

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 373

**52nd Legislature, 1st Session, 2015**

**Tracking Number:** .199153.1

**Short Title:** English Language Learner Teacher Prep Act

**Sponsor(s):** Representatives Javier Martinez and Tomás E. Salazar and Others

**Analyst:** Christina McCorquodale

**Date:** March 5, 2015 (revised)

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**Bill Summary:**

HB 373 creates the *English Language Learner Teacher Preparation Act*. The bill provides grants for the establishment, operation, expansion, and improvement of training programs in teaching English to speakers of other languages (TESOL) and bilingual multicultural education (BME) in the education of teacher preparation in New Mexico's public postsecondary institutions. The bill is intended to:

- provide fellowships to teacher preparation students seeking license endorsements or degrees in TESOL or BME;
- improve skills using short-term training institutes of teacher preparation students or educational personnel in TESOL or BME;
- provide in-service training and technical assistance for educational personnel working with English language learners (ELLs) and/or culturally and linguistically diverse (CLD) students; and
- focus on bilingual multicultural education programs that shall be designed to ensure that participants:
  - become proficient in English and a second language of instruction; and
  - develop proficiency to work with CLD students in New Mexico.

HB 373 also defines a number of terms:

- “bilingual multicultural education program” means a program using two languages, including English and the home or heritage language of the student, as a medium of instruction in the teaching and learning process;
- “department” means the Higher Education Department (HED);
- “educational personnel” includes teachers, instructional assistants, instructional support personnel, principals, program administrators, counselors, and paraprofessionals;
- “English language learner” means a student whose first or heritage language is not English and who is unable to read, write, speak, or understand English at a level comparable to grade level English proficient peers and native English speakers;

- “in-service training programs” means a professional development program for educational personnel in teaching ELLs or BME or for educational personnel working with CLD student populations;
- “teacher preparation program” means a bachelor’s, master’s, or doctoral degree program at a public postsecondary educational institution that leads to license endorsements in TESOL and BME ; and
- “training programs” means both teacher preparation programs and in-service training programs.

The bill also requires HED to promulgate rules to implement the provisions of the *English Language Learner Teacher Preparation Act* to:

- improve its English language learner and bilingual multicultural education teacher preparation programs;
- provide fellowships for baccalaureate or graduate level students in these programs; and
- provide in-service training for education personnel in these programs.

In making grants for these training programs in TESOL and BME, HED and the Public Education Department (PED) shall give preference to programs that contain coursework in:

- TESOL;
- instructional language other than English;
- development of cultural proficiency in working with New Mexico’s minority-majority public school population, particularly American Indian and Hispanic students;
- educational leadership for teachers who hold a TESOL or BME endorsement; and
- instructional methods and techniques that have proven effective and are research-based in teaching second language acquisition that meet rigorous content standards.

Provisions in HB 373 state that a public postsecondary educational institution may use all or a portion of its grant for fellowships for teacher preparation students at the baccalaureate or graduate level who are studying TESOL or BME and plan to teach in a New Mexico public school. These fellowships shall be sufficient to pay for tuition, fees, and instructional materials. Students who receive such fellowships shall enter into a contract with HED that meet the same standards and procedures for teacher loans for service pursuant to the *Teacher Loan for Service Act*. The student will agree to:

- repay the fellowship amount, plus interest; or
- work one year of public school service for every two consecutive semesters of college, not including summer.

The highest priority for fellowships goes to students taking coursework toward license endorsement in TESOL or in BME, and special preference is given to persons from school districts, charter schools, or regional education cooperatives already providing financial support to endorsement candidates.

The next priority of fellowship recipients will go to:

- students who received the New Mexico seal of bilingualism-biliteracy on their high school diplomas of excellence;
- students currently employed as teachers or assistants in classrooms serving predominately American Indian or Hispanic students or in BME classrooms; and
- students with proficiency in one of the New Mexico's indigenous or Spanish languages.

If enacted, the *English Language Learner Teacher Preparation Act* will require that PED and HED conduct and publish a biennial survey of all local education agencies to include:

- numbers of teachers and other school-based professionals the agencies currently employ who are endorsed in TESOL, BME, or both;
- languages other than English that BME personnel are certified in; and
- number of additional teachers and other school-based professionals the education agencies need, if any, and projected need for subsequent year.

HED and PED will also be required to conduct and publish a biennial survey of all postsecondary educational institutions that offer courses, certificates, or degrees in education.

The report must include:

- numbers of students in the past two years enrolled in all education classes and programs;
- numbers of students in the past two years who completed requirements for a degree in education or TESOL or BME license endorsements; and
- numbers of students in the past two years who completed requirements for a degree or state teaching license endorsement in TESOL or BME, and in addition, each public postsecondary educational institution shall submit to HED and to the Professional Licensure Bureau at PED, an annual plan to meet the needs of New Mexico's culturally and linguistically diverse student population. Each plan shall include:
  - measurable goals to fill gaps between the numbers of teacher education students who have graduated and have license endorsements in TESOL or BME and the numbers of K-12 students identified as ELL or who participate in a BME program; and
  - specific strategies to recruit, counsel, and retain teacher education students working toward license endorsement for TESOL and or BME.

Finally, HB 373 creates the English Language Learners Teacher Preparation Fund in the State Treasury, to be administered by HED for the purpose of making grants pursuant to the act.

### **Fiscal Impact:**

\$750,000 is appropriated from the General Fund to the English Language Learner Teacher Preparation Fund for FY 16 and subsequent fiscal years to provide grants as provided in the *English Language Learners Teacher Preparation Act*. Any unexpended or unencumbered balance at the end of a fiscal year shall not revert to the General Fund.

### **Technical Issues:**

As noted under "Substantive Issues," below, more than 1,000 teachers certified in TESOL or BME do not work in a BME program or Title III English as a Second Language (ESL) program.

For this reason, the sponsors may wish to consider adding language to Section 5, Subsection B to require as part of the repayment for the fellowship that the students' year of public school service be in a BME or TESOL program.

The PED analysis notes that the definition of "bilingual multicultural education program" differs from the definition of that term in the *Bilingual Multicultural Education Act*.

### **Substantive Issues:**

#### ***Testimony to the Legislative Education Study Committee***

During the 2014 interim, the Legislative Education Study Committee (LESC) heard testimony about teaching ELL students. One part of this testimony was a report from an LESC statewide survey for ELL Best Practices. Twenty-eight of the 89 public school districts and seven out of 54 state-chartered charter schools responded to questions regarding numbers of highly qualified, endorsed TESOL and bilingual multicultural education teachers employed in their district or school. The survey responses showed that:

- there are 1,934 bilingual-endorsed teachers (204 at Level 1; 925 at Level 2; and 805 at Level 3); and
- there are 4,500 TESOL-endorsed teachers (389 at Level 1; 2,007 at Level 2; and 2,104 at Level 3).

The survey also found, however, that 1,150 teachers endorsed in either TESOL or bilingual are not teaching in a bilingual multicultural education program. On this point, the Executive Director of New Mexico Coalition of Educational Leaders said that many bilingual- and TESOL-endorsed teachers choose to teach in a regular classroom instead because of the amount of work associated with servicing ELL students. Sometimes not even the stipend that some districts provide is a sufficient incentive. Funding bilingual education is difficult, this testimony continued, because there are not enough certified teachers to provide the service; and without a certified teacher, districts cannot receive Title III funding.

Additional testimony from the Director of Bilingual Education for Deming Public Schools stressed the need to differentiate between ELL students and CLD students who do not participate in a bilingual multicultural education program, as well as those living in poverty who demonstrate low language skills regardless of home language. If students do not have adequate academic language development, they will struggle academically.

The PED analysis says that there is "a clear need for improved training programs" to produce teachers effective teachers for ELL students, CLD students, and students participating in bilingual multicultural education programs.

#### ***New Mexico PED Bilingual Multicultural Education Program Data***

The 2013-2014 New Mexico Public Education Department's (PED) Bilingual Multicultural Education Program (BMEP) annual report, states that of the 338,234 students registered in public schools:

- a little over 52,000 students were identified as ELLs or limited English proficient (LEP);
- a little over 28,000 ELLs participated in a BMEP<sup>1</sup>;
- a little over 6,000 students reclassified as fully English proficient (FEP)<sup>2</sup>; and
- a little over 30,000 FEP and “other” (includes native English speakers, African-American, and/or Asian students) participated in a BMEP.

According to the BMEP annual report, American Indian and Hispanic ELLs are the lowest-performing students within their demographic on New Mexico Standards-Based Assessment. However, those students within that demographic who participated in a BMEP, are the highest-performing (see **Attachment**). The demographic breakdown includes:

- of the 118,632 Hispanic students tested, 25,394 participated in a BMEP; and
- of the 19,782 Native American students tested, 4,890 participated in a BMEP.

However, because ELLs are the lowest-performing students, the report charges that it is imperative that all educators are responsible for ensuring that all ELLs have meaningful access to grade-level content and academic language development instruction to engage all students in the learning process.

### ***NMPrep Program***

PED’s analysis notes that SB 470 proposes to establish a program that duplicates the NMPrep program, which received an appropriation of \$1.65 million in FY 14<sup>3</sup>. According to the analysis, NMPrep establishes innovative teacher preparation programs that train individuals with a past record of proven success to begin careers as effective classroom teachers on a fast track of completion. While NMPrep offers all New Mexico institutions of higher education the opportunity to apply for funding to establish an innovative, alternative teacher preparation program, the program does not appear to directly address the educational needs of New Mexico’s culturally and linguistically diverse population, as well as endorsement requirements for TESOL and BME teachers to service ELL students (see “Background, *TESOL and Bilingual Certified Teachers*,” below).

### **Background:**

#### ***TESOL and Bilingual Certified Teachers***

Title III of the *Federal and Secondary Education Act* strongly supports the recruitment and retention of highly qualified teachers (all subject areas), paraprofessionals, and principals, while providing greater flexibility for professional development activities that assist personnel in meeting state and local certification/licensing requirements for teaching ELL students.

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<sup>1</sup> According to the BMEP Technical Manual, if districts do not have either a BMEP or “stand-alone” Title III program (ESL), districts are still required to provide ESL/ELD services for students identified as ELL/LEP.

<sup>2</sup> FEP students are former ELL students reclassified after reaching English proficiency on the English language proficiency assessment.

<sup>3</sup> For more information on NMPrep, please visit <http://ped.state.nm.us/ped/RFPDocs/NMPREP.docx>

Under department rule TESOL certified teachers must meet the following:

- 24-36 semester hours in TESOL (teaching English to speakers of other languages); and
- Teachers seeking to add an endorsement in TESOL to an existing New Mexico teaching license of any level shall meet one of the following requirements:
  - pass the content knowledge test(s) of the New Mexico teacher assessments, or predecessor New Mexico teacher licensure examination or accepted comparable licensure test(s) from another state in TESOL;
  - successfully complete an undergraduate academic major (24-36 semester hours), or coursework equivalent to an undergraduate major or a graduate degree in TESOL; or
  - obtain certification in TESOL for the appropriate grade level of licensure from the National Board for Professional Teaching Standards (NBPTS).

Teachers teaching in a BMEP must meet the following:

- teachers seeking to add an endorsement in bilingual education to an initial Level 1 teaching license must complete 24-36 semester hours in bilingual education and pass the bilingual education licensure exam; and
- teachers seeking to add an endorsement in bilingual education to an existing teaching license of any level shall meet one of the following requirements:
  - pass the bilingual education licensure exam or predecessor New Mexico teacher licensure examination or accepted comparable licensure test(s) from another state in bilingual education and complete at least 12 semester hours in the teaching of bilingual education; or
  - obtain certification in bilingual education for the appropriate grade level of licensure from the NBPTS.

Teachers delivering ESL component to ELL students participating in a BMEP or a Title III stand-alone ESL program at the elementary and secondary level must have either a bilingual multicultural education or TESOL endorsement.

### ***Legislative Education Study Committee (LESC) Interim Meeting November 2014***

Briefly summarizing the LESOC statewide survey on ELL Best Practices, LESOC staff explained that 28 out of 89 public schools and seven out of 54 state-chartered charter schools participated in the electronic survey.

The staff report included two parts:

1. Sheltered Instruction/language development programs currently used in districts across the state; and
2. professional development in Sheltered Instruction/language development programs, World Class Instructional Design Assessment's (WIDA) New Mexico English Language Development standards, and student's level of language proficiency.

LESC staff explained to the committee what the eight components are for Sheltered Instruction and continued to say that the various sheltered instruction programs currently used across

districts who participated in the survey demonstrated all or some of the eight components, which are:

1. preparation – clearly defined content and language objectives;
2. building background knowledge;
3. comprehensible input;
4. strategies;
5. interaction;
6. practice/application;
7. lesson delivery; and
8. review and assessment.

Directing the members' attention to the staff report, LESC staff reported that the first part of the survey demonstrated that:

- 75 public schools and four charter schools used Shelter Instruction Observation Protocol;
- 137 public schools and one charter school used Guided Language Acquisition Design (Project GLAD);
- 26 public schools used Literacy Squared; and
- 15 public schools used the Cognitive Academic Language Learning Approach.

LESC staff explained that the second part of the survey showed the number of teachers who had been trained and used sheltered instructional strategies, as well as WIDA's English Language Development standards, and the student's level of language proficiency to differentiate daily core instructional practice to include:

- number of regular and special education teachers who work with ELLs have been trained in one of the sheltered language development programs provided by the district;
  - New Mexico public schools: 2,016 teachers have been trained; and
  - state-chartered charter schools: 52 teachers have been trained;
- number of regular and special education teachers who work with ELLs have been trained in WIDA's English Language Development standards and level of language proficiency;
  - New Mexico public schools: 2,147 teachers have been trained; and
  - state-chartered charter schools: 26 teachers have been trained;
- number of regular and special education teachers who work with ELLs use the English Language Development standards and levels of language proficiency to differentiate instruction as a daily practice;
  - New Mexico public schools: 1,280 teachers use the English Language Development standards and levels of language proficiency to differentiate instruction as a daily practice;<sup>4</sup> and

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<sup>4</sup> Albuquerque Public Schools and Las Cruces Public Schools could not determine an exact number but stated that all teachers are required to use the ELD standards and LLP to differentiate instruction.

- state-chartered charter schools: 42 teachers use the English Language Development standards and levels of language proficiency to differentiate instruction as a daily practice; and
- number of certified TESOL and bilingual teachers used as an academic language development resource in grade level professional learning communities;
  - **Always:** five public schools and three charter schools;
  - **Sometimes:** 15 public schools and two charter schools; and
  - **Never:** three public schools.

Included in the staff report is a brief description of the three tiers of Response to Intervention (RtI) for ELLs and informed the committee that Tier I of RtI represents the:

- universal or core instruction that all students receive, including ELLs; and
- English language development instruction that ELL students may receive (bilingual, ESL, sheltered, or dual language instruction).

LESC staff further explained that Title III of the *Elementary and Secondary Education Act* requires PED to monitor FEP students for two years after reclassification. She said that districts may choose to monitor for longer than the required two years, and also according to PED:

- all students are monitored for academic progress through progress monitoring and RtI; and
- if an ELL or FEP student is struggling academically and not responding to Tier I interventions that are in place for core instruction, then a Student Assistance Team creates an intervention plan for Tier II interventions and this includes language development support as part of the plan.

LESC staff noted that the goal for educators is to use sheltered instruction, English Language Development standards, and level of language proficiency of ELLs to guide differentiated core instruction. LESL staff also informed the committee that PED had also offered some professional development in WIDA's English Language Development standards and English Language Development student data analysis.

### ***Bilingual Multicultural Education Programs***

The BMEP 2013-2014 report states that New Mexico Title III programs continue to provide instruction in English/Spanish and English/Native American languages. For school year 2013-2014, 74 districts, including state charter schools participated in BMEPs and that Spanish/English language programs were the majority:

- 425 Spanish/English language programs; and
- 86 Native American/English programs.

According to the report, the vision is that New Mexico's children have access to effective bilingual multicultural education programs that provide linguistically responsive, rigorous instructional programming that supports all students, including culturally and linguistically diverse, ELL, and immigrant students. The goal is for them to become bilingual and biliterate,

meet and exceed all content area standards, demonstrate academic excellence, and to become productive and successful members of the community.

New Mexico school districts may offer one or more of the following Bilingual Multicultural Education/Title III programs and they include:

- Dual Language Immersion: all students will be bilingual and biliterate in English and home/second language;
- Maintenance: ELL students will become bilingual and biliterate in English and home language;
- Enrichment: all FEP and English native speakers will become fluent in the home/second language;
- Heritage: all students will become bilingual and biliterate in English and the Heritage language; and
- Transitional: all ELL students will become proficient in English.

### ***World-Class Instructional Design Assessment (WIDA)***

In 2009, New Mexico adopted WIDA's English language proficiency assessment, ACCESS, and WIDA's assessment placement test as stated in the BMEP annual report. These assessments are aligned with New Mexico English Language Development standards. According to PED, contract with WIDA has been renewed for FY 14 for two years, which can be extended for up to four years (extended year by year). New Mexico is part of the WIDA consortia along with 35 other US state education agencies.

WIDA is a nonprofit cooperative group whose purpose is to develop assessments and standards, and promote educational equity for ELLs. WIDA supports the consortia by providing:

- standards that allow educators to recognize and support their students' academic language development and academic achievement, serving as a foundation for curriculum, instruction, and assessment;
- assessments that build awareness of language learners' strengths and provide valuable information to educators, students, and families. WIDA's assessment design includes built-in supports that allow learners to show what they can do and serves as a model for classroom, school, and district language proficiency assessment;
- professional learning that is sustainable and transformative, focusing on the teaching and learning that supports language learners and their families by building on their strengths. Further, it promotes dynamic collaboration among educators and meaningful student engagement; and
- research that provides timely, meaningful, and actionable results to educators, advancing awareness of the role of language learning in achievement along with the unique traits attributable to language learners. The research design concentrates on supporting data-based decision-making and sound policy throughout education systems.

### ***Early Literacy and Interventions, LESC 2014 Interim***

In a joint meeting with the Legislative Finance Committee in August 2014, the LESC heard testimony on national trends in early literacy interventions by a professor of education in the Harvard Graduate School of Education and by a policy analyst with the ECS.

Describing her focus on children from minority, multilingual, and socio-economically disadvantaged backgrounds, the professor compared New Mexico's demographics with those of the rest of the country:

- 33 percent of children ages birth through five in New Mexico live in poverty, compared to 26 percent of US children among the same age group; and
- 22 percent of children and youth in New Mexico are children of immigrants, compared to 24 percent in the US.

A majority of these children, this testimony emphasized, are generally not fluent in English, creating an obstacle to their proficiency in literacy.

Among other points, this testimony:

- noted that it is equally important to create partnerships with adults to increase their capacity to assess and support children's language and literacy development; and
- emphasized the need to support good teaching with high-quality and comprehensive curricula that promote language development.

**Committee Referrals:**

HEC/HAFC

**Related Bills:**

SB 470 *English Language Learner Teacher Prep Act*

**Table 12**  
**Comparison of Performance of American Indian and Hispanic**  
**by EL Status and BMEP Participation, SY 2013–2014**

	Math		Reading		Science	
	Count	Proficient and Above	Count	Proficient and Above	Count	Proficient and Above
<b>American Indian</b>	19,755	26.71%	19,782	32.0%	7,346	25.1%
American Indian EL	4,888	11.6%	4,889	12.5%	1,725	9.9%
American Indian EL in BMEPs	1,727	12.9%	1,729	13.5%	542	10.9%
American Indian EL not in BMEPs	3,161	10.8%	3,170	11.9%	1,183	9.5%
American Indian, Non EL	14,867	31.7%	14,883	38.4%	5,621	29.8%
American Indian, Non-EL in BMEPs	3,162	35.7%	3,161	43.9%	1,203	31.9%
American Indian, Non- EL not in BMEPs	11,705	30.7%	11,772	36.9%	4,418	29.2%
<b>Hispanic</b>	118,594	35.8%	118,632	44.5%	43,410	37.3%
Hispanic EL	22,223	17.8%	22,203	20.2%	7,894	16.0%
Hispanic EL in BMEPs	12,131	19.7%	12,116	21.9%	4,222	17.1%
Hispanic EL, not in BMEPs	10,092	15.5%	10,887	18.1%	3,672	14.1%
Hispanic, Non EL	96,371	39.9%	96,429	50.1%	31,074	42.5%
Hispanic, Non EL, in BMEPs	13,279	42.1%	13,281	51.7%	4442	43.9%
Hispanic, Non EL, not in BMEPs	83,092	39.6%	83,148	49.9%	35516	42.6%

SOURCE: PED Academic Growth and Analysis Bureau