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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**55th Legislature, 1st Session, 2021**

<b>Bill Number</b>	<u>HB219/aHEC/aHAFC</u>	<b>Sponsor</b>	<u>Garratt</u>
<b>Tracking Number</b>	<u>.219190.1</u>	<b>Committee Referrals</b>	<u>HEC/HAFC</u>
<b>Short Title</b>	<u>Biliteracy Development Framework Task Force</u>		
<b>Analyst</b>	<u>Juliani</u>	<b>Original Date</b>	<u>2/4/2021</u>
		<b>Last Updated</b>	<u>3/10/2021</u>

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**BILL SUMMARY**

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment to HB219 (HB219/aHEC/aHAFC) removes the appropriation from the bill.

Synopsis of HEC Amendment

The House Education Committee amendment to HB219 (HB219/aHEC) adds language that includes the Legislative Finance Committee (LFC) as one of the groups to whom the working group will report its findings and recommendations.

Synopsis of Original Bill

House Bill 219 (HB219) requires the Public Education Department (PED) to convene a working group, comprising experts in culturally and linguistically responsive instruction and tribal language development, to study a biliteracy and oral language development framework. The working group will publish and report its findings and recommendations to PED, the Legislative Education Study Committee, the governor, deans of the colleges of education, presidents of the state universities, and the Indian tribes, nations, and pueblos with approved language programs in the public schools. HB219 authorizes the working group to function until December 1, 2021.

**FISCAL IMPACT**

HB219/aHEC/aHAFC does not contain an appropriation. However, the Senate Finance Committee substitute for Senate Bill 377 as amended by HAFC includes a \$225 thousand appropriation to PED from the general fund for FY21 and FY22 for the biliteracy and oral language development framework working group, contingent on enactment of House Bill 219 or similar legislation of the first session of the fifty-fifth Legislature. Any unexpended balance of the appropriations remaining at the end of FY22 would revert to the general fund.

The bill allows members of the working group who are not paid with public money to receive per diem and mileage as provided in the Per Diem and Mileage Act through the bill's appropriation. outlined above.

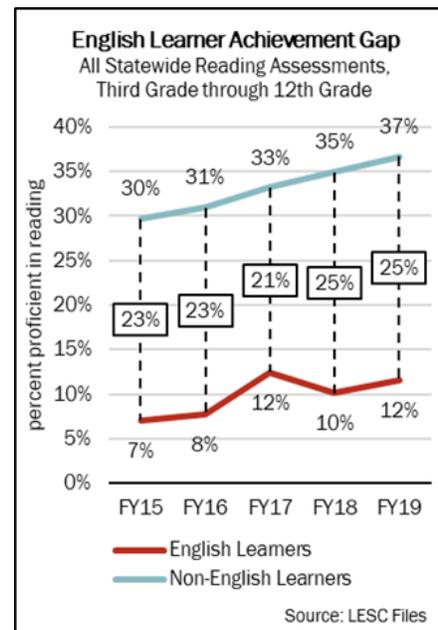
## SUBSTANTIVE ISSUES

HB219/aHEC/aHAFC would convene a working group to address programs found insufficient in the consolidated *Martinez-Yazzie* lawsuit. Bilingual and multicultural education programs represent a strategy to implement culturally and linguistically responsive instruction for Native American students and English learners (ELs). Increasing access to high-quality bilingual and multicultural education programs could help the state meet the cultural and linguistic needs of ELs and narrow the achievement gap that has widened since FY15.

**Bilingual Programs in New Mexico.** 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 they can teach Spanish-speaking pupils. The Bilingual Multicultural Education Act (BMEA) requires research-based bilingual and multicultural education programs to be fully implemented, including professional development for teachers and instruction and assessment for students. The BMEA defines "bilingual multicultural education program" as a program using two languages, including English and the home or heritage language, as a medium of instruction. HB219/aHEC/aHAFC specifies the working group to look at biliteracy framework models, which goes beyond this definition to include the ability to read and write proficiently in two languages.

Because key components of the BMEA are not fully implemented by school districts and monitored by PED, students across the state encounter inconsistent bilingual and multicultural learning experiences. PED notes the department is increasing monitoring and improving technical assistance for school districts and charter schools to ensure proper implementation of bilingual and multicultural education programs. The department adopted rule changes to increase bilingual and multicultural education program accountability to ensure academic language proficiency in English and a second language for all student participants. Additionally, as outlined in Section 22-1-9.1 NMSA 1978, the state of New Mexico confers a seal of bilingualism-biliteracy on a high school diploma based on rigorous criteria.

National studies show bilingual and multicultural education programs are beneficial for all students, regardless of a student's home language. Developmentally appropriate instruction in the student's home language teaches students the value of their culture and improves academic outcomes. 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. In New Mexico, 16 percent of public school students are identified as ELs, substantially higher than the national rate of 10 percent. Sixty-two of the state's 89 school districts (representing more than 450 schools) have a bilingual-multicultural education program, and Hispanic and Native American students constitute the majority of participating students. Currently, the state's bilingual



multicultural education programs teach Spanish and seven indigenous languages, including Diné, Jicarilla Apache, Keres, Tewa, Tiwa, Towa, and Zuni.

**Culturally and Linguistically Responsive Instruction.** In the consolidated *Martinez-Yazzie* education sufficiency lawsuit, the 1st Judicial District Court ruled the state failed to provide at-risk students, especially minority students from low-income backgrounds, with the programs and services needed to prepare them to be ready for college and career. This deficiency included failing to provide culturally and linguistically responsive instruction. Culturally and linguistically responsive pedagogy is grounded in a belief that making content relevant to students' lives, allowing for greater student ownership of learning, and providing multiple opportunities for meaningful student interaction will improve academic, social, and emotional outcomes.

The move toward culturally responsive teaching has been seen as a way to better serve minority students by acknowledging and addressing inequities built into various aspects of education, such as curriculum design, classroom discipline, and student-teacher relationships. Researchers cite these inequities as contributing factors in the long-standing achievement gap between racial or ethnic minority students and their white peers. A January 2021 Legislative Finance Committee report found emerging evidence for the efficacy of culturally and linguistically responsive education to increase student engagement and outcomes but noted quantitative research on such teaching practices remained limited.

**Biliteracy and Oral Language Development Framework Working Group Membership.** HB219/aHEC/aHAFC would create a biliteracy and oral language development framework working group composed of the following:

- Local experts in culturally and linguistically responsive instruction;
- Tribal language experts designated by participating tribes;
- Service providers, including special education providers; and
- Universities, school districts, charter schools and other education providers and administrators who are successfully implementing biliteracy and oral language development frameworks.

**Duties of the Working Group.** The biliteracy and oral language development framework working group would study potential statewide models that would provide all public school students with access to culturally and linguistically responsive education; identify a biliteracy and oral language development framework that would improve the biliteracy rate and indigenous oral language development comprehension levels and help students become college and career ready; identify research-based prekindergarten through 12th grade biliteracy frameworks in English and Spanish; identify best practices for oral language development that respect, honor, and promote indigenous languages; and study biliteracy framework implementation and oral language development practices for indigenous instruction to provide guidance on the biliteracy framework and appropriate professional development to support school districts and charter schools.

The working group would be required to publish and report its findings to PED, the Legislative Education Study Committee, LFC, the Governor, the deans of the colleges of education of public universities, and Indian tribes, nations, and pueblos. The report would include the following:

- Why frameworks have been successful and how state standards for Spanish language arts should align with the state's prekindergarten through 12th grade biliteracy and oral language development framework;

- Key findings regarding instructional approaches best meeting the purposes for indigenous language instruction, including Native literacy and Native languages that focus primarily on oral language instruction; and
- Recommendations on the biliteracy and oral language development frameworks and appropriate professional development to support school districts and charter schools implementing bilingual multicultural education program models.

**PED’s Current Work on a Biliteracy Framework.** According to analysis from PED, the department has utilized the \$100 thousand from the General Appropriation Act of 2020 to begin developing a biliteracy framework. PED indicated it has already convened a task force of national experts in biliteracy to advise the department about how biliteracy intersects with structured literacy, which is a key statewide literacy initiative called for in 22-13-32 NMSA 1978. Additionally, PED indicated it intends to use a portion of this appropriation to create professional development modules to support classroom teachers and school administrators in incorporating biliteracy across the curriculum and moving forward with professional development for implementation of the biliteracy framework and biliteracy best practices.

### **ADMINISTRATIVE IMPLICATIONS**

HB219/aHEC/aHAFC would require PED to create and oversee the actions of the working group. According to PED’s analysis, it is unclear if the bill would require the creation of a duplicate task force to the one PED has already established.

PED’s analysis also recommended, given the parameters of the study, it may be necessary to extend the deadline for publishing the report beyond December 1, 2021.

### **RELATED BILLS**

HB52, Bilingual Multicultural Ed Advisory Council, elevates the state’s existing bilingual advisory committee to a statutory level and renames it the Bilingual Multicultural Education Advisory Council.

HB84, Native Language Education Program Unit, which provides native language education program units.

HB85, *Yazzie* Lawsuit Response Funding, which appropriates funds to the Indian Affairs Department for tribal departments of education to develop and implement culturally and linguistically relevant education blueprints and governance structures, early childhood curriculum, assessment, and teacher and program evaluation instruments; for tribal libraries to develop and staff after-school and community-based summer school programs; and to develop and staff information technology departments to increase high-speed Internet connections for tribal education departments and other tribal education entities.

HB86, Native American Library, Internet, and Education, which appropriates funds to the Indian Affairs Department for library, internet access, and education resource center projects for Indian tribes, nations, and pueblos.

HB87, *Yazzie* Lawsuit Higher Education Funding, which appropriates funds to institutions of higher education and tribal colleges to comply with the court’s ruling in the consolidated *Martinez-Yazzie* lawsuit by improving educational outcomes for Native American students and families.

**SOURCES OF INFORMATION**

- LESC Files
- Legislative Finance Committee (LFC)
- Public Education Department (PED)

**RJ/mb**