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

<b>Bill Number</b>	<u>HB240</u>	<b>Sponsor</b>	<u>Salazar</u>
<b>Tracking Number</b>	<u>.216180.1</u>	<b>Committee Referrals</b>	<u>HEC/HAFC</u>
<b>Short Title</b>	<u>College Bilingual Ed Faculty</u>		
<b>Analyst</b>	<u>Canada</u>	<b>Original Date</b>	<u>2/7/2020</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

House Bill 240 (HB240) creates the Bilingual Scholars Act, a scholarship for individuals who currently hold a bachelor's or master's degree in education to cover the cost of pursuing a doctorate in bilingual education; in order to teach in state institutions of higher education in New Mexico.

HB240 also establishes the Bilingual Education Doctoral Loan Repayment Act, a grant program for full-time tenure-track faculty in colleges or schools of education to teach bilingual education.

**FISCAL IMPACT**

HB240 creates the bilingual scholars fund as a nonreverting fund in the state treasury. Money in the fund shall be spent according to legislative appropriation.

HB240 appropriates \$1.5 million from the general fund to the bilingual scholars fund for expenditure in FY21 through FY25 to pay educational expenses for at least ten bilingual education doctoral students. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

LESC staff estimate graduate tuition costs per Ph.D. student at the University of New Mexico (UNM) to be approximately \$6,500 per year for a total of \$32,500 for five years. Based on this calculation, HB240 funding provides tuition for five years for 46 students.

HB240 also creates the bilingual education doctoral loan repayment fund as a nonreverting fund in the state treasury. Money in the fund shall be spent according to legislative appropriation.

HB240 appropriates \$500 thousand from the general fund to the bilingual education doctoral loan repayment fund for expenditure in FY21 and subsequent years. Any unexpended or unencumbered balance remaining at the end of FY21 shall not revert to the general fund. The appropriation must be used to provide grants to state institution professors of bilingual education who meet the requirements of the Bilingual Education Doctoral Loan Repayment Act.

The LESC budget recommendation included a \$1 million general fund appropriation to PED to provide tuition-free bilingual and TESOL coursework contingent on legislation, but the LESC recommendation was not included in the House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS). HB2/HAFCS includes a \$5.5 million related recurring appropriation to PED for indigenous, multilingual, multicultural and special education.

## SUBSTANTIVE ISSUES

**Preparing Teachers To Run Bilingual and Multicultural Education Programs.** HB240, through the Bilingual Scholars Act and the Bilingual Education Doctoral Loan Repayment Act, aims to provide financial incentives to increase the number of faculty qualified to prepare bilingual education teacher candidates at institutions of higher education and retain these faculty members. Research has also found education has the highest percent of Ph.D. candidates with over \$70,000 in education related debt. Historically, 50 percent of graduate students complete their Ph.D.'s. A key finding in the *Martinez and Yazzie* consolidated lawsuit was that not all students have access to a sufficient education specifically, English Learners and Native American students. Bilingual and multicultural programs offer a strategy to meet some of these student's needs. Colleges of Education have expressed concerns due to their ability to meet the increased demand for bilingual teachers both in Spanish speaking and Native languages. Typically, Ph.D. recipients do not continue to teach where they received their doctorate due to research limitations and professional standards creating a challenge with this strategy. While the specialization of Native American languages may dictate these Ph.D. graduates stay on as faculty, the academic field will reach saturation once a few doctorate candidates become tenure-track professors. Tenure-track professors serve over 30 years, many times to the age of 70.

**Bilingual Workforce Preparation.** The state has expanded bilingual and multicultural education programs, but still lacks highly qualified bilingual and multicultural education program teachers. The Public Education Department (PED) states there were more than 10,000 teachers with an active teaching license and a teaching English to speakers of other languages (TESOL) endorsement in FY18, but only 5,500 of those teachers were actually employed in New Mexico school districts and charter schools. Further, it is unclear how many TESOL-endorsed teachers were teaching English learners, raising concerns about the teacher workforce available as the Legislature prioritizes high-quality bilingual and multicultural programs. For FY20, the Legislature appropriated an additional \$7 million to the public school funding formula to expand access to bilingual and multicultural education programs, even though there was no increased uptake in program participation; HB240 seeks to expand the state's capacity to effectively use the increased funding.

**Bilingual Scholars Act Scholarship.** HB240 creates a scholarship for students pursuing a doctorate in bilingual education for up to five years to cover tuition, fees, and instructional materials per academic year. The scholarship can be terminated if the award recipient withdraws from an eligible institution, does not continue the academic program consecutively, or does not maintain full-time student status. Termination can also result after a scholarship recipient does not comply with the rules determined by the Higher Education Department (HED). Scholarship recipients must obtain a tenure-track faculty position at a state institution of higher education within one year of earning a doctorate in bilingual education. If the scholarship recipient does not meet this requirement, the scholarship will be converted to a loan with the department. The loan payments will be deposited to the bilingual scholars fund. The recipient can petition the department to waive this requirement if they are working in a public-post secondary education institution not covered by the program or a public school in the state.

**Bilingual Scholars Act Scholarship Recipient Eligibility.** A candidate must be a New Mexico resident who meets admission requirements and be admitted as a full-time graduate student pursuing a doctorate at an eligible institution. Only students at state institutions of higher education listed in Article XII, Section 11 of the Constitution of New Mexico are qualified to receive scholarship disbursements. The candidate must not have a total combined family income of over \$60,000 adjusted for the current consumer price index. HED may determine a different family income cap if a candidate has an immediate family member enrolled full-time in a post-secondary education program. HB240 prioritizes scholarships to students who have a bachelor's or master's degree in bilingual education and students who graduated with a state seal of bilingualism-biliteracy on their New Mexico diploma of excellence. Scholarships can be renewed by staying in good academic standing as determined by the institution and is enrolled as a full-time graduate student.

**Bilingual Education Doctoral Grants for Loan Repayment.** HB240 also creates the Bilingual Education Doctoral Loan repayment act, to provide grants to individuals who completed a doctorate in bilingual education and has had a full-time tenure-track faculty position at a state institution of higher education listed in Article XII, Section 11 of the Constitution of New Mexico for at least two years prior to applying for the grant. The grant may be used to help faculty members pay back student loans, including costs accumulated from tuition, fees, and instructional materials received to finance undergraduate or graduate degrees that lead to a doctorate in bilingual education. Grants can be up to \$25,000 for no more than five years in exchange for a year of service for each grant year. Grants cannot be used to cover debts incurred from other state loan-for-service programs, scholarships that contain a service component, personal loans from individuals or commercial lenders, loans that exceed individual standard school expense levels, and loans that are eligible for other state or federal loan repayment program.

If the recipient fails to complete contract terms during an academic year, the grant must be repaid to HED with an applied annual interest rate of 18 percent. SB240 allows HED to determine by rule exceptional mitigating circumstances such as military service or major medical issues to stall the conversion of the grant into a loan. HED is also allowed to sue the grant recipient in order to collect a debt owed by violating the terms of the Bilingual Education Doctoral Loan Repayment Act.

## **OTHER SIGNIFICANT ISSUES**

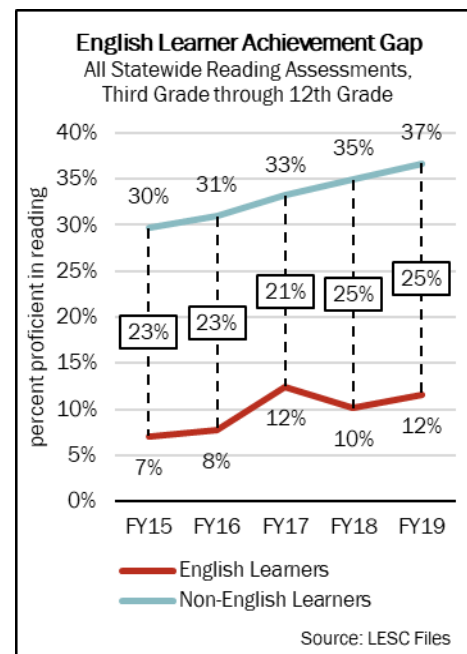
**The Bilingual Multicultural Act.** The Bilingual Multicultural Education Act requires research-based bilingual and multicultural education programs to be fully implemented with regard to professional development for teachers and instruction and assessment for students. However, key components of the act are not fully implemented and monitored, resulting in inconsistent bilingual learning experiences for students statewide. When implemented purposefully using research-based practices, bilingual education has proven to be beneficial for all students, regardless of their home language. Research shows developmentally-appropriate instruction in students' home language teaches the value of their culture, strengthens their abilities to manage their thoughts, actions, and emotions, expands career and higher education opportunities, and improves their academic outcomes

**Impact on English Learner Students.** Increasing access to high-quality bilingual and multicultural education programs could help the state meet the diverse cultural and linguistic needs of English learners, narrowing an achievement gap that has widened since FY15. Most of New Mexico's 45,000 English learners are eligible for free or reduced-fee lunch; this makes up 14

percent of the total public school enrollment. English learners score lower than students who are not classified as English learners on reading and math assessments, and generally take fewer advanced courses and have lower graduation rates. Bilingual and multicultural programs must be aligned to the needs of English learners to close the achievement gap for these students; HB240 proposes a strategy to build teacher’s skills to better meet the needs of English learners.

**Impact on Native American Students.**

In FY18, 12 percent of students in bilingual and multicultural programs identified as Native American. Approximately 27,000 Native American students were not enrolled in these programs at that time. Statewide, public schools offer bilingual programs with instruction in seven of the eight Native American languages spoken in New Mexico. PED offers a Native American language and culture certificate to individuals who are proficient in a Native American language and culture of a New Mexico tribe or pueblo. Tribes must evaluate certificate candidates to determine if they will recommend the candidate for the certificate through the PED. It is unclear how many teachers have received this certificate and how many are teaching in Native American bilingual and multicultural programs.



Analysis from the New Mexico Indian Affairs Department (IAD) on a similar bill states that rebuilding New Mexico’s education has been a priority of the 23 tribes, nations, and pueblos in the state. PED’s Indian Education Division and the Indian Education Advisory Council study have studied best practices from school districts that have a high population of students who practice their culture and speak their heritage language. IAD cites findings from a 2010 report, *Indian Education in New Mexico, 2025*. The qualitative study included findings and recommendations from local Indigenous educators and identified the following seven best practices:

- *Accountability.* Schools should offer professional development opportunities to improve knowledge and appreciation of the local community’s historical, cultural, and social context.
- *School Climate.* The tribal community should participate and be proactive in the long-term design and development of facilities to serve their students and the community.
- *Successful Relationships.* Teachers should make an effort to learn about the community and the social conditions that affect their student’s lives.
- *Vision.* The community should develop proactive and reciprocal relationships between administrators and tribal leadership in a manner that advances the future goals and needs of the community
- *Pedagogy.* Teachers should use holistic practice focused on student engagement, including preparing visual or hands-on materials.
- *Curriculum.* Students stated they did not learn from worksheets from textbooks when they were in Navajo Language classes, and called for more relevant instructional materials.
- *Language.* Parents and students asked for their heritage language to be taught within their school districts, and school personnel have demonstrated an ability to bridge the school and the community using local languages.

## **ADMINISTRATIVE IMPLICATIONS**

HB240 allows HED to implement rules to administer the Bilingual Scholars Act. Financial officers at post-secondary institutions should help to ensure the bilingual scholarship program is responsive to a student's special financial circumstances.

HB240 required HED to promulgate rules to implement the Bilingual Education Doctoral Loan Repayment Act to provide procedures for awarding grants, provide procedures for determining the amount of each grant, and determine the disbursement calendar of funds to a lender on behalf of a recipient. HED may cancel the contract between the grant recipient for any reasonable cause determined by HED.

## **RELATED BILLS**

Relates to SB89, Bilingual Teacher Scholarship Act, which allows HED to provide scholarships to licensed teachers pursuing a bilingual multicultural or TESOL endorsement.

Relates to HB87, Bilingual Multicultural Advisory Council, which creates a state bilingual multicultural advisory council tasked with advising the PED secretary, PED staff, the governor, and the Legislature on implementation of the Bilingual Multicultural Act.

Relates to HB280, Bilingual Teacher Preparation Act, which creates a scholarship program for college of education students or licensed teachers who want to pursue a bilingual multicultural education or TESOL endorsement.

Relates to HM12, Cultural Diversity and Bilingual School Programs, which creates a working group to share best practices for implementing bilingual and multicultural programs.

## **SOURCES OF INFORMATION**

- LESC Files

**CEC/tb/mc/sgs**