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FISCAL IMPACT REPORT

ORIGINAL DATE
SPONSOR Martinez, J. **LAST UPDATED** 2/16/15 **HB** 373

SHORT TITLE English Language Learner Teacher Prep Act **SB** _____

ANALYST Chavez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	\$750.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Senate Bill 470

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 373 adds a section to Chapter 21 NMSA 1878 (“State and Private Education Institutions”) to create the English Language English Language Learners Teacher Preparation Act (ELLTPA, “Act”), which provides for the establishment, operation, expansion and improvement of training programs for college of education (COE) students or educational personnel teaching English language learners (ELL) or bilingual multicultural education (BME). The bill also creates the English Language Learners Teacher Preparation Fund (ELLTPF, “Fund”).

The bill appropriates \$750 thousand from the general fund to the ELLTPF to provide grants as provided in the ELLTPA.

FISCAL IMPLICATIONS

The appropriation of \$750 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY16 shall not revert to

the general fund.

The Fund shall be administered by the Higher Education Department (HED) and is designated for grants to:

- Establish, operate, expand, or improve teacher training;
- Train persons to teach and counsel students or educational personnel seeking related licenses, endorsements, or degrees;
- Operate short-term training institutes; and
- Provide in-service training and technical assistance for educational personnel.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

SIGNIFICANT ISSUES

The ELLTPA created by this bill is to provide for the establishment, operation, expansion and improvement of training programs for COE students or educational personnel who are or will be teaching ELL or BME. The bill allows HED to make grants to public post-secondary institutions, school districts, charter schools, or regional education cooperatives and states what preferences HED shall apply in awarding grants.

The bill also requires BME training programs be designed to ensure participants become proficient in English and a second language of instruction and proficient to work with culturally and linguistically diverse students in NM.

With regard to fellowships, the bill specifies that a public post-secondary 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 to teach ELL or BME in a New Mexico public school. Fellowships shall be sufficient to pay for tuition, fees, and instructional materials.

The bill provides that fellowship students enter into contracts with HED that have the same form and procedures as contracts for teacher loans for service pursuant to the Teacher Loan for Service Act. Under the Act, a fellowship student agrees to (a) repay the fellowship amount, plus interest, or (b) work one year of public school service for every two consecutive semesters of college, not including summer sessions. (See Technical Issues.)

To the extent feasible, fellowships shall be awarded in proportion to the needs of various groups of English language learners or BME students and to COE students. Highest priority and preference for fellowships go to students taking coursework toward license endorsement in teaching English to speakers of other languages or in BME and to persons from school districts, charter schools, or regional education cooperatives already providing financial support to endorsement candidates. The bill defines subsequent priorities for the awarding of fellowships, including 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 predominantly American Indian students or in BME classrooms, and students with proficiency in one of NM's indigenous languages or in Spanish.

The bill requires the Public Education Department (PED), in consultation with HED, to conduct

and publish a biennial survey of all local education agencies (LEAs), to include:

- the number of teachers and other school-based professionals employed by LEAs who are endorsed in teaching ELL or BME or both;
- languages in which currently employed educational personnel with certification in BME are certified; and
- the current and expected following year need for additional teachers and other school-based professionals in each endorsement category.

The bill also requires HED, in consultation with PED, to conduct and publish a biennial survey of all public post-secondary educational institutions that offer courses, certificates, or degrees in education. The report is to include:

- The number of students in the past two years enrolled in all education classes and programs;
- The number of students in the past two years who completed requirements for a degree in education or in teaching English to speakers of other languages, or for BME license endorsement; and
- The number of students in the past two years who completed requirements for a degree or State teaching license endorsement in teaching English to speakers of other languages or in BME.

Each public post-secondary educational institution shall submit an annual plan to PED and HED to meet the needs of NM's culturally and linguistically diverse student population. Each annual plan shall include:

- Measurable goals to fill gaps between the numbers of teacher education students who have graduated and have license endorsements in teaching English to speakers of other languages or BME and the numbers of K-12 students identified as English language learners or who participate in BME programs;
- Specific strategies to recruit, counsel, and retain teacher education students working toward license endorsement for teaching English to speakers of other languages or teaching BME.

PED notes that of the state's districts and state charters schools that received federal Title III funding to support English language learners in 2013-2014, only one district met all annual measurable achievement objectives as required for federal funding. PED adds that half of school districts do not meet state annual targets for English language proficiency for its English language learners. PED notes that current teacher preparation programs and New Mexico-based nonprofits claiming expertise in educating ELL or BME may not be effective and argues that the appropriation in the bill may proliferate currently inadequate training programs rather than support the expansion and development of training programs with demonstrable research-proven methods and effectiveness data with New Mexico districts and schools.

PED adds that in FY14, PED received \$1.65 million for establishing new teacher preparation programs in the state, called NMPrep. The purpose of the program is to establish innovative teacher preparation programs that train individuals with a past record of proven success to begin careers as effective classroom teachers. NMPrep programs address areas of need, including ELL/Bilingual, Special Education and STEM teacher training.

ADMINISTRATIVE IMPLICATIONS

HED is required to promulgate rules to implement the provisions of the ELLTPA, including the grant application process and forms to be used for that process.

DUPLICATION

Senate Bill 470 is a duplicate.

TECHNICAL ISSUES

LFC's 2010 evaluation of state-funded financial aid programs concluded that loan repayment programs – providing grants to licensed practitioners to pay off education debt – were easier to administer and resulted in greater participation than loan for service programs. HED's regular annual financial audits continue to include findings related to uncollectable loan amounts by borrowers who failed to complete required service.

PED notes HB 373 uses a definition for bilingual multicultural education program that differs from the definition provided in the Bilingual Multicultural Education Act (2004) and Regulation (2005). Section 3, Part A defines a bilingual multicultural education program as “a program using two languages, including English and the home or heritage language of a student, as a medium for instruction in the teaching and learning process.” This definition is inconsistent with definitions used in both the Bilingual Multicultural Education Act (2004) and Bilingual Multicultural Education Regulation (2005) because it adds the phrase “of a student.” This additional language narrows the current definition of bilingual multicultural education programs. There are students participating in bilingual multicultural education programs in which the language other than English is not the student's home or heritage language (e.g. American Indian students whose home or heritage language is not Spanish, participating English/Spanish bilingual programs). According to the new definition, the student in the example would not be participating in a bilingual multicultural education program because the home or heritage language is not “of a student.” HB 373 should use the currently used definition, as per the Bilingual Multicultural Education Act (2004) and Regulation (2005).

ALTERNATIVES

The Legislature may wish to consider changing the loan for service program to a loan repayment program, given the higher rate of service levels and loan reimbursement in the loan forgiveness model.

PED notes the provisions in this bill for increasing the accountability of post-secondary education institutions in terms of requiring effective planning (measurable goals), recruiting, and reporting practices can be pursued directly from the PED's Professional Licensure Bureau without enacting this bill. Additionally, the reporting requirements in the bill could be accommodated and built into the work of the HED and PED to ensure that the gaps expressed from school districts is communicated to the post-secondary education institutions.