

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HB 87

**52nd Legislature, 2nd Session, 2016**

**Tracking Number:** .202773.1

**Short Title:** Teacher Prep for English Language Learners

**Sponsor(s):** Representative Tomás E. Salazar

**Analyst:** Christina McCorquodale

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**Bill Summary:**

HB 87 appropriates \$100,000 from the General Fund to the New Mexico Higher Education Department (HED) in FY17 for an English language learner (ELL) teacher preparation program.

**Fiscal Impact:**

The bill appropriates \$100,000 from the General Fund to the New Mexico Higher Education Department (HED) for expenditure in FY17. Any unexpended or unencumbered balance remaining at the end of FY17 shall revert to the General Fund.

For FY16, HED indicated the Legislature appropriated \$100,000 to fund ELL teacher preparation statewide from the Indian Education Fund. Deans from the colleges of education of six universities met in December 2015 to conduct planning for this initiative, and HB 87 would appropriate an additional \$100,000 to begin implementing the strategic plan.

The associate, baccalaureate or post-baccalaureate degree in bilingual multicultural education, as well as Teachers of English to Speakers of Other Languages (TESOL) certification, counts toward performance funding in the higher education funding formula.

**At a Glance:**

- The appropriation will help back fill the loss of funds from the Indian Education fund to continue supporting the ELL teacher preparation program.
- The Public Education Department (PED) reported to the US Department of Education, there has been a statewide shortage of bilingual or TESOL certified teachers in New Mexico for eight of the last 10 years.

**Substantive Issues:**

During the 2014 interim, the Legislative Education Study Committee (LESC) heard testimony about teaching ELLs. Results of a report from an LESC statewide survey for ELL best practices indicated 28 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 were 1,934 bilingual-endorsed teachers (204 at level one; 925 at level two; and 805 at level three); and
- there were 4,500 TESOL-endorsed teachers (389 at level one; 2,007 at level two; and 2,104 at level three).

The survey also found, however, that 1,150 teachers endorsed in either TESOL or bilingual were not teaching in a bilingual multicultural education program. The Executive Director of the New Mexico Coalition of Educational Leaders said funding bilingual education is difficult because there are not enough certified teachers to provide the service; without a certified teacher, school districts cannot receive federal Title III funding.

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

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

- over 52,000 students were identified as ELLs or limited English proficient (LEP);
- over 28,000 ELLs participated in a BMEP<sup>1</sup>;
- over 6,000 students reclassified as fully English proficient (FEP)<sup>2</sup>; and
- 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 the 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, or 21.4 percent, participated in a BMEP; and
- of the 19,782 Native American students tested, 4,890, or 24.7 percent, 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.

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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.

## **Background:**

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

Title III of the federal *Elementary and Secondary Education Act*<sup>3</sup> 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 and licensing requirements for teaching ELL students.

TESOL-certified teachers must meet the following, pursuant to PED rules:

- 24 to 36 semester hours in TESOL; and
- Teachers seeking to add an endorsement in TESOL to an existing New Mexico teaching license of any level must 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 to 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).

PED rule requires teachers teaching in a BMEP to meet the following requirements:

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

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<sup>3</sup> Title III of the federal *Elementary and Secondary Education Act*, language remains the same for *Every Student Succeeds Act* (ESSA), except it is now under Title II.

### *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 Dr. Nonie Lesaux, a professor of education in the Harvard Graduate School of Education.

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

- 33 percent of children ages birth through 5 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.

**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