

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: *HB 189

49th Legislature, 1st Session, 2009

Short Title: Alternate Deaf Teacher License Assessment

Sponsor(s): Representative Roberto “Bobby” J. Gonzales and Others

Analyst: David Harrell

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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

Bill Summary:

HB 189 adds a new section to the *School Personnel Act* to allow a deaf or hard-of-hearing person with a degree from an accredited teacher education program to demonstrate competency for a Level 1, Level 2, or Level 3 license through a portfolio assessment in lieu of all or part of the New Mexico Teacher Assessments.

The bill also requires the Public Education Department (PED) to promulgate rules on the requirements for the portfolio assessment and for eligibility for a license through this process.

One component of the review process that PED must provide is a review committee comprising the following members:

- a teacher of deaf and hard-of-hearing students;
- a sign language interpreter;
- an administrator from the New Mexico School for the Deaf;
- a parent of a deaf or hard-of-hearing student;
- a deaf or hard-of-hearing teacher, if one is available; and
- other persons whom the department deems appropriate.

HB 189 also includes a provision to cover the transition period until the PED rules have been in effect for a sufficient length of time. Under this provision, any eligible deaf or hard-of-hearing person with a degree from an accredited teacher education program shall be granted a temporary teaching license – effective for no more than two years – for the level of licensure for which the person is likely to qualify once the portfolio is submitted to PED.

* Finally, HB 189 contains an emergency clause.

Fiscal Impact:

HB 189 makes no appropriation.

Issues:

HB 189 addresses an issue that arose during a presentation to the Legislative Education Study Committee (LESC) in the 2008 interim on the subject of the New Mexico Teacher Assessments (NMTA).

- During the testimony on that topic, committee members became aware of the unique barriers to passing the test for candidates who are deaf or hard of hearing, barriers created by those candidates' limited recognition of the auditory aspects of language.
- Because of these barriers, deaf graduates of accredited teacher preparation programs – some of them with advanced degrees – are often unable to obtain a teaching license. Consequently, if they work in education, it is in some other capacity than classroom teacher.

At the request of the LESC, PED formed a work group to study the issue (see “Background,” below); and in November 2008 PED reported the recommendation of this group to amend statute to allow an alternative to passage of the NMTA for deaf and hard-of-hearing candidates. Endorsed by the LESC, HB 189 implements that recommendation.

The contractor that administers the NMTA does provide alternative testing arrangements for examinees “who would not be able to take the test under standards conditions.” These arrangements include such provisions as additional time, wheelchair access, frequent breaks, use of a magnifying glass, written copy of oral directions, and tests prepared in Braille. In the case of deaf or hard-of-hearing candidates, however, the issue seems to extend beyond accommodations to the nature of the test itself (see “Background,” below).

According to experts on the teaching and learning patterns of deaf individuals, the deaf process information differently than hearing people do, putting them at a disadvantage in traditional testing situations.

- For one thing, the grammatical construct of American Sign Language (ASL), which is used to interpret spoken English, is quite different from that of standard spoken English in terms of syntax and parts of speech.
- For another, there are also fewer nuances of meaning. For example, ASL makes no distinction between the verbs “describe” and “explain.” Therefore, a test question that employs such a distinction is likely to be beyond the ken of a deaf teaching candidate.
- In addition, especially to the extent that they are based on sound, accepted spellings of words can be problematic for deaf people, as can the concept of rhyming words.
- Finally, deaf candidates also enter the testing environment at a disadvantage because they are denied access to all the auditory sources of information that comprise the culture reflected in the test: daily conversations, radio, and environmental sounds in general.

The PED analysis notes that deaf and hard-of-hearing persons represent a small portion of the teaching corps in New Mexico and that, according to one expert, no deaf persons have ever graduated from a teacher preparation program in New Mexico, passed the NMTA, and become fully licensed.

Finally, the analysis by the Department of Finance and Administration suggests that the portfolio process in HB 189 “may provide school districts additional qualified teachers to address teacher availability needs.”

Background:

The PED Work Group

The work group that PED formed in response to the request from the LESC comprised representatives of secondary education, higher education, regional education cooperatives, the New Mexico School for the Deaf, the American Federation of Teachers, interpreters for the deaf, and advocates for the deaf, among other entities. Through their deliberations, the work group members considered four options:

1. develop a new NMTA exclusively for the deaf and hard-of-hearing;
2. lower the passing score on the NMTA for deaf and hard-of-hearing;
3. amend statute to allow an alternative to passing the NMTA; and
4. clarify accommodation parameters with the testing company.

The work group recommended option 3 to the LESC, which led to HB 189.

The New Mexico Teacher Assessments

According to PED and National Evaluation Systems/Pearson (NES/Pearson), the contractor for the assessments, the purpose of the NMTA is “to help identify candidates for licensure who have demonstrated the level of knowledge and skills that is important in performing the job of an educator in New Mexico public schools.”

There are three major components of the NMTA:

- Assessment of Teacher Basic Skills, which is designed to measure fundamental communication and math skills that the state requires of classroom teachers and that are needed to complete a New Mexico educator preparation program;
- Assessment of Teacher Competency, which is designed to measure a candidate’s professional and pedagogical knowledge and skills at one of these three levels, depending upon the kind of license sought: early childhood, elementary, or secondary; and
- Content Knowledge Assessments, which is designed to measure the subject-matter knowledge and skills needed to teach effectively in New Mexico schools. The content knowledge assessments could take the form of middle or secondary level assessments in certain disciplines, foreign language assessments, or assessments in a number of other disciplines or fields.

To obtain a teaching license, a candidate must pass all three main components of the NMTA. Two of them may be taken in one day and the third taken on a subsequent testing date. As

provided in PED rule and NMTA guidelines, the passing score for each component is 240, out of a possible 300.

Furthermore, each of the three main components consists of several sub-areas.

- The basic skills test has four sub-areas: Reading Comprehension, Foundations of Written Communication, Mathematics, and Written Communication-Composition.
- The competency test for elementary and secondary levels consists of three sub-areas: Student Development and Learning; Instruction, Assessment, and the Learning Environment; and Professional Environment. The competency test for early childhood also has three sub-areas: Child Development and Learning; Instruction, Assessment, and the Learning Environment; and Professional Environment.
- Likewise, the various content knowledge tests consist of sub-areas as well. Language Arts, for example, has five: Listening and Speaking, Writing, Reading, Language and Media, and Literature. Science has four: Scientific Inquiry and the History and Nature of Science, Life Science, Physical Science, and Earth and Space Science.

Finally, each of the sub-areas comprises a number of specific competencies. For example, Listening and Speaking, which is Sub-area 1 of the content knowledge test in language arts, assesses these four competencies:

- analyze factors affecting a listener's ability to understand spoken language in different contexts;
- apply techniques of organizing information for formal presentations;
- apply methods of adapting language for various purposes, audiences, and occasions; and
- evaluate materials for use in oral presentations.

Related Bill:

SB 133a *Teacher Licensure Changes*