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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 2nd Session, 2020**

<b>Bill Number</b>	<u>HB87</u>	<b>Sponsor</b>	<u>Trujillo, C./Sariñana/Roybal Caballero</u>
<b>Tracking Number</b>	<u>.216200.2</u>	<b>Committee Referrals</b>	<u>HRC</u>
<b>Short Title</b>	<u>Bilingual Multicultural Advisory Council</u>		
<b>Analyst</b>	<u>Canada</u>	<b>Original Date</b>	<u>2/11/2020</u>
		<b>Last Updated</b>	<u></u>

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**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**BILL SUMMARY**

Synopsis of Bill

The bill adds a new section of the Bilingual Multicultural Education Act creating a state bilingual multicultural advisory council tasked with advising the public education secretary, public education department staff, the governor, and the Legislature on implementation of the Bilingual Multicultural Act.

**FISCAL IMPACT**

HB87 does not include an appropriation. The Public Education Department's (PED) analysis notes that any costs associated with HB87 would be the responsibility of PED.

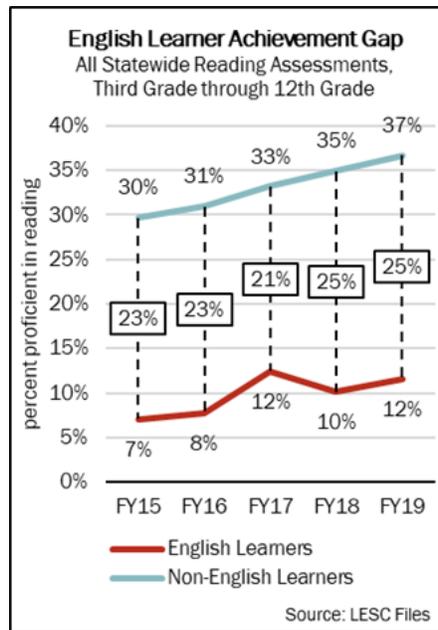
HB87 would allow members of the state bilingual education advisory council to receive per diem and mileage pursuant to the Per Diem and Mileage Act.

**SUBSTANTIVE ISSUES**

***Martinez and Yazzie Consolidated Lawsuit.*** A key finding in the *Martinez and Yazzie* consolidated lawsuit was not all students have access to a free uniform statewide system of public schools. HB87 creates a framework for stakeholders to recommend how the state can meet the needs of English learners and Native American students, two student subgroups identified as receiving an insufficient education. The ruling instructs the state to address the gap in the current system by ensuring every public school has resources to provide them a sufficient education, such as instructional materials, properly trained staff, and culturally relevant curriculum offerings. HB87 tasks the advisory council to study these gaps and address them. Stakeholders on the council will also look at other aspects of the educational system including assessment, teacher preparation, teacher evaluation, professional development, licensure and student and family services.

**The Bilingual Multicultural Education Act.** HB87’s bilingual multicultural advisory council would consist of members who have technical knowledge of and expertise in bilingual multicultural education and teaching English to English learners positioned to advise the department on implementing uniform high-quality bilingual and multicultural education programs across the state. New Mexico is one of the only states that includes a provision in the state constitution to ensure teachers are trained in both English and Spanish instruction so they can teach Spanish-speaking pupils. The Bilingual Multicultural Education Act requires research-based bilingual and multicultural education programs to be fully implemented with regard to professional development for teachers and instruction and assessment for students. Because key components of the act are currently not fully implemented and monitored, students across the state receive inconsistent bilingual learning experiences. When implemented purposefully, using research-based practices, bilingual education has proven to be beneficial for students regardless of their home language. Research shows developmentally-appropriate instruction in students’ home language teaches the value of their culture, strengthens their abilities to manage their thoughts, actions, and emotions, expands career and higher education opportunities, and improves their academic outcomes.

**Impact on English learners.** Increasing access to high-quality bilingual and multicultural education programs could help the state meet the cultural and linguistic needs of English learner students and narrow the achievement gap that has widened since FY15. Most of New Mexico’s 45 thousand English learner students are eligible for free or reduced-fee lunch; 14 percent of the total public school enrollment. English learners score lower than non-English learners in reading and math and English learners generally take fewer advanced courses and have lower graduation rates than students who are not classified as English learners. Bilingual and multicultural programs must be aligned to the needs of English learners to close the achievement gap for these students. Schools assess English learners English language proficiency to understand how to best serve them and provide programs to develop their academic English. Some programs develop English learner’s academic home language in addition to instruction in English.



**Potentially Duplicative Councils.** There are currently three councils tasked with advising PED on Hispanic, Indian and Bilingual education.

- The Hispanic education advisory council is a statutorily created council tasked with advising the secretary of public education on matters related to improving public school education for Hispanic students.
- The Indian education advisory council is a statutorily created advisory council created to advise the secretary of public education on matters related to meeting the need of tribal students.
- The state bilingual advisory council is a council established by PED, not governed by state statute or agency rule, to advise the secretary of public education on bilingual education. Since no requirements are in place for the already established state bilingual advisory council efforts to advise the department on bilingual education may be duplicative or confusing.

The Indian Affairs Department (IAD) noted in their analysis that the Cabinet Secretary of IAD is not currently in the state bilingual advisory council. The IAD provides special projects funding for tribal community language programs, monitors the provisions of the State-Tribal Collaboration Act, and supports tribal communities' efforts to meet their challenges and expand their opportunities.

## **ADMINISTRATIVE IMPLICATIONS**

**Membership.** The council consists of 15 members who have technical knowledge of and expertise in bilingual multicultural education and teaching English to English learners. The Higher Education Department is responsible for appointing members from a list approved by HED and the bilingual multicultural education advisory council co-chairs. The council must include the following members:

- three members appointed or designated by Indian nations, tribes and pueblos they represent;
- nine members who represent prekindergarten through twelfth grade teachers, principals, superintendents, other education administrators and higher education faculty who are from different geographical areas of the state and at least one who has a special education background; and
- three parents of bilingual students, including one parent of an American Indian student and one parent of a Hispanic student, whose students are enrolled in bilingual multicultural education programs.

Appointees to the council begin serving on July 1, 2020, are allowed to serve for 3 years, and can serve up to two consecutive terms.

The Children, Youth and Families Department notes in their analysis that the bill does not specify in the membership requirements whether the prekindergarten teachers are representatives of the public schools prekindergarten, the community-based private prekindergarten programs, or a blend thereof. A lack of balance could result in underrepresentation of the community-based prekindergarten providers who serve a large number of dual language learners.

**Duties.** The council must also advise PED on issues such as:

- recruiting, developing and training effective bilingual multicultural teachers and teachers of English learners;
- identifying professional development best practices in second language acquisition research, theory, and pedagogy to support educators with culturally and linguistically responsive teaching practice;
- developing solutions for streamlining and strengthening program management, implementation and monitoring of bilingual multicultural education programs at the state, school district and school site levels;
- fostering family and community partnerships representative of the languages and cultures of all students in the program, and;
- achieving programmatic goals, including academic achievement in two languages and bilingual biliteracy growth.

The Hispanic education advisory council may provide duplicative recommendations to PED because the council is currently advising PED on increasing parent involvement and community engagement in the education of Hispanic students as well as other matters to improve education of Hispanic students. The Indian education advisory council may also provide duplicative advisement to PED specifically related to indigenous research and evaluation measures to identify effective curricula for tribal students. The state bilingual advisory council currently advises PED on implementation of the bilingual programs that lead to the state seal for bilingual and biliterate high school diplomas. This effort may be duplicative of the advisory council's focus on increasing the quality of bilingual and multicultural programs.

## **TECHNICAL ISSUES**

PED's analysis notes a potential technical issue with the bill specifically in Subsection B of Section 1 of the bill which addresses the composition of the proposed council, noting that the council is required to consist of 15 members. HB87 appoints additional council members from various stakeholder groups which could bring the membership beyond 15 members. The sponsor may wish to amend the language to note the council shall be composed of "at least" 15 members.

## **OTHER SIGNIFICANT ISSUES**

HB87 allows the council to advise PED on bilingual and multicultural teacher preparation and development. The council may want to look at the curriculum teacher preparation programs use to prepare bilingual and multicultural teachers to ensure high-quality instruction. Although federal law requires states to provide English learners equal access to education, Education Commission of the States reports more than 30 states do not require training for general education classroom teachers who serve English learners. New Mexico falls in the 20 states that explicitly require teachers of English learners to have a special certification, requiring teachers to earn a Teaching English to Speakers of Other Languages (TESOL) endorsement. New Mexico institutions of higher education offer courses that meet the TESOL requirement, but there is no statewide standardized coursework to earn the endorsement. Instead, institutions offer a broad variety of general courses, rather than applicable training in meeting the needs of English learners, courses that include cultural history, cultural anthropology, linguistics, phonetics, assessment, and parent and community involvement. HB87 provides an opportunity for the council to ensure effective evidence-based curriculum is used to prepare bilingual and multicultural teachers.

**RELATED BILLS**

Relates to SB36, Creating the Teacher Preparation Task Force, creates the teacher preparation task force to increase the accountability for and the quality of teacher preparation programs in the state.

Relates to SB38, Creating Commission on Equity in Education, which creates a commission on equity and excellence in education and requires the commission to develop a long-term plan to transform public education in New Mexico.

Related to SB93, Ethnic Studies Curricula, which creates an ethnic studies council to assist PED with curriculum development.

Relates to HB51, Ethnic Studies to Meet PED Contents, which creates an ethnic studies council to assist PED with curriculum development.

Relates to SB89, Bilingual Teacher Scholarship Act, which creates the bilingual teacher scholarship act to provide scholarships to licensed teachers pursuing a bilingual education or TESOL endorsement or degree.

**SOURCES OF INFORMATION**

- LESC Files
- The Public Education Department (PED)
- The Indian Affairs Department (IAD)
- The Children, Youth, and Families Department (CYFD)

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