

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2019 REGULAR SESSION**

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

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*{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**      
**Correction**     **Substitute**   

**Date** 3/11/19  
**Bill No:** SB632

**Sponsor:** Sen. Lopez  
**Short**    ADDITIONAL ED DEPT.  
**Title:**    DIVISIONS

**Agency Name and Code**  
**Number:**    924 PED  
**Person Writing**    Daniel Manzano  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
		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)**

	<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>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

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

**Companionship to HB120 Bilingual Teacher Preparation Act**

**Duplicates HB159 Multicultural Education Framework**

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

SB632 add the Bilingual Multicultural Education Division and Hispanic Education Division to the Public Education Department. The bill adds a state seal for multiculturalism to the diploma of excellence and amends the Hispanic Education Act and Bilingual Multicultural Education Act. SB632 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. SB632 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. SB632 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. SB632 section one, adds the Bilingual Multicultural Education and Hispanic Education Division to the Public Education Department. Section two, amends Section 22-1-9.2 NMSA 1978 and creates the State Seal for Multicultural Graduates to the diploma of excellence. Section three and four, amends the Bilingual Multicultural Education 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. Section five, 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 six, establishes the Bilingual Multicultural Division with powers and duties. HB 159 section four, establishes the State Bilingual Advisory Council with powers and duties. SB632 section seven 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. SB632 section eight 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. SB632 section nine, amends the citation of the “Hispanic Education Act”. SB632 section eight, provides definitions pertaining to the Hispanic Education Act. SB632 section ten, creates the Hispanic Education Division within PED with amended powers and duties of the current Hispanic Education Act. SB632 section eleven 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. The funding under Bilingual Multicultural Education Act is above the line, non-categorical funding, that is awarded in the SEG and will not directly support the proposed Bilingual Multicultural Education Division’s work.

## **SIGNIFICANT ISSUES**

SB632 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.

Additionally, the bill refers to divisions. Divisions typically house bureaus within them in state government structures. The sponsors may want to refer to the proposed Hispanic Education and Bilingual Multicultural Education teams as bureaus as the new Deputy Secretaries oversee Divisions.

## **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 English Learners Programs, 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.

SB632 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. Further, moving the Bilingual funding from the SEG ensures that the PED can conduct meaningful evaluation and provide the necessary programmatic and fiscal technical assistance to support program effectiveness. This change would provide increased transparency for all stakeholders and significantly strengthens the Public Education Department's ability to hold districts and charter schools accountable for ensuring the funding is used effectively and directly to support participating students and teachers. This important change addresses well-documented concerns in the Bilingual Multicultural Education Act (2004 Legislative Findings relating to BMEPs recorded in statute, 22-23 NMSA, 1978) and Yazzie/Martinez ruling.

### **ADMINISTRATIVE IMPLICATIONS**

SB632 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

Duplication of HB159 Multicultural Education Framework

### **TECHNICAL ISSUES**

The propose bill amends two key Acts, the Bilingual Multicultural Education Act and Hispanic Education Act and creates a State Seal for Multiculturalism with little stakeholder input from districts, charters, administrators and teacher in the field. Recommend allowing for sufficient stakeholder input as well as incorporating the new Public Education Department's leadership's vision for the structure of the department.

Should the intent be that all language programs are supported under the Proposed Bilingual Multicultural Education Division, SB632 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 Biliiteracy 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 advise 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 ensuring the bill is inclusive of African American students and various language and cultural groups.

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**

### **ALTERNATIVES**

#### **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.

Additionally, the new Secretary of Education and executive team may determine which Divisions or Bureaus to add to the Public Education Department.

### **AMENDMENTS**