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FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/2020
 SPONSOR Garratt LAST UPDATED 1/29/2020 HM 12/aHEC
 SHORT TITLE Cultural Diversity & Bilingual School Pgms SB _____
 ANALYST Gaussoin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal		

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bills 87, 134, 135, 153, 199, 240, and 241, Senate Bill 89, and the LFC and LESC budget recommendations.

SOURCES OF INFORMATION

LFC Files
 Legislative Education Study Committee (LESC) Files

Responses Received From
 Indian Affairs Department (IAD)
 Office of African American Affairs (OAAA)

No Response Received
 Public Education Department (PED)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment sets a deadline on the required report to the LESC of December 1, 2020.

Synopsis of Original Bill

House Memorial 12 directs the Public Education Department to create a working group comprising representatives of magnet, charter, and traditional schools and multicultural education organizations to study best practices for cultural diversity and bilingual education programs and report its findings to the Legislative Education Study Committee.

FISCAL IMPLICATIONS

Memorials do not carry appropriations; however, House Memorial 12 requires PED convene a diverse group of stakeholders and produce a report, necessitating the use of staff time and agency resources.

SIGNIFICANT ISSUES

PED has existing advisory councils on Indian and Hispanic education, a deputy secretary for equity, an Indian Education Division, and a Language and Culture Division with a Bilingual and Multicultural Education Programs (BMEP) section, and the Legislature substantially increased funding for English learners and bilingual and multicultural education for FY20; however, LESC reports fewer students participated in BMEP in FY20, and LFC notes in its Legislating for Results: Policy and Performance Analysis report to the Legislature less than half of all English learners in New Mexico participate in bilingual programs, reporting on bilingual and multicultural program quality is limited and inconsistent, and the state lacks a process for coordinating program human and capital resources effectively.

Notably, New Mexico laws addressing bilingual and multicultural education go back more than 40 years: the Bilingual Multicultural Education Act, amended in 2004 and cited as a “national model” by PED, was enacted in 1973; the Hispanic Education Act was enacted in 2010, and the Indian Education Act in 2003. Nevertheless, 2018 court findings in the *Martinez* and *Yazzie* education lawsuit lawsuit noted a lack of access to high-quality language acquisition programs for English learners (ELs) violated federal and state law and the New Mexico Constitution. The court also cited deficiencies in state funding, support, and oversight of bilingual and multicultural education programs that serve Native American and Hispanic ELs. The court findings prompted the Legislature to increase the formula funding for at-risk students (which includes ELs) by \$7 million for FY20 and separately increase funding for bilingual and multicultural education programs.

National studies show bilingual and multicultural education helps all students in the classroom, and instruction in a student’s home language teaches the value of their culture, strengthens students’ abilities to manage their thoughts, actions, and emotions, expands career and higher education opportunities, and improves their academic outcomes. Dual-language programs can hold students to high academic standards in both the target language and the student’s home language, improving bilingualism and biliteracy.

However, while the state Bilingual Multicultural Education Act requires research-based bilingual and multicultural education programs, including professional development for teachers and instruction and assessment for students, LESC concludes key components are not fully implemented by school districts and monitored by PED, and students across the state encounter inconsistent bilingual and multicultural learning experiences. LESC reports PED 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.

HM12 identifies 63 dual-language traditional and magnet schools in Albuquerque, five Albuquerque charter schools, and the Indigenous Language Institute at Santa Fe Indian School that could serve as models for PED. The memorial also cites 266 Albuquerque public high school students who earned the bilingual-biliteracy seal in 2019 as evidence of successful programs from which PED could learn.

IAD notes a recent report found students from tribal and pueblo communities face stereotypes in the classroom, discouraging students from connecting to their culture or learning their Native American language. After incidents at Cibola High School and Volcano Vista High School, the ACLU of New Mexico in 2014 demanded improved cultural competency training for Albuquerque Public Schools staff. (<https://www.aclu-nm.org/en/news/fighting-racial-discrimination-schools>)

The department reports PED’s Indian Education Division and the Indian Education Advisory Council “study and are informed on best practices from school districts that have a high population of students who practice their culture and speak their heritage language. Among these schools are: Central Consolidated School District, Dulce Public School District, Native American Community Academy, Bernalillo Public School District, Grants Cibola County Schools and Pojoaque School District.”

ADMINISTRATIVE IMPLICATIONS

HM12 requires PED to convene a work group and report its findings, which will require staff time and department resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 87, Bilingual Multicultural Advisory Council, endorsed by the LESC, creates a group to advise the secretary, department staff, the governor and the Legislature through its interim and standing committees on the effective implementation of the Bilingual Multicultural Education Act and the support of all English language learners to have equitable access to instruction and learning as required by state and federal education and civil rights laws.

House Bill 134, Funding To Improve Educational Outcomes, appropriates about \$18.5 million to the University of New Mexico, New Mexico State University, and tribal colleges for programs targeting minority students.

House Bill 135, Native Language Educational Units, creates native language education program units in the public school funding formula.

House Bill 153, Bilingual Multicultural Educational Program, increases the weight of the existing bilingual multicultural educational program units and appropriates additional funds.

House Bill 199, Study Biliteracy Frameworks, requires PED to form a working group on biliteracy.

House Bill 240, College Bilingual Ed Faculty, creates the Bilingual Scholars Act to promote the education of bilingual teachers with scholarships and loan repayment programs.

House Bill 241, At-Risk and Differential Program Units, increases the weight of the at-risk unit in the public school funding formula and creates a pay differential factor for special education teachers, bilingual and multicultural education teachers, certified Native American and culture teachers, and teachers who mentor beginning teachers.

Senate Bill 89, Bilingual Teacher Scholarship Act, would create a new scholarship for bilingual and multicultural education teachers.

The LFC budget recommendation includes \$7.5 million in a special program appropriation for bilingual and multicultural education programs, compared with the \$1 million special appropriation approved last year. LFC also recommends a pay differential for those who teach English learners, to be built into the funding formula, and specifies \$1.35 million of the appropriation for bilingual and multicultural education be spent on oversight to ensure programs are evidence-based and effective. The LESC recommendation includes \$1 million for bilingual and multicultural education special programs and \$2.2 million for bilingual education.

OTHER SUBSTANTIVE ISSUES

Extensive research exists that identifies the most effective bilingual and multicultural education programs. From the LFC Legislating for Results: Policy and Performance Analysis:

To leverage the benefits of a multilingual and multicultural student population and address deficiencies highlighted by the court, the state should increase oversight of BMEPs, focus investments on evidence-based programs, and support policies that fundamentally support the diverse linguistic and cultural aspects of all students in the state. ... A 2019 LFC Results First evaluation noted dual-language immersion programs demonstrate strong evidence for improving academic achievement for both English learners and native English speakers. Immersion programs offer academic instruction in two languages and enroll roughly equal proportions of native speakers of the two languages. Students rely on the native language abilities of all students, whether or not they speak English at home. Effective immersion programs provide at least six years of bilingual instruction, use instructional personnel proficient in the language of instruction, include non-English language instruction at least 50 percent of the time, and maintain active family-school partnerships.

IAD reports:

In 2010, the Indian Education Division contracted the Indigenous Education Study Group and provided findings/recommendations in a report titled “*Indian Education in New Mexico, 2025.*” This report included findings and recommendations from local Indigenous educators.

<https://turtletalk.files.wordpress.com/2011/05/nmindianedrpt2011apr24111.pdf>

The qualitative study was organized into seven best practices (theme-base) from their focus group findings, as follows:

- Accountability - *offer professional development opportunities to improve knowledge and appreciation of the local community’s historical, cultural, and social context.*
- School Climate - *involve the tribal community to participate and be proactive in*

the long-range design and development of facilities to serve their students and the community.

- Successful Relationships - *teachers make an effort to learn about the community and the social conditions that affect their student's lives.*
- Vision - *developing proactive and reciprocal relationships between administrators and tribal leadership in a manner that advances the future goals and needs of the community*
- Pedagogy – teachers to use holistic practice to student learning and prepare visual/hands-on materials.
- Curriculum – students stated they did not learn from worksheets from textbooks when they were in Navajo Language classes, therefore the teaching methods to engage students with relevant materials through hands-on, and group work.
- Language – parents and students are supportive of their heritage language taught within their school districts. It helps to have school administrator who is from the community to bridge communities' language to teachers.

ALTERNATIVES

Given existing bureaucracies and councils focused on bilingual and multicultural education, an alternative could be action that encourages the department and the advisory groups to become more engaged.

HG/al/rl