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

Bill Number	<u>HB153</u>	Sponsor	<u>Trujillo, C.</u>
Tracking Number	<u>.216186.2</u>	Committee Referrals	<u>HEC/HAFC</u>
Short Title	<u>Bilingual Multicultural Education Program</u>		
Analyst	<u>Simon</u>	Original Date	<u>01/26/2020</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Bill 153 (HB153) would increase the cost differential used to calculate bilingual multicultural education program (BMEP) units from 0.5 program units per FTE student to 1 program unit per FTE student and appropriates \$36 million to the state equalization guarantee distribution (SEG). The bill would become effective July 1, 2020.

FISCAL IMPACT

HB153 would increase the cost differential for BMEPs from the current 0.5 program units per FTE student to 1 program unit per FTE student, creating an estimated 8,083 program units with an estimated cost of \$36.9 million at the preliminary FY20 unit value. HB153 includes an appropriation of \$36 million to the state equalization guarantee distribution to cover the cost of additional BMEP units.

SUBSTANTIVE ISSUES

Since the 1970s, the public school funding formula has increased funding for the additional costs of bilingual education. Although many school districts and charter schools report generating insufficient funding to cover the costs of bilingual education programs, these reports often include the total costs and not the marginal cost of offering a bilingual education program versus a regular education program. Students in BMEPs generate other formula funding on the same basis as students not in BMEPs. According to the Public Education Department (PED), in FY18 almost all bilingual funding was spent on bilingual teacher salary, benefits, and stipends, with little spent on supplemental curriculum, instructional materials, or professional development. Analysis from PED notes that it is not clear whether funding generated through the bilingual multicultural education factor is invested directly in the students and teachers that generate the funding, nor is it clear whether the funding supports the additional and specific needs associated with implementing effective programs.

The current funding formula allocates an additional \$2,282 per FTE bilingual student. HB153 would increase per-FTE funding to \$4,565 per FTE student, based on the FY19 preliminary unit value. A student’s FTE status is determined based on the number of hours in a bilingual program, with a maximum of 0.5 FTE for students in a three-hour program.

Program Intensity	FY17	FY18	FY19	FY20	HB153
1 Hour Program	\$331	\$343	\$349	\$380	\$760
2 Hour Program	\$663	\$685	\$698	\$760	\$1,520
3 Hour Program	\$995	\$1,029	\$1,048	\$1,141	\$2,283

Source: LESC Files

HB153 would allocate additional funding for existing bilingual multicultural education programs, but would not necessarily increase the number of students with access to bilingual multicultural education programs. According to the most recent bilingual multicultural education report, 49,452 students participated in bilingual multicultural education programs in FY18. While additional funding could encourage some school districts to consider adding a bilingual education program, HB153 could have the effect of increasing funding for current bilingual programs without expanding the programs to students who currently do not have access. For FY20, the Legislature appropriated an additional \$7 million to the public school funding formula to expand access to bilingual and multicultural education programs. PED reports 23 schools applied to start new bilingual or multicultural education programs, although six schools that had an existing program did not reapply. Fewer students participated in FY20 despite the \$7 million investment to increase slots.

A large percentage of Hispanic and Native American students do not have access to bilingual multicultural education programs. Schools are unable to offer these programs if they lack teachers certified to teach bilingual education or are unable to inform parents of the benefits of these programs to initiate a program or increase enrollment of existing programs.

Provisions of HB153 may help the state to resolve ongoing litigation regarding the sufficiency and uniformity of the public education system in New Mexico. In 2018, the 1st Judicial District Court in the consolidated *Martinez* and *Yazzie* lawsuit found the state had failed to provide a sufficient education for at-risk students, which the court defined as low-income students, English learners, Native American students, and students with disabilities. Bilingual and multicultural education programs represent a strategy to implement culturally and linguistically responsive instruction for Native American students and English learners, programs the court found in the consolidated *Martinez* and *Yazzie* lawsuit to be inadequate. Increasing access to high-quality bilingual and multicultural education programs could help the state meet the cultural and linguistic needs of English learners and narrow an achievement gap that has widened since FY15.

The state 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. 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.

OTHER SIGNIFICANT ISSUES

Similar legislation, House Bill 135 (HB135), would create a new program unit, with a 0.5 cost differential, for bilingual multicultural education programs that teach native languages. If both HB153 and HB135 were to pass, the cost differential for native language programs would increase to 1.5.

RELATED BILLS

Related to HB135, Native Language Education Units, which provides native language education program units (see Other Significant Issues).

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)

JWS/tb/mc/sgs