreements, ensuring Indigenous communities retain control over language instruction and cultural education. In 2022, the Legislature amended state law to establish salary parity between 520-certified NALC instructors and level 1 licensed teachers, reinforcing the significance of their instructional roles and ensuring equitable compensation.

To further support Native language instruction, PED's Indian Education Division awarded \$1.325 million in FY25 to strengthen the 520 NALC program. According to the [2023-2024 Tribal Education Status Report](#), there were 133 active 520-certified NALC instructors. Additionally, 99

students earned State Seals of Bilingualism-Biliteracy Awards for Indigenous languages, reflecting the impact of these programs in fostering bilingual proficiency and cultural preservation among Native American students.

Maintaining and Promoting Native American Languages and Cultures. [Research](#) shows that "strong, additive, academically rigorous Native language and culture programs" contribute to language and cultural preservation while improving academic achievement. These immersive and consistently integrated programs provide students with a meaningful connection to their heritage, reinforcing the role of Indigenous languages as vehicles of knowledge transmission and cultural continuity.

[Research](#) further shows strong Native language and culture programs are critical in enhancing student motivation, self-esteem, and cultural pride. These attributes are directly tied to measurable improvements in student outcomes, including better attendance and higher retention rates. When students see their cultural backgrounds reflected in their education, they are more likely to feel valued and supported, fostering a more profound commitment to learning.

Strong Native language and culture programs also impact entire communities. When schools integrate Native languages into the core curriculum, they create opportunities for intergenerational knowledge transfer, strengthening family and community ties. Elders and fluent speakers play an essential role in these efforts, serving as cultural educators and mentors who ensure language revitalization efforts are sustained.

Addressing Systemic Inequities and Cultural Identity Loss Among Native American Students. Systemic inequities, coupled with cultural and linguistic barriers, contribute significantly to the loss of cultural identity among Native American students. Despite efforts to incorporate Native American culture into education, many students continue to experience an education system that does not fully reflect their heritage or linguistic backgrounds. The lack of consistent integration of Native American history, traditions, and perspectives into core subjects like reading and mathematics further exacerbates this issue. Without deliberate and structured inclusion of cultural heritage, Native American students may struggle to see the relevance of their identities in academic settings, ultimately affecting their engagement and educational outcomes.

The National Indian Education Study (NIES) [survey](#) underscore the importance of personal and intergenerational learning in preserving Native American culture. Native American students reported they primarily learn about their history and traditions through interactions with family members, tribal elders, and other community members. These exchanges take multiple forms, including storytelling, classroom instruction, and immersive cultural practices such as traditional craftsmanship and ceremonies. The survey found 45 percent of fourth grade and 60 percent of eighth grade students learned the most about their history from family members, highlighting families' significant role in cultural education. Although family members are the primary educators in Native cultural knowledge, teachers in school settings are the second most frequently identified source. According to the NIES survey, 23 percent of fourth grade and 17 percent of eighth grade students reported learning the most about Native American traditions from their teachers.

ADMINISTRATIVE IMPLICATIONS

SM9 asks for participation from a large and diverse number of state agencies and stakeholder groups, including:

- PED’s Indian Education Division;
- PED’s Licensure Bureau;
- School districts and charter schools specializing in Native American language and culture education;
- Organizations focused on 520 certification or bilingual teacher certification;
- Organizations providing professional development and training;
- Bilingual and multicultural education programs;
- Higher education institutions;
- Technical assistance centers; and
- 520-certified educators.

OTHER SIGNIFICANT ISSUES

The Consolidated *Martinez-Yazzie* Education Sufficiency Lawsuit. In 2019, the 1st Judicial Court issued a final judgement and order in the consolidated *Martinez-Yazzie* education sufficiency lawsuit, finding New Mexico’s public education system failed to provide a constitutionally sufficient education for at-risk students, defined as English learners, Native American students, students with disabilities, and students from low-income families. The court pointed to low high school graduation rates, low student test scores, and high college remediation rates as indicators of how the state failed to meet its constitutional obligation to ensure all students are college, career, and civic ready. SM9 would require the study of the 520 NALC, which could support initiatives that promote culturally sustaining education and tribal education sovereignty

New Mexico’s Indian Education Act (2003). The Indian Education Act requires PED to collaborate with tribes in creating educational programs that respect cultural differences and promote academic success for Native students. The act also requires public and charter schools to provide equitable, culturally, and linguistically relevant education.

New Mexico’s Bilingual Multicultural Education Act (1973). The Bilingual Multicultural Education Act was established to support bilingual and multicultural education programs that promote linguistic equity and cultural preservation. The law ensures that students, particularly English learners (ELs) and heritage language speakers, receive instruction that fosters bilingualism, biliteracy, and academic success.

The Federal Indian Education Acts (1972 and 1975). Under the Indian Education Act of 1972, the U.S. Department of Education allocated funds for the unique needs of Native students in public schools with 10 or more Native students, now known as Title IX Indian Education. Priority funding was given to discretionary programs for Native American tribes and organizations. The act established the National Advisory Council on Indian Education to oversee its provisions, set program priorities, and assess education for Native students. It also enabled the Department of Education to work with Native American community colleges and authorized set-asides for training teachers of Native American children. The Indian Self-Determination and Education Assistance Act of 1975 further addressed Native American education in public schools. It led to creating the Indian Education Division at the state level. However, it relied on existing resources within the State Department of Education.

The Federal Native American Languages Act (1990). The Native American Languages Act (NALA) acknowledges the unique status of Native American cultures and languages. It affirms the United States’ responsibility to collaborate with Native communities to ensure their

preservation. States are encouraged to eliminate certification barriers for qualified Native language instructors, such as tribal elders, to facilitate their role in education.

The Esther Martinez Native American Languages Preservation Act (2006). The Esther Martinez Native American Languages Preservation Act established grant funding to support various language and cultural revitalization initiatives. These include Native American language nests, survival schools, restoration programs, immersion programs, and language and culture camps.

The Every Student Succeeds Act (2015). The Every Student Succeeds Act (ESSA) introduced provisions to ensure Native students gain a deeper understanding of their communities, languages, tribal histories, traditions, and cultures. It also facilitated the development of Native language immersion programs and initiatives that address Indigenous children's unique cultural and educational needs. Additionally, ESSA emphasized the inclusion of appropriately qualified tribal elders and seniors in academic activities.

RELATED BILLS

Relates to House Bill 194, Culture Expression at Graduation Ceremonies, which would protect the rights of Native American students from federally recognized tribes, nations, and pueblos to wear culturally significant regalia, jewelry, and traditional items during graduation and promotion ceremonies in New Mexico schools.

Relates to House Bill 488, Use of Language for Bilingual Education, which would amend New Mexico's Bilingual Multicultural Education Act, emphasizing the use of students' home or heritage languages as mediums of instruction. HB488 would require instruction to be delivered in students' home or heritage language alongside English when necessary to support language proficiency.

Relates to Senate Bill 13, State-Tribal Education Compact Schools Act, which creates the State-Tribal Education Compact Schools Act and authorizes PED to enter into state-tribal education compacts with Indian nations, tribes, or pueblos in New Mexico to establish language- and culture-based schools.

Relates to Senate Bill 163, Tribal Regalia at School Events, which would protect the rights of Native American students from federally recognized tribes, nations, and pueblos to wear culturally significant regalia, jewelry, and traditional items during graduation and promotion ceremonies in New Mexico schools.

Relates to Senate Bill 234, Tribal Education Trust Fund, which creates a tribal education trust fund and provides a \$100 million initial investment with provisions detailing how investment returns on the fund would provide stable and consistent revenue for tribal education departments. SB234 also creates a tribal education trust fund task force to develop an equitable distribution formula.

SOURCES OF INFORMATION

- LESC Files

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