

LFC Requester:	Liu
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**AGENCY BILL ANALYSIS
2022 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:
Original **Amendment**
Correction **Substitute**

Date February 15, 2022
Bill No: HB60/aHAFC/aSEC

Sponsor: Rep. Lente
Native American Language
Short Title: Certificate Salaries

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

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
	(HAFC amendment removed the appropriation.)		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY22	FY23	FY24		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$1,368.3 - \$1,953.3	\$1,368.3 - \$1,953.3	\$2,736.7 - \$3,906.7	Recurring	Operating budgets of school districts and charter schools

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: House Bill 87 (HB87), Indian Education Fund Distributions; House Bill 88 (HB88), Yazzie Lawsuit Appropriations; House Bill 89 (HB89), Tribal Educational Resource Projects; House Bill 90 (HB90), Appropriations for Yazzie Lawsuit; House Memorial 12 (HM12), Yazzie Lawsuit Plan & Reporting; Senate Bill 1 (SB1), Increasing Salary for Licensed Teachers; and Senate Bill 132 (SB132), Educational Assistant Minimum Salary.

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis of SEC Amendment: The Senate Education Committee (SEC) amendments to House Bill 60 as amended by the House Appropriations and Finance Committee (HB60/aHAFC/aSEC) would require the Public Education Department (PED) to issue Native American language and culture certificates (also known as a “520 certificates”) to eligible persons by striking “may” and inserting “shall” in its place on page 1, line 19. Additionally, this amendment would require the proficiency criteria to be established through a memorandum of agreement between the department and the tribe, nation, or pueblo. Lastly, the SEC amendment would create the minimum annual salary for a person holding a 520 teaching license, who is working full time in an instructional capacity, similar to a level one teacher, as opposed to the original bill language that included a level two teacher salary.

Synopsis of HAFC Amendment: The House Appropriations and Finance Committee (HAFC) amendment (HB60/aHAFC) to the bill strikes the language relating to the appropriation in the title and on page 2, lines 7-13.

Synopsis: House Bill 60 (HB60) proposes to create salary parity for Native American language and culture teachers who hold a 520 certificate to receive the same salary as a standard licensed level two teacher. Additionally, HB60 would appropriate \$1.25 million to cover the costs associated with the salary parity. (The HAFC amendment removes the appropriation.)

FISCAL IMPLICATIONS

The 2022 General Appropriation Act (GAA) includes \$1.25 million to cover the costs associated with HB60/aHAFC/aSEC. School districts may also choose to use Indian Education Fund

allocations to supplement the GAA appropriation. For FY23, the Legislature increased the appropriation to the Indian Education Fund from \$9.8 million to nearly \$15 million, an increase of more than 50 percent.

There are 99 Native American language certificate holders currently teaching as language instructors. Of these 99 instructors, 15 hold general teaching licenses and are subject to the minimum salary increases funded through the SEG. PED staff estimate the cost of increasing the remaining certificate holders' salaries to \$50 thousand, as provided in SB1, is approximately \$1.37 million, including associated benefits.

PED staff estimate there are an additional 12 individuals who hold a 520 certificate but are not currently teaching. HB60/aHAFC/aSEC may inspire these teachers to return to a teaching role, which may increase the fiscal impact of the bill to \$1.95 million.

SIGNIFICANT ISSUES

The bill modifies who will establish the criteria for a Native American language and culture certificate by removing the "state board" and replacing that entity with "tribe or pueblo." Additionally, language is added to require the PED to establish the procedures for the 520 certificate "based on the agreement made with the tribe or pueblo." This will allow statutory language to reflect current practices at the PED, including the establishment of criteria by a tribe, nation, or pueblo for a person to receive a Native American language and culture certificate; and the formal process for entering into a memorandum of agreement with each tribe, nation, or pueblo related to the department procedures in awarding a Native American language and culture certificate.

New Mexico is one of at least 16 states that offer certification for Native American language teachers in the public school system. In 2002, the legislature passed and the governor signed HB204, Native American Language Teacher Certificate, which provided a pathway for tribal language instructors to become certified in the state. Overall, there are at least eight tribal languages in the state. Of those, seven – Diné (Navajo), Jicarilla (Apache), Keres, Tewa, Tiwa, Towa, and Zuni – are taught by certified Native American language and culture teachers in the public schools. According to the Tribal Education Status Report from the 2020-2021 school year, 7,270 students were enrolled in Native American language programs across the state. There were 98 Native American language and culture teachers who taught those seven tribal languages during that same timeframe.

HB60/aHAFC/aSEC would enable the certified Native American language and culture teachers in the state to receive compensation parity with their standard license level two teacher counterparts. Currently, there are 111 certified Native American language and culture teachers who could benefit from this parity proposal, assuming they would all be teaching when this bill became effective.

School districts and charter schools could utilize the foundational salary parity of HB60/aHAFC/aSEC, if enacted, to recruit and retain certified Native American language and culture teachers. The appropriation within this bill could be used to ensure those certified Native American language teachers are recognized for their important cultural and educational value. Additionally, the appropriation will primarily support Native American students through language acquisition and cultural sustainability.

Historically, educational outcomes for Native American students have been consistently below their non-Native peers. According to the 2019-2020 Tribal Education Status Report, proficiency rates for Native American students were considerably lower than those of students of other ethnicities. When compared to the percentage of proficient Asian students, Native American students compare as follows: in reading, there were almost half as many proficient Native American students; in math, one-fifth of Native American students were proficient; and in science, almost one-third of Native American students were proficient. [Research](#) suggests that incorporating Native American languages and cultures into academic settings can improve educational engagement and outcomes, including improved retention, graduation rates, college attendance rates, and standardized test scores.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

The PED would identify all certified Native American language and culture educators who are currently teaching a tribal language in a public school and ensure each of those individuals will receive a minimum salary similar to a standard licensed level two teacher through the department's budget approval process for school districts and charter schools.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB60/aHAFC/aSEC relates to

- HB87, Indian Education Fund Distributions;
- HB88, Yazzie Lawsuit Appropriations;
- HB89, Tribal Educational Resource Projects;
- HB90, Appropriations for Yazzie Lawsuit;
- HM12, Yazzie Lawsuit Plan & Reporting;
- SB1, Increasing Salary for Licensed Teachers; and
- SB132, Educational Assistant Minimum Salary.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

HB60/aHAFC/aSEC sets the salary for all 520 certificate holders at a level 1 teacher salary. However, 520 certificate holders advance from a level 1 to a level 2 certificate based on years of experience. Despite the Senate Education Committee amendments, HB60/aHAFC/aSEC would not differentiate salaries based on experience.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A