

<b>LFC Requester:</b>	<b>Valenzuela</b>
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**AGENCY BILL ANALYSIS  
2021 REGULAR SESSION**

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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** 2/20/2021  
**Bill No:** HB131

**Sponsor:** Reps. Christine Trujillo & Patricia Roybal Caballero  
**Short Title:** ASST. SECRETARY OF HISPANIC EDUCATION

**Agency Name and Code** PED - 924  
**Number:** \_\_\_\_\_  
**Person Writing** John Sena  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
NFI	\$110.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	Indeterminate	Indeterminate	Indeterminate	Recurring	PED's operating budget

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB52, Bilingual Multicultural Ed Advisory Council; HB87, Yazzie Lawsuit Higher Ed Funding; HB100, College & Career Readiness Systems; and SB107, Career Readiness Systems Statewide.

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 131 (HB131) would create an assistant secretary for Hispanic education in the Higher Education Department (HED), who would be charged with, among other things: (1) advising the HED secretary on the development and implementation of policy regarding the education of Hispanic students, including undocumented students; (2) advising the HED secretary and governor on the development and implementation of the five-year strategic plan for higher education in the state related to Hispanic students; (3) advising the HED and collaborating with the Hispanic Education Advisory Council; (4) working with and supporting families and communities to provide resources to enhance Hispanic educational opportunities; (5) supporting public post-secondary educational institutions on student recruitment and professional development; and (6) collaborating with the Public Education Department (PED) to prepare annual Hispanic education reports and assisting the PED in establishing a process by which teachers from Spanish-speaking countries can become licensed teachers in the state.

The bill also amends the Hispanic Education Act to include additional purposes, such as: (1) providing sustainable frameworks and systemic opportunities to identify resources materials and communication tools for student, family, and community engagement; (2) establishing collaborative, inclusive, and transparent decision-making processes; (3) providing culturally sustaining pedagogy and culturally relevant materials for Hispanic students; and (4) providing for the study and development of new educational initiatives.

Moreover, HB131 would replace the current Hispanic education liaison with an assistant secretary of Hispanic education in the PED, who would be charged with the following additional duties, among other things: (1) supporting families and communities on the development and implementation of multicultural education and culturally sustainable curricula and pedagogy in schools; (2) advising the PED and collaborating with the Hispanic education advisory council for family and community engagement; (3) providing effective tools for open communication in the primary language of the family; (4) providing professional development opportunities; (5) preparing annual Hispanic education reports; and (6) providing funding for the hiring of sufficient staff who coordinate with regional directors of the regional education cooperatives.

Finally, the bill would require at least two students to be appointed by the PED secretary to the Hispanic education advisory council. HB131 also removes the provision that Hispanic education advisory council members serve at the pleasure of the PED secretary. The bill would also allow Hispanic education advisory members the opportunity to receive per diem and mileage as well as the ability to participate in and hold meetings by telephone or electronic means.

HB131 would require the Hispanic statewide status report to be available online in both English and Spanish. The PED would be required to have biannual statewide meetings for the purpose of releasing and discussing the annual statewide status report.

## **FISCAL IMPLICATIONS**

HB131 would appropriate \$110 thousand from the general fund to the HED for expenditure in FY22 to hire and provide benefits for an assistant secretary of Hispanic education. Any unexpended or unencumbered balance remaining at the end of FY22 shall revert to the general fund.

Assuming that HB131 is enacted and the legislature does not appropriate additional funds, the PED, along with the HED, would be required to cover the costs related to the provisions of HB131.

The appropriation in HB131 is not sufficient to cover all costs associated with carrying out the provisions of the bill. It is unclear what specific costs would be required to carry out the provisions in FY22 and subsequent years. However, it is clear that additional employees would need to be hired to assist with the requirements of HB131. The increased costs could include, among other things: the increased salary for the newly-created assistant secretary for Hispanic education at the PED, professional development opportunities, data collection, translation services related to the statewide annual report, and potential mileage and per diem from Hispanic education advisory council members.

Under HB131, Hispanic education advisory council members may be eligible to receive per diem and mileage. The PED would be required to cover the costs related to per diem and mileage, assuming an additional appropriation is not received. Other advisory councils attached to the PED differ in the costs associated with each advisory council. For example, Bilingual Multicultural Education Advisory Council members may receive per diem if traveling, with an option to request reimbursements for their time committed to the advisory council based on approval by the Department of Finance and Administration. As such, only three advisory council members requested reimbursement in FY20 for a total of approximately seven hundred dollars (\$700). The costs could have been higher if more advisory members had chosen to seek reimbursement for per diem or hotels. On the higher end of associated costs, for example, the Indian Education Advisory Council (IEAC), which does not have as many council members as the Hispanic education advisory council proposed in HB131, received almost 11 thousand dollars (\$11,000) in reimbursements for per diem, mileage, and hotels for all meetings attended in FY20.

## **SIGNIFICANT ISSUES**

Under HB131, some of the duties of the assistant secretaries for Hispanic education at the PED and HED may be duplicative, such as working with public post-secondary educational

institutions on providing professional development for faculty and working with families and communities on aspects of the development and implementation of curricula and pedagogy related to public schools.

The additional duties created under the bill for the assistant secretary for Hispanic education at the PED would be difficult for one staff person to fulfill. More staff would likely need to be hired to accomplish all the provisions of HB131.

Under HB131, additional components would be added to the statewide status report that the PED would collect, including, among other things: (1) the number of incidences of detentions, suspensions, use of restraint, and expulsions; (2) qualitative data on incidents of micro-aggressions and discrimination toward Hispanic students and faculty; (3) documentation of community engagement processes; and (4) the number of Hispanic teachers, administrators, and staff members. It may be difficult to identify “micro-aggressions” and “discrimination” as detailed in number two above. The sponsor may wish to define “micro-aggressions” and “discrimination” to ensure the appropriate training and process could be established to accomplish this reporting provision of HB131.

Hispanic Students in New Mexico

Based on data from the first reporting date for the 2020-2021 school year, there are a total of 199,863 Hispanic students, or 63.1 percent of the total enrollment, in New Mexico public schools.

There exist persistent, substantial gaps in academic achievement and overall graduation rates between Hispanic students and non-Hispanic students in the state. For example, Table 1, below, shows data indicating some differences in academic performance between Hispanic and non-Hispanic students:

**Table 1: Comparison of 2019 School Performance in New Mexico for Hispanic and Non-Hispanic Students**

<b>Subject</b>	<b>Black Students</b>	<b>Hispanic Students</b>	<b>Native American Students</b>	<b>Caucasian Students</b>	<b>Asian Students</b>
Reading, Proficiency and Above	30%	<b>30%</b>	25%	48%	52%
Math, Proficiency and Above	15%	<b>16%</b>	12%	34%	42%
Science, Proficiency and Above	31%	<b>30%</b>	20%	57%	54%

Source: PED – Proficiencies Webfiles, State, District, School 2019 (All Assessments, All Students 2019)

Furthermore, Hispanic students lag behind their non-Hispanic student peers related to overall graduation rates. For instance in 2018, the four-year graduate rate for Hispanic students was 73.12 percent; compared to the rate of Caucasian students, 79.3 percent; and Asian students, 86 percent. The four-year overall graduation rate for Hispanic students in 2018 was the third lowest among racial groups, slightly above the Native American students’ four-year graduation rate of 65.8 percent and Black students’ four-year graduation rate of 69.2 percent.

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

HB131 would require the PED to hire an assistant secretary for Hispanic education, who would be charged, among other things: with developing and implementing a policy related to undocumented, Hispanic students; supporting families and communities in a variety of ways; working in collaboration with the Hispanic education advisory council, school districts, charter schools, public post-secondary educational institutions, and the general public; offering professional development opportunities; creating a statewide education report annually; and monitoring the statewide textbook adoption process to ensure the adoption of historically accurate, locally written, and culturally relevant materials and resources.

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

HB131 relates to HB52, Bilingual Multicultural Ed Advisory Council; HB87, Yazzie Lawsuit Higher Ed Funding; HB100, College & Career Readiness Systems; and SB107, Career Readiness Systems Statewide.

## **TECHNICAL ISSUES**

On page 14, lines 5-21, the bill details an alternative means in which Hispanic education advisory council members may participate in a meeting as well as interpreter services. It is important to note that this is already covered by the federal Americans with Disabilities Act, and federal and state laws and regulations.

On page 8, line 23, the bill amends the assistant secretary for Hispanic education to advise the governor directly. This is not in line with the other assistant secretaries currently in statute (i.e. assistant secretary for Indian education and assistant secretary for Native American early childhood education), who only advise or are only responsible to report to their respective secretaries. The sponsor may wish to amend HB131 to be consistent with the requirements of all assistant secretaries, and to require the assistant secretary for Hispanic education to advise only the PED secretary and not the governor directly.

## **OTHER SUBSTANTIVE ISSUES**

N/A

## **ALTERNATIVES**

N/A

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

N/A

## **AMENDMENTS**

N/A