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FISCAL IMPACT REPORT

SPONSOR Tsosie DATE TYPED 2/14/04 HB _____

SHORT TITLE Bilingual Education Program Accountability SB 471/aSFI#1

ANALYST Baca

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	See Narrative			Recurring	General Fund

(Parenthesis () Indicate Revenue Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Public Education Department (PED)

SUMMARY

Synopsis of SFL Amendment #1

Senate Floor Amendment #1 strikes all of section 7, provides some clarifying language and makes the following changes:

- stipulates that bilingual multicultural education goals are for all students, including English learners;
- allows the use of a tribal language in a bilingual multicultural program only where a written form of the language exists and only with tribal approval;
- recognizes that research has shown that attaining academic proficiency in a second language requires five to seven years;
- provides that priority should be given to programs that adequately support the child's linguistic development,
- requires the use of culturally relevant instructional materials in an equitable, culturally relevant learning environment,
- replaces the use and definition of "home language" with "heritage language" which is defined as "a language mother than English that is inherited from a family, tribe, commu-

- nity or country of origin,” and inserts it in lieu of home language throughout the bill;
- requires that the school board and parents annually review goals and priorities of the program, and that
 - notification is given annually to parents prior to placement in a bilingual multicultural program.

Synopsis of Original Bill

Senate Bill 471 amends the Bilingual Multicultural Act (§22-23-1 through §22-23-6) to provide for accountability in bilingual multicultural programs, specify the permissible uses of bilingual multicultural program funds and amends one section of the current law and adds three others.

Significant Issues

New Mexico is a multilingual, multicultural state, and this bill proposes to strengthen both the delivery and evaluation of bilingual multicultural programs to all students in the public schools. As proposed, the bill addresses some of the findings and recommendations of the Legislative Finance Committee Audit Report, including that the Legislature and Public Education Department (PED) review and amend the Bilingual Multicultural Education Act to clarify program purpose and provide direction on program priorities.

Among the major issues cited by the PED are the following:

- A lack of evidence at the district level that funds directly support Bilingual Multicultural Education programs
- Districts do not fully understand how to properly assess, place and monitor students in Bilingual Multicultural Education programs so that the students may become academically successful.
- Inaccurate reporting of data from districts has a direct impact on state and federal funding. Thus, accountability measures are necessary to track programs funds.
- No procedures in place to ensure that students most in need (English Language Learners) are funded first, with a priority in grades K-3.

According to the SDE, the amendment of the Bilingual Multicultural Education Act will empower the PED to:

- Review current rules for districts to develop quality programs inclusive of curriculum, with scope and sequence, for all students.
- Administer and enforce the revised rules based on the act.
- Implement the National Center for Education Statistics model chart of accounts to track district expenditures in a standardized fashion statewide.
- Require districts to develop a system to track expenditures for the program.
- Provide greater clarification for districts regarding the definition, goals, program accountability and tracking of funds.
- Require districts to maintain academic and language proficiency data, updated annually to evaluate program effectiveness and use of funds.
- Mandate districts to provide professional development to all district personnel on best practices of Bilingual Education, second language acquisition and assessment.

- Require districts to deliver programs as part of the regular academic program without segregating students in any way.

FISCAL IMPLICATIONS

This bill does not contain an appropriation, but school districts will be financially impacted by some of its provision. Some of the requirements of the law have not been adequately implemented by school districts, e.g., diagnosing students, evaluating program results, involving parents in program decisions affecting students. These expenses will now HAVE to be incurred and districts will be limited in their ability to shift funds away from bilingual multicultural programs to school district needs. Implementing the provisions of the law may require additional FTEs at both the school district level and the PED.

ADMINISTRATIVE IMPLICATIONS

The bill assigns duties the PED must carry out. Sufficient staff and effective enforcement will be needed if the provisions of this bill are to effectively be implemented.

TECHNICAL ISSUES

According to the PED, one of the major purposes of the Bilingual Multicultural Education Act (§22-23-1-6 NMSA 1978) is to ensure equal education opportunities for students in New Mexico, which is not included in proposed amendment.

OTHER SUBSTANTIVE ISSUES

House Bill 212 (approved by the 2003 Legislature) requires all students in grades 1-8 to receive instruction in two languages (English and a second language), which supports Bilingual Education programs.

LB/dm:lg:yr