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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>HB394/aHEC</u>	Sponsor	<u>Salazar</u>
Tracking Number	<u>.212809.1</u>	Committee Referrals	<u>HEC;SEC/SFC</u>
Short Title	<u>Cultural & Linguistic Appropriate Education</u>		
Analyst	<u>Ochoa</u>	Original Date	<u>2/6/19</u>
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BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee Amendment to HB394 (HB394/aHEC) adds language to include assistant principals and principals as individuals who would be required to participate in annual culturally and linguistically responsive professional development. The new language also denotes the professional development should be a part of an individual's regular professional development plan. The professional development requirement is changed from two days to 10 hours.

Section 2(A) was removed completely. HB394/aHEC will not require level 2 teachers to obtain a bilingual or teaching English to speakers of other languages (TESOL) endorsement to advance to a level 3-A license.

Finally, the amendment adds a new section that would require the secretary of public education to convene a working group that would be tasked with developing criteria for the evaluation of bilingual multicultural professional development and reviewing and updating requirements for TESOL endorsement certification. The group would be required to comprise of representation from higher education faculty with expertise in serving English learners (EL); elementary and secondary teachers; members from state bilingual, Hispanic, and Indian education advisory councils; other experts in language acquisition, culture, and language; and the assistant secretary of the bilingual multicultural program within the Public Education Department (PED).

Synopsis of Original Bill

House Bill 394 (HB394) would require school district and charter school teachers who serve ELs to complete two days of culturally and linguistically responsive professional development each school year beginning in the 2019-2020 school year. Beginning in 2023, the bill would require teachers advancing from a level 2 to a level 3-A teaching license to obtain an endorsement in bilingual or TESOL as a condition for advancement. Additionally, beginning 2024, applicants for a level 1 teaching license would be required to qualify for a license endorsement in bilingual or TESOL.

FISCAL IMPACT

The bill does not carry an appropriation, however there are costs associated with implementing the provisions of HB394/aHEC. It is unclear if PED or individual school districts and charter schools will need to fund the annual ten-hour professional development. The House Appropriations and Finance Committee Substitute for HB2 (HB2/HAFCS) would appropriate \$2.5 million for bilingual and multicultural education support. The narrative in HB2/HAFCS indicates the funding could be used to provide local professional learning opportunities on culturally and linguistically responsive instruction.

SUBSTANTIVE ISSUES

Professional Development. HB394/aHEC would require school district and charter school teachers who serve ELs to complete ten hours of culturally and linguistically responsive professional development. Analysis from Regional Education Cooperative 6 (REC6) states the requirement may cause a strain on school districts and charter schools as it may lead them to reduce the amount of professional development provided in other content areas. REC6 states one solution for school districts and charter schools to implement the provisions of HB394/aHEC would be to embed culturally and linguistically responsive strategies into content-specific (i.e. English, math, science, etc.) professional learning. It is unclear if this solution would meet the requirements established in the bill as the criteria for meeting this requirement is broad. Analysis from the New Mexico Independent Community Colleges (NMICC) indicates NMICC have the capacity to provide quality professional development to meet workforce needs.

Endorsement Requirement. HB394/aHEC would require applicants for a level 1 teaching license to be qualified to have a license endorsement in bilingual or TESOL beginning in 2024. According to NMICC analysis, this requirement may exacerbate the teacher shortage as it increases the requirements for licensure — making it more difficult to obtain a teaching license.

According to PED, 14 percent of students in New Mexico are classified as EL. The department states there were 10,072 teachers with an active teaching license and a TESOL endorsement for FY18, however only 5,497 teachers with an active teaching license and a TESOL endorsement were actually employed in New Mexico school districts and charter schools. PED data brings to light the issue of TESOL teacher retention. TESOL teachers must be highly skilled to continuously differentiate the instruction for a broad variety of skillsets and linguistic needs.

Because the coursework requirements for obtaining a TESOL endorsement are vague, it is unclear whether all TESOL-endorsed New Mexico teachers are well-prepared to meet the dynamic needs of EL students. Hanover Research conducted an assessment of EL programs in the state and found teachers with a TESOL endorsement did not feel well-prepared to serve the diverse pool of EL students, with only 25 percent of respondents indicating they felt prepared to serve Native American ELs, 28 percent felt prepared to serve newcomers, and 27 percent felt prepared to serve ELs with disabilities.

ADMINISTRATIVE IMPLICATIONS

PED would be required to monitor school districts' and charter schools' compliance with the provisions of HB394/aHEC. School districts and charter schools would be required to report to PED how they are meeting the provisions of HB394/aHEC.

TECHNICAL ISSUES

HB394/aHEC would require certain provisions be met beginning in 2024. The sponsor may wish to specify a date to ensure stakeholders can easily comply with the provisions of the bill. Because the date deals with teacher licensure, July 1, 2024 may be appropriate to ensure teachers are in compliance before the beginning of a new school year.

HB394/ aHEC states, “Beginning in 2024, applicants for a level 1 license must be qualified to have a license endorsement in bilingual or teaching English to speakers of other languages.” It is unclear if qualified is meant to state that the applicant has met all coursework and assessment requirements for the specific endorsement or if the applicant must actually add the endorsement to their license.

The working group that would be required to study professional development evaluation and TESOL certification requirements would be required to be chaired by the assistant secretary who oversees the PED bilingual multicultural program. In current statute there is no bilingual multicultural assistant secretary. A separate piece of legislation, HB159, would create an assistant secretary of the bilingual multicultural education division. The sponsor may wish to include language that would not be contingent upon the passing of another piece of legislation. Additionally, the sponsor may wish to clarify the language used to designate individuals; HB394/aHEC indicates the assistant secretary of the bilingual multicultural program would chair the group and HB159 indicates the assistant secretary of bilingual multicultural education division is created.

OTHER SIGNIFICANT ISSUES

According to PED, 49,452 students participated in a bilingual multicultural education program in FY18, this represents 15 percent of New Mexico’s student population. The table below shows the enrollment in bilingual multicultural education programs by ethnicity. While Hispanic and Latino students make up 62 percent of the total student population, they make up 77 percent of the enrollment in all bilingual multicultural education programs across the state. Native American students make up 10 percent of the total student population and make up 15 percent of the students participating in a bilingual multicultural education program.

Student Participation in Bilingual and Multicultural Education Programs (BMEPs) by Ethnicity

FY	Total Number of Students	Hispanic Students in BMEP	Hispanic Students Not in BMEP	Native American Students in BMEP	Native American Students Not in BMEP	Other Students in BMEP	Other Students Not in BMEP
15	338,665	40,656	166,337	8,453	27,014	3,936	96,205
16	338,608	40,033	167,419	8,302	26,394	4,030	92,430
17	337,056	39,301	167,495	7,295	27,136	3,251	92,578
18	336,955	38,147	169,339	7,394	26,536	3,786	91,753

Source: PED

A large percentage of Hispanic and Native American students do not participate in bilingual multicultural education programs. In the bilingual multicultural education annual report, PED notes the number of schools implementing bilingual multicultural education programs increased from 461 in FY17 to 484 in FY18 because of increased monitoring and improved technical assistance to schools that clarify program eligibility requirements needed to receive funding. Additionally, this increase denotes a heightened demand for bilingual multicultural education programs. Schools that are unable to offer bilingual multicultural education programs lack teachers with an endorsement in TESOL or bilingual or are unable to inform parents of the benefits of bilingual multicultural education programs in order to initiate a program or increase enrollment of

existing programs. During the 2017-2018 school year, 81 percent of bilingual multicultural education programs were Spanish/English language programs and 19 percent were Native American/English language programs.

National Comparison. According to the Education Commission of the States, over 30 states do not require EL training for general education classroom teachers beyond the federal requirements. Approximately 20 states explicitly require EL teachers to have a special certification. The state of California has a dynamic population of culturally and linguistically diverse students from a variety of backgrounds comparable to New Mexico. In order to teach in California public schools, all teachers must obtain a Crosscultural, Language, and Academic Development (CLAD) certificate. The CLAD certificate ensures teachers can address the needs of EL students.

The requirements for a CLAD certificate are comprehensive, rigorous, and standardized and require specific coursework, a passing score on multiple tests in the California Teacher of English Learners Examination, and specific professional development time and content requirements certified by the California Commission on Teacher Credentialing, or a National Board for Professional Teaching Standards certificate in English as a New Language. Conversely, the requirements for practicing teachers in New Mexico to obtain a TESOL endorsement are to pass the Content Knowledge Assessment (CKA) in TESOL and complete 12 credit hours in TESOL; or complete 24-36 hours in TESOL; or be certified by the National Board for Professional Teaching Standards in TESOL.

Comparison of EL Teacher Preparation Requirements in New Mexico and California

Options to Obtain a TESOL Endorsement (NM)	Options to Obtain a CLAD Certificate (CA)
Pass Content Knowledge Assessment (CKA) in TESOL <u>and</u> complete 12 credit hours in TESOL	Verification of experience learning a second language <u>and</u> pass Tests 1, 2, and 3 of the California Teacher of English Learners Examination (CTEL)
Complete 24-36 credit hours in TESOL	Verification of experience learning a second language <u>and</u> complete course work in a Commission on Teacher Credentialing (CTC)-approved CTCL program
Complete National Board for Professional Teaching Standards in TESOL	Verification of experience learning a second language <u>and</u> possess a Supplementary Authorization in English as a Second Language <u>and</u> complete three credit hours in Specially Designed Academic Instruction Delivered in English (SDAIE)
	Verification of experience learning a second language <u>and</u> possess a Supplementary Authorization in English as a Second Language <u>and</u> complete a 45-hour SDAIE professional development certified by CTC
	Verification of experience learning a second language <u>and</u> complete National Board for Professional Teaching Standards in TESOL

Courses that meet the TESOL requirement vary and can include any foreign language, methods for TESOL, cultural history, cultural anthropology, linguistics, phonetics, assessment, and parent and community involvement. The coursework requirements are considerably general that a large variety of courses can count toward fulfillment of the endorsement without applicable instruction in meeting the needs of EL students. If teachers are required to obtain a TESOL endorsement to teach students in New Mexico, the training and requirements must be further standardized to ensure teachers are well-prepared to serve ELs rather than simply meeting a requirement for compliance. Additionally, the level of rigor in the preparation of TESOL teachers must be heightened if New Mexico EL students are to be nationally competitive.

RELATED BILLS

HB 111, Cultural and Linguistic Education Support

HB 120, Bilingual Teacher Preparation Act

HB 159, Multicultural Education Framework

HB 275, College of Education Affordability

SOURCES OF INFORMATION

- LESC Files
- New Mexico Independent Community Colleges (NMICC)
- Regional Education Cooperative 6 (REC6)

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