

<b>LFC Requester:</b>	<b>Helms</b>
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**AGENCY BILL ANALYSIS  
2023 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: 02/09/23  
Bill No: \*HB256

Sponsor: Romero  
Short Title: HYBRID DUAL CREDIT PILOT PROJECT

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
\$1,800.0	None	Nonrecurring	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	Nonrecurring	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

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

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: \*House Bill 256 (\*HB256) would initiate a three-year, state-wide, hybrid, online instruction pilot project to address:

- industry demand for trained cybersecurity workforce;
- high school teachers' need for professional development to be able to teach cybersecurity dual-credit courses, and
- high school students' need for access to early career-technical education opportunities in the high-demand, technical field of cybersecurity.

The Four-Corners Rural Educational Cooperative (REC), in partnership with the Cybersecurity Center of Excellence at the New Mexico Institute of Mining & Technology (NM Tech), would implement the pilot project and, with a third-party evaluator, report outcomes, findings, recommendations, and potential transferability to other technical fields. The pilot project might increase ongoing and continuous teacher development to build a pipeline from high school to jobs in cybersecurity issues, a fast-growing, highly technical field.

The bill contains an emergency clause, which means it would take immediate effect upon passage by the Legislature and signature by the Governor.

### **FISCAL IMPLICATIONS**

\*HB256 would appropriate \$1.8 million from the general fund to the Four Corners REC for FY23 through FY26 to implement the cybersecurity hybrid dual credit pilot project. The bill would require any unencumbered or unexpended funds remaining at the end of FY26 to revert to the general fund.

### **SIGNIFICANT ISSUES**

The bill would require a master's degree for teachers' participation in the pilot program. The number of eligible teachers with master's degrees at the 10 participating schools is not determined, but the National Center for Education Statistics (NCES) [2017-18 National Teacher and Principal Survey](#) showed that only 50 percent New Mexico's public school teachers had earned a master's degree. This requirement might exclude students of marginalized groups at schools with fewer experienced teachers—a persistent and pernicious pattern of inequity in New Mexico and other states. A growing body of evidence shows that the most disadvantaged groups of students also have the least experienced teachers. According to 2010 study of North Carolina high schools, (Clotfelter, Ladd, and Vigdor (2010), *Teacher Credentials and Student Achievement in High School: A Cross-Subject Analysis with Student Fixed Effects*)<sup>1</sup>, for example, documented a significant pattern of “uneven distribution of teacher credentials by race and socio-economic status of high school students” with corresponding achievement gaps.

\*HB256 does not specify selection criteria for participation in the pilot project. Criteria may be designed, however, by the REC or NMTEch, to align with and contribute to the PED [2022 Strategic Plan](#) strategies to ensure educational equity and “address the past failures of New Mexico's education system to provide an equitable education for its most underrepresented students.”

At the end of the pilot, having completed 18 credit hours of graduate coursework beyond their master's degree, participating teachers would have earned credentials also qualifying them for high-demand and fast-growing cybersecurity jobs with base salaries over \$100,000, far exceeding the typical income of a high school teacher with adjunct status at a university. If the bill passes, teachers might have a financial interest to transition out of education once they are qualified for more lucrative cybersecurity jobs. The retention of qualified and experienced teachers is a high priority for the Public Education Department and an issue that participation in

the pilot may exacerbate, unless plans are made for encouraging participants to remain as public school teachers.

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

\*HB256 would have no administrative implications for PED.

NM Tech requires a calculus for computer science coursework and does not currently offer cybersecurity courses below the graduate level. NM Tech would be required to develop intro-level coursework before the beginning of SY24 to provide dual credit courses within the timeframe HB256 proposes.

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

Relates to [HB125, School Dual Credit Task Force](#), which would create a task force to study the administration, cost, and function of dual credit in New Mexico.

## **TECHNICAL ISSUES**

Expanding eligibility of high schools for participation beyond the 18 designated early college high schools in New Mexico may improve the overall quality of the pilot project.

Subsections B of Section 1 of the bill is entirely narrative in nature, with no programmatic language at all. This Subsection B, while offering background information on the pilot program, adds nothing to the bill, and should be removed. Nonprogrammatic language of this sort in law remains open to judicial interpretation, and may lead to consequences and outcomes unintended by the legislature. Judge Singleton, in her Decision and Order in the consolidated *Martinez* and *Yazzie* lawsuit, for example, found actionable requirements in otherwise innocuous statements of legislative intent and purpose. This language is inappropriate for statute.

## **OTHER SUBSTANTIVE ISSUES**

The Legislative Education Study Committee's (LESC) [analysis of HB256](#) provides details about the following points:

- HB256 would offer students online cybersecurity coursework with in-person support from their high school teachers, who would themselves concurrently be enrolled in hybrid graduate coursework to achieve cybersecurity certification qualification as adjunct, dual-credit instructors.
- The bill would allow for 10 of New Mexico's 18 designated early college high schools to participate by application, involving one teacher and 8 students from each school. If completion rates were 100 percent, up to 80 students could achieve associates degrees or certificates in cybersecurity from participating in the pilot project.
- The project would test a model of ongoing and continuous teacher development while also offering their high school students access to coursework in a highly technical field. Other such specialized fields may benefit in the future from any transferable outcomes or findings.
- The Four Corners REC would be administratively responsible for the pilot project and would be charged with tasks including managing the finances of the pilot project,

creating an application for high schools to apply to be a part of the project, and working with NM Tech to select an evaluator of the pilot project.

- A third-party evaluator would establish metrics for the outcomes, analyze data on implementation fidelity and outcome objectives, and report findings.
- Information Security Analyst is one example of an occupation requiring cybersecurity credentials. It is among the most in-demand jobs in the country with a median base pay of \$102,600 in 2021.
- In New Mexico dual credit students graduate from high school at higher rates, on average, than students who do not take dual credit courses. The statewide four-year cohort of 2020 graduation rate for dual credit students was 89.3 percent compared with 76.9 percent across the entire four-year cohort of the same year.

## **ALTERNATIVES**

N/A

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

N/A

## **AMENDMENTS**

The sponsor may wish to amend the bill to address educational equity goals in selection criteria for participating schools and to include an approach to retaining teacher participants after they have earned cybersecurity industry credentials.

The sponsor may wish to amend the bill to remove the nonprogrammatic background narrative contained in Subsection B of Section 1 of the bill.