

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number: HB 541**

**51st Legislature, 1st Session, 2013**

**Tracking Number: .191531.4**

**Short Title: Teacher Language Proficiency & Council**

**Sponsor(s): Representative Rick Miera and Others**

**Analyst: LaNysha Adams**

**Date: February 27, 2013**

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**Bill Summary:**

HB 541 creates a new section of the *Bilingual and Multicultural Education Act* to:

- allow the Public Education Department (PED), with the advice and consent of the Bilingual Education Advisory Council, to establish a statewide seal of bilingual proficiency;
- allow all schools to provide students graduating high school with the opportunity to demonstrate proficiency in understanding, speaking, reading, and writing two or more languages to earn the seal; and
- create the Bilingual Education Advisory Council.

Among its provisions, HB 541 prescribes:

- the purpose of the Bilingual Education Advisory Council to advise PED on the implementation of the provisions of the *Bilingual Multicultural Education Act* and on all matters related to the education of linguistically and culturally diverse students;
- the composition of the council's 12 members, who must be proficient in one or more languages other than English, including:
  - two representatives from Indian nations, tribes, or pueblos;
  - one parent; and
  - nine representatives who are from different geographical areas of New Mexico and different areas, such as institutions of higher education, local education agencies, charter schools and tribal schools, and one of whom is an expert in English as a second language instruction.
- per diem and mileage for five meetings per year for council members;
- meetings for the council; and
- the duties of the council to:
  - develop the criteria and process for awarding the seal of bilingual proficiency;
  - advise PED on the development, implementation, and evaluation of bilingual multicultural education programs and policy issues related to the education of linguistically and culturally diverse students;
  - recommend, assist, and advise in the development of new education initiatives by PED;

- provide a list of names from which the Secretary of Education shall appoint new members of the council; and
- report to the Legislative Education Study Committee (LESC) on the needs and status of linguistically and culturally diverse students.

**Fiscal Impact:**

HB 541 makes no appropriation.

**Fiscal Issues:**

According to the PED bill analysis, HB 541 does not address how council members will be paid per diem and mileage.

According to the Indian Affairs Department (IAD) bill analysis, HB 541 may lead to additional unexpected costs of public school districts and charter schools that do not have the necessary tools to verify a student’s proficiency in two or more languages.

**Substantive Issues:**

According to the PED bill analysis:

- the Bilingual Education Advisory Council created by HB 541, in working collaboratively with the director of the Bilingual Multicultural Education Bureau, should provide data-driven recommendations with relevant evidentiary support rooted in best practices and current research;
- HB 451 provides too much authority to the Bilingual Education Advisory Council; and
- in order to meet statutory requirements and federal guidelines, the Bilingual Multicultural Education Bureau must maintain its state-level authority and final decision-making.

According to the IAD bill analysis:

- the State Bilingual Advisory Council from previous years has been associated with the Bilingual Multicultural Education Bureau in PED and was never enacted in statute (see “Background,” below);
- current provisions in PED’s graduation and course requirements for students graduating from high school include 24 units, with 1 unit in a career cluster, workplace readiness, or a language other than English; and
- further clarification is needed on how the school districts and charter schools will verify a student’s proficiency in two or more languages.

According to the *Bilingual Multicultural Education Annual Report*, proficiency is assessed using:

- the Woodcock-Muñoz Language Survey, the Language Assessment Scales, or the Individualized Proficiency Test for Spanish language proficiency;
- formative assessments developed by each pueblo’s leaders and educators for Native American language proficiency; and
- Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS) for English language proficiency.

## **Background:**

In 1973, New Mexico became the first state to enact a bilingual multicultural education law. As part of *Bilingual Multicultural Education Act*, the State Board of Education created the New Mexico State Bilingual Advisory Committee (SBAC) to advise the SBE on matters related to the implementation of the act. In 2004, legislation was enacted to provide funds to local districts and charter schools to implement bilingual multicultural education programs for *all* students.

In 2011, the SBAC was disbanded by the Secretary-designate of Public Education. In 2013, the SBAC was reinstated.

The federal *Title III English Language Acquisition Act* provides funds to local districts and charter schools to implement language acquisition programs to ensure that English language learners and immigrant students:

- attain English proficiency;
- develop high levels of academic attainment in core academic subjects; and
- meet the same challenging state academic standards as all children are expected to meet.

PED's Bilingual Multicultural Education Bureau works to ensure the implementation of the provisions of the *Bilingual Multicultural Education Act* and the federal *Title III English Language Acquisition Act*.

For school years 2011-2012 and 2010-2011, bilingual education and teaching English to speakers of other languages were included as teacher shortage areas identified by the US Department of Education in the *Teacher Shortage Areas Nationwide List*.

According to the *Bilingual Multicultural Education Annual Report for School Year 2011-2012*:

- 62 (70 percent) of the 89 school districts implemented state-funded bilingual multicultural education programs serving 56,947 students;
- a total of 507 public schools, including five state-chartered charter schools, provided bilingual multicultural education programs;
- 66 (74.2 percent) of the 89 school districts provided Title III English language programs to 55,077 English language learners and 5,785 immigrant students;
- of the 34,846 students in bilingual multicultural education programs assessed for Spanish language proficiency:
  - 15,861 (45.5 percent) were non-Spanish proficient;
  - 12,798 (36.7 percent) were limited Spanish proficient; and
  - 6,187 (17.8 percent) were fluent Spanish proficient; and
- of approximately 3,000 Navajo students assessed for Navajo language proficiency in two school districts:
  - 2,277 (75 percent) were non-Navajo proficient;
  - 584 (20 percent) were limited Navajo proficient; and
  - 136 (5.0 percent) were fluent Navajo proficient.

**Committee Referrals:**

HEC

**Related Bills:**

HB 538 *Native American Language Teacher Development*

HB 543 *Public School Dual Language Teachers*

SB 588 *Teacher & Principal Evaluation System Council*

CS/SB 640 *Reading Proficiency Act*