

<b>LFC Requester:</b>	<b>Mark Valenzuela</b>
-----------------------	------------------------

**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto: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:*

Original     Amendment    \_\_\_\_\_    Date 1/27/19

Correction    \_\_\_\_\_ Substitute    \_\_\_\_\_    Bill No: SB311

**Sponsor:**    Sen. Mimi Stewart and Sen. Antoinette Sedillo Lopez    Agency Code:    924

UNM COLLEGE OF ED YAZZIE    Person Writing

LAWUIT NEEDS    fsdfs    Analysis:    Daniel Manzano

**Short Title:**    \_\_\_\_\_    Phone:    505-670-3820    Email:    Daniel.Manzano@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	\$3,939,781	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

House Bill 159 proposes to amend NMSA 1978, Section 22-23-1.1 seeking to include a legislative finding relating to *Yazzie/Martinez v. State of New Mexico*.

Duplicates/Relates to Appropriation in the General Appropriation Act

SB 311 may relate to HB 2 appropriations to higher education, or appropriations relating to public school support.

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

SB 311 seeks to make appropriations to the Board of Regents of the University of New Mexico for the College of Education’s efforts to meet the needs of New Mexico Public Schools to meet the requirements of *Yazzie/Martinez v. State of New Mexico*. SB 311 proposes to appropriate three million nine hundred thirty thousand seven hundred eighty one dollars from the general fund to the board of regents of the University for New Mexico for the college of education’s expenditure in fiscal year 2020 as noted below. SB 311 provides that any unexpended or unencumbered balance remaining at the end of fiscal year 2020 shall revert to the general fund.

SB 311 seeks to make appropriations relating to hiring in the following manner: one hundred six thousand five hundred dollars to hire faculty and a senior academic advisor to create a sustainable pipeline for teacher education students by providing student success support services through advisement and tutoring and other services and offering a fuller schedule of face-to-face courses at the university of New Mexico-Gallup branch, one hundred seventy thousand dollars to hire lecture faculty and a graduate assistant to develop a dual license in special education and elementary education program at the university of New Mexico – Gallup branch; five hundred forty-five thousand dollars to hire tenure track and other faculty, a program coordinator and an educational specialist to provide doctoral student support and graduate assistantships, and to provide scholarships, books and supplies for participants to accelerate the creation of bilingual education degrees in Spanish and English and Navajo and English; three hundred ten thousand dollars to hire tenure track faculty and provide ten student stipends to address the severe shortage of board-certified behavior analysts to serve children with autism.

SB 311 also seeks to make appropriations of five hundred thousand dollars for the center for collaborative research and community engagement to award competitive proposals that will create stimulus opportunities with a specific focus on effective practices pertaining to

underserved public schools students by examining educator preparation practices that best serve culturally and linguistically diverse students, and five hundred twenty-three thousand eighty-one dollars to develop the educational infrastructure, including salaries, supplies, travel, technology, facility rentals and honoraria, for a revitalized institute for American Indian education that would allow the college of education's American Indian faculty to improve American Indian student retention and achievement, four hundred fifty-nine thousand two hundred dollars to support the American Indian leadership in education doctoral cohort program, including recruitment, student tuition and textbook assistance, advisory board support and a graduate assistantship, and one million three hundred thousand dollars to replace expiring funding from the W.K. Kellogg foundation for the educational leadership education specialist/administrative licensure program's POLLEN cohort.

## **FISCAL IMPLICATIONS**

No major assumptions underlying fiscal impact or additional operating budget impact identified at this time.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

## **SIGNIFICANT ISSUES**

The Findings and Conclusions pleading filed on December 20, 2018, in *Yazzie/Martinez v. State of New Mexico* notes an injunction is hereby issued enjoining the Defendants to take immediate steps, by no later than April 15, 2019, to ensure that New Mexico schools have the resources necessary to give at-risk students the opportunity to obtain a uniform and sufficient education that prepares them for college and career. The pleading in *Yazzie/Martinez v. State of New Mexico* also includes a notation which states it is the State's duty to provide a constitutionally adequate system regardless of whether an injunction is entered, and which states for purposes of this case, at-risk students include children who come from economically disadvantaged homes, children who are English Language Learners, children who are Native American, and children with a disability.

SB 311 notes that it seeks certain appropriations for those at-risk students. *Yazzie's* pleadings do not appear to readily provide what exact amount will be sufficient for purposes of meeting the requirements in the injunction and otherwise in the Findings and Conclusions pleading. Parties in *Yazzie* may still seek to scrutinize whether the amounts are sufficient or otherwise appropriately made to address the needs of at-risk students.

## **PERFORMANCE IMPLICATIONS**

No performance implications identified at this time.

## **ADMINISTRATIVE IMPLICATIONS**

No administrative implications identified at this time.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflict, duplication, companionship, relationship identified at this time.

**TECHNICAL ISSUES**

No technical issues identified at this time.

**OTHER SUBSTANTIVE ISSUES**

No other substantive issues identified at this time.

**ALTERNATIVES**

No alternatives identified at this time.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

No consequences of not enacting this bill identified at this time.

**AMENDMENTS**

No amendments identified at this time.