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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>HB111/aHAFC</u>	Sponsor	<u>Salazar/Trujillo, L./Lente</u>
Tracking Number	<u>.211905.2</u>	Committee Referrals	<u>HEC/HAFC;SEC/SFC</u>
Short Title	<u>Cultural and Linguistic Education Support</u>		
Analyst	<u>Ochoa</u>	Original Date	<u>1/22/19</u>
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BILL SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee Amendment to House Bill 111 (HB111/aHAFC) strikes the appropriation.

Synopsis of Original Bill

House Bill 111 (HB111) would create a new section of the Regional Cooperative Education Act that would allow Regional Education Cooperatives (RECs) the opportunity to provide culturally and linguistically responsive technical assistance and professional development for teachers, educational assistants, and other instructional support staff. RECs would be required to submit one joint application to the Public Education Department (PED) for funding.

FISCAL IMPACT

The bill does not contain an appropriation. The House Appropriations and Finance Committee Substitute for HB2 (HB2/HAFCS) would appropriate \$2.5 million for bilingual and multicultural education support. The narrative in HB2/HAFCS indicates the funding could be used to provide local professional learning opportunities on culturally and linguistically responsive instruction.

SUBSTANTIVE ISSUES

HB111/aHAFC would allow RECs the ability to make a joint application to PED to provide culturally and linguistically responsive technical assistance and professional development for teachers, educational assistants, and other instructional support staff. The group of participating RECs would be required to assign one REC to provide coordination, financial accounting, and disbursement of funding from PED to all participating cooperatives. The bill would require RECs to obtain approval from their respective council in order to provide or contract for technical assistance and professional development.

HB111/aHAFC outlines that programs would be required to align with state academic content standards, bilingual multicultural education performance standards, and school district and charter school educational plans related to bilingual multicultural education, Indian education, and Hispanic education. Section 1, Subsection D of the bill would require professional development programs to focus on research-based bilingual multicultural education and language revitalization programs, best practices in English language development, assessments that support academic and language development, differentiated instruction, and effective program implementation and evaluation.

Upon council approval, HB111/aHAFC would allow RECs to offer professional development to school personnel in school districts and charter schools that are not members of the cooperative and charge a course fee to not exceed the actual per-participant cost of attendance.

HB111/aHAFC outlines the purpose of the bill would be to improve culturally and linguistically responsive education in public schools. To achieve this measure, the bill would require RECs to work closely with service providers to build the internal capacities of school district and charter school staff to ensure sustainable support for school personnel to address the needs of culturally and linguistically diverse students. The requirements established in HB111/aHAFC are consistent with the provisions outlined in the Regional Cooperative Education Act, Sections 22-2B-1 through 22-2B-6 NMSA 1978.

Stakeholder Input. RECs have reported they support HB111/aHAFC. RECs are accustomed to collaborating on initiatives to support member school districts. According to RECs, the bill would ensure small districts receive necessary language and culture support. The funding would ensure these initiatives are sustainable in increasing staff capacity in serving culturally and linguistically diverse students.

ADMINISTRATIVE IMPLICATIONS

HB111/aHAFC would require RECs to hold expertise in serving culturally and linguistically diverse student populations in order to provide the appropriate culturally and linguistically responsive professional development and technical assistance.

HB111/aHAFC would require language revitalization programs to be a focus of the professional development provided by RECs. Many Native American languages require sovereign tribes to approve and license teachers in their respective languages. To fully implement the provisions in HB111/aHAFC, RECs will need to collaborate with local tribes and pueblos to ensure professional development is appropriate and respectful of all cultures represented in New Mexico.

ALTERNATIVES

To serve a larger span of students, the sponsors may wish to open this grant opportunity for school districts to provide culturally and linguistically responsive professional development and technical assistance for their own staff as well as contract services for other school districts or RECs.

Requiring RECs to submit a joint application may inequitably distribute the responsibility of implementing the provisions of HB111/aHAFC because only one REC would be held responsible for providing coordination, financial accounting, and disbursement of funding. The sponsors may consider making the department responsible for financial administration of the grant and awarding individual RECs or school districts.

OTHER SIGNIFICANT ISSUES

New Mexico is one of the only states in the United States that includes a provision in the state constitution to ensure teachers are trained in both English and Spanish instruction so that they can teach Spanish-speaking pupils; the state's Enabling Act, however, requires instruction to be conducted in English. 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 not fully implemented and monitored, students across the state receive inconsistent bilingual learning experiences. When implemented purposefully, using research-based best practices, bilingual education has proven to be beneficial for students regardless of their home language. Research shows bilingual education strengthens executive function, expands career and higher education opportunities, and increases achievement when programs are implemented in a developmentally appropriate manner.

Most of New Mexico's 45 thousand English learner (EL) students are eligible for free or reduced-fee lunch; this makes up 14 percent of the total public school enrollment. ELs score lower than non-ELs in reading and math and ELs generally take fewer advanced courses and have lower graduation rates than students who are not classified as ELs. Programs must be aligned to the needs of ELs to close the achievement gap for these students. Schools assess EL's English language proficiency to understand how to best serve them and provide programs to develop their academic English. Some programs develop EL's academic home language in addition to instruction in English. Depending on the goal of the program, students are provided with supports to become academically proficient in English, or in both English and the student's home language.

English Learner Program Services. Federal law requires public schools to provide equal opportunities for EL students because they are protected under Title VI of the federal Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974. Failure to comply with Title VI of the federal Civil Rights Act in serving ELs could result in the loss of more than \$250 million in federal education funding. Schools can provide services to ELs through multiple modalities, including focused instruction through English as a second language, bilingual maintenance, and dual-language immersion programs. Research shows students who participate in dual-language immersion programs have higher academic achievement than their peers in English-only classrooms, regardless of the student's home language.

One way PED ensures schools adhere to federal guidelines in serving ELs is by requiring teachers to be endorsed in Teaching English to Speakers of Other Languages (TESOL) if they are teaching ELs. The TESOL endorsement is meant to equip teachers with tools they can use in their daily instruction to make the English language more accessible to all students. Because the coursework requirements for obtaining a TESOL endorsement are vague, all New Mexico TESOL-endorsed teachers might not be able to meet the dynamic needs of EL students. Hanover Research conducted an assessment of EL programs in the state and found teachers with a TESOL endorsement did not feel well-prepared to serve the diverse pool of EL students, with only 25 percent of respondents indicating they felt prepared enough to serve Native American ELs.

SOURCES OF INFORMATION

- LESC Files

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