

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

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

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

*and*

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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** 2/6/2021  
**Bill No:** SB210

**Sponsor:** Sen. Linda M. Lopez & Rep. Patricia Roybal Caballero  
**Short Title:** ETHNIC STUDIES EDUCATION

**Agency Name and Code** PED - 924  
**Number:** \_\_\_\_\_  
**Person Writing** John Sena  
**Phone:** 505-570-7816 **Email** John.Sena@state.nm.us

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
N/A	N/A	N/A	N/A

(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	Unknown	Unknown	Unknown	Nonrecurring	PED's operating budget

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB83, Change Graduation Requirements; HB163, School Financial Management Classes; HB227, Ethnic Studies Definition; and SB170, Financial Literacy School Credit.

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

**SECTION III: NARRATIVE**

Synopsis: Senate Bill 210 (SB210) would amend the Public School Code’s minimum instructional areas to include “ethnic studies,” defined in the bill as “the interdisciplinary study of multiple perspectives through the examination of social, ethnic, cultural, gender and historical experiences to build critical thinking skills.”

The bill includes a temporary provision that would require the Legislative Education Study Committee (LESC), the Public Education Department (PED), and institutions of higher education to convene an “ethnic studies council” to study and identify the next steps in developing ethnic studies curricula in public schools. The council would be required to report its findings and recommendations to LESC by July 1, 2022 and would expire July 1, 2023.

**FISCAL IMPLICATIONS**

SB210 does not contain an appropriation.

SB210 would require public members of the council to be reimbursed for per diem and mileage as provided in the Per Diem and Mileage Act and would prohibit them from any other compensation, perquisite, or allowance.

**SIGNIFICANT ISSUES**

SB210 would require students in kindergarten through third grade to have grade-appropriate instruction on ethnic studies relating to New Mexico history. Students in fourth through eighth grade would be required to meet academic content and performance standards in ethnic studies.

The bill would also amend graduation requirements for students entering ninth grade in the 2023-2024 school year. Specifically, SB210 proposes to increase the required social science units from three and one-half units to four units, which would require the one-half unit increase to be ethnic studies, and would decrease the required elective units from seven and one-half units to seven units.

SB210 includes a temporary provision for the creation of an “ethnic studies council.” The bill would require the Legislative Education Study Committee (LESC), the Public Education Department (PED, and institutions of higher education to convene an “ethnic studies council” to study and identify the next steps in developing ethnic studies curricula in public schools. The

council would be required to report its findings and recommendations to LESC by July 1, 2022 and would expire July 1, 2023.

The bill would require the Secretary of PED to appoint the members of the ethnic studies council. While the bill does not require a minimum number of ethnic studies council members, page 17 and 18 of the bill provide a list of representatives that may be appointed to the council. The bill would require the council to meet at the call of the chair, whom the bill would require be elected by the council. SB210 would require public members of the council to be reimbursed for per diem and mileage as provided in the Per Diem and Mileage Act and would prohibit them from any other compensation, perquisite, or allowance. A simple majority of the council members would constitute a quorum. A council member would be required to abstain from voting – or a member’s vote would be disqualified – on any matter in which the member has a pecuniary interest. Appointed members would be required to serve until the expiration date of the ethnic studies council, July 1, 2023. It is unclear when the ethnic studies council would be required to begin to convene.

The ethnic studies council would be required to report its findings and recommendations to LESC by July 1, 2022.

#### **PERFORMANCE IMPLICATIONS**

N/A

#### **ADMINISTRATIVE IMPLICATIONS**

The secretary of PED would be required to appoint the members of the ethnic studies council and to provide staff support for the ethnic studies council in the performance of its duties. PED’s Language and Culture Division, Indian Education Division, Literacy and Humanities Bureau, and Instructional Materials Bureau would need to collaborate closely to coordinate how to move forward with allocating funding, providing support to districts and charters, coordinating council meetings, and ensuring the final report is completed.

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

SB210 relates to HB83, Change Graduation Requirements; HB163, School Financial Management Classes; HB227, Ethnic Studies Definition; and SB170, Financial Literacy School Credit.

#### **TECHNICAL ISSUES**

N/A

#### **OTHER SUBSTANTIVE ISSUES**

N/A

#### **ALTERNATIVES**

N/A

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

N/A

**AMENDMENTS**

N/A