

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Check all that apply: **Date** 1/18/19
Original **Amendment** **Bill No:** HB159
Correction **Substitute**

Sponsor: Tomás E. Salazar and Christine Trujillo **Agency Code:** 924
Short Title: MULTICULTURAL EDUCATION FRAMEWORK **Person Writing:** Daniel Manzano
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
	Not Specified	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

HB120 Bilingual Teacher Preparation Act

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

HB159 provides findings from the Yazzie/Martinez vs. State of New Mexico to amend the Hispanic Education Act and Bilingual Multicultural Education Act. HB159 creates two new Divisions and Assistant Secretary Positions in the Public Education Department with listed powers and duties for Hispanic Education and Bilingual Multicultural Education programs. HB159 will require the PED to create a framework in collaboration with the Indian Education Act supporting equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials. HB159 establishes a new State Bilingual Advisory Council to advise on Bilingual Multicultural Education Programs.

BILL SUMMARY

Synopsis: The bill establishes two new Divisions with Assistant Secretaries to the PED specifically for Bilingual Multicultural Education Programs and the Hispanic Education Act. HB159 section one, amends the the Bilingual Multicultural Education Act to include the findings from the Yazzie/Martinez v. State of New Mexico requiring Bilingual Multicultural Education Programs to implement a framework with provisions for program goals including English language learners directly supporting school districts and charter schools through professional development, data driven decisions, and parental empowerment. HB 159 section two, amends the Bilingual Multicultural Education Act with the creation of an Assistant Secretary of Bilingual Multicultural Education, the State Bilingual Advisory Council and a Division in the Public Education Department. HB 159 section three, establishes the Bilingual Multicultural Division with powers and duties. HB 159 section four, establishes the State Bilingual Advisory Council with powers and duties. HB159 section five requires a Multicultural Education Framework to outline the planning, development and assessment of the framework in collaboration with the Indian Education and proposed Hispanic Education Divisions. HB159 section six, amends the Bilingual Multicultural Education Act with additional powers and duties on the development, implementation, and administration of the Bilingual Multicultural Education Programs with rulemaking processes. HB159 section seven, amends the citation of the “Hispanic Education Act”. HB159 section eight, provides definitions pertaining to the Hispanic Education Act. HB159 section nine, creates the Hispanic Education Division within PED with amended powers and duties of the current Hispanic Education Act. HB159 section ten, relates to a new the Hispanic Education Fund as non-reverting and defines its purposes.

FISCAL IMPLICATIONS

There are no allocated funds that directly support the proposed Hispanic Education and Bilingual Multicultural Education Divisions for staffing and support services, funding will need to be allocated. Staffing would include an Assistant Secretary of Hispanic Education and Assistant Secretary of Bilingual Multicultural Education as well as positions for the two new divisions and per diem for the State Bilingual Advisory Council as permitted in the Per Diem and Mileage Act. The non-reverting funding proposed for the Hispanic Education Act a will need to be funded through state general funds.

SIGNIFICANT ISSUES

HB159 will require collaboration and coordination between the Public Education Department's Language and Culture Bureau, Indian Education Division and proposed Hispanic Education and Bilingual Multicultural Education Divisions for the planning, development, implementation and review of programming. The newly created divisions will need to define the powers and duties outlined within the Public Education Department.

PERFORMANCE IMPLICATIONS

The Indian Education Division and proposed Hispanic Education and Bilingual Multicultural Education Division's will need to collaborate closely to coordinate how to move forward with allocating funding, providing support to districts and charters, coordinating Advisory Council meetings, and providing accountability.

The Public Education Department's Language and Culture Bureau would no longer support with state-funded Bilingual Multicultural Education Programs. The Language and Culture Bureau would therefore support districts and charters with the Title III Subgrant and the State Seal of Bilingual Biliteracy on the Diploma of Excellence, as well as World Language Programs, and Culturally and Linguistically Responsive Instruction for students not specifically served by the Indian Education, Hispanic Education and Bilingual Multicultural Education Acts and proposed Divisions.

HB159 creates a middle of the line non-reverting appropriation for the Hispanic Education Act while keeping the above the line allocation for Bilingual Multicultural Education Programs funded under the Bilingual Multicultural Education Act. Given findings from the Yazzie/Martinez vs. State of New Mexico, providing middle of the line funding under the Bilingual Multicultural Education Act that mirrors the current Indian Education and proposed Hispanic Education appropriation would support the work of the proposed Assistant Secretary and Division of Bilingual Multicultural Education.

ADMINISTRATIVE IMPLICATIONS

HB159 requires administrative services related to the development and implementation of a funded Hispanic Education Act and a State Bilingual Advisory Council with no funding support at this time. Funding may not be necessary for a Bilingual Multicultural Education Division as the Language and Culture Bureau currently supports this work.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship to the Bilingual Multicultural Education Act, Indian Education Act, and Hispanic

Education Act.

Companionship to HB120 Bilingual Teacher Preparation Act

TECHNICAL ISSUES

Inclusion of Every Student Succeeds Act which may require amendment should the federal law change, recommend using Federal law in 22-23-1.1 (E)

Recommend removal of *who may or may not be part of stand-alone federal Title 3 programs* in 22-23-1.4 (E)(1)(c). Under the Every Students Succeeds Act Title 3 is only a Grant that supports the acquisition of the English language and the academic success of English Learners. However, English Language Learner Programs are required by the office for civil rights of the United States department of education.

Should the intent be that all language programs are supported under the Proposed Bilingual Multicultural Education Division, HB159 would need to include World Language Programs in addition to Bilingual Multicultural Education Programs and English Learner Programs. This would allow the Division to also support with the State Seal of Bilingualism and Biliteracy on the Diploma of Excellence that may be awarded to all multilingual student regardless of the language program they have participated in. Additionally, the Administrative Code, 6.32.2, that accompanies the Bilingual Multicultural Education Act would need to be amended to be inclusive of World Language Programs by adding allowable instruction in language development, such as Spanish language development, in other languages in addition to English (currently includes English language development).

Recommend proposed State Bilingual Advisory Council advises the Secretary of Education as do the Hispanic Education Advisory Council and Indian Education Advisory Council. 22-23-1.4 (A) includes Public Education Department Staff, Governor, and Legislature which differs from the two aforementioned Councils.

Recommend using the definition of English Learner within 6.19.8 NMAC, Grading of Public Schools.

Recommend using Bilingual Multicultural Education Council to align with the Bilingual Multicultural Education Act.

Recommend aligning 22-23-1. (G) to professional development in 6.32.2 NMAC that includes Native American language and culture teachers, and additional areas of focus.

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Districts and charters will continue to address the needs of Hispanic students and Students served in state-funded Bilingual Multicultural Education Programs as currently undertaken in the Public

Education Department.

AMENDMENTS

None