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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 2nd Session, 2020**

|                        |                                   |                            |                     |
|------------------------|-----------------------------------|----------------------------|---------------------|
| <b>Bill Number</b>     | <u>HB199/aHEC/aHAFC</u>           | <b>Sponsor</b>             | <u>Salazar</u>      |
| <b>Tracking Number</b> | <u>.216187.2</u>                  | <b>Committee Referrals</b> | <u>HEC/HAFC;SEC</u> |
| <b>Short Title</b>     | <u>Study Bilingual Frameworks</u> |                            |                     |
| <b>Analyst</b>         | <u>Canada</u>                     | <b>Original Date</b>       | <u>1/30/2020</u>    |
|                        |                                   | <b>Last Updated</b>        | <u>2/19/2020</u>    |

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**BILL SUMMARY**

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee Amendment to House Bill 199 (HB199/aHEC/aHAFC) struck the \$400 thousand appropriation from the general fund.

Synopsis of HEC Amendment

The House Education Committee Amendment to House Bill 199 (HB199/aHEC) changes the working group appointment to end in December 2021 instead of 2020.

Synopsis of Original Bill

House Bill 199 (HB199) creates a bilingual framework working group to study successful national and statewide bilingual models. The working group must report to the Legislature its findings and recommendations on how to integrate their findings into current practice.

**FISCAL IMPACT**

The Public Education Department (PED) would be required to cover the expenses and staffing for the bilingual framework working group, including paying for state or national bilingual experts and in-depth research and publication of the working group's report.

Members of the working group are entitled to per diem and mileage as provided in the Per Diem and Mileage Act.

The Senate Finance Committee Amendment to the House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS/aSFC) includes a nonrecurring appropriation to PED of \$100 thousand to fund a bilingual framework study.

LESC recommended a recurring appropriation to PED of \$2.2 million for English learners and bilingual education program evaluation and support. In FY20, PED received an appropriation of

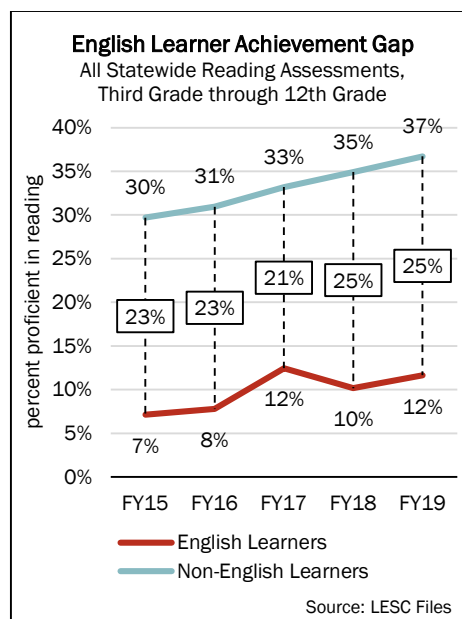
\$2.5 million for this purpose; HB2/HAFCS/aSFC does not include an appropriation to PED in FY21.

**SUBSTANTIVE ISSUES**

HB199/aHEC/aHAFC would convene a working group to address programs found insufficient in the *Martinez* and *Yazzie* consolidated lawsuit. Bilingual and multicultural education programs represent a strategy to implement culturally and linguistically responsive instruction for Native American students and English learners (EL). Increasing access to high-quality bilingual and multicultural education programs could help the state meet the cultural and linguistic needs of EL students and narrow the achievement gap that has widened since FY15.

**Bilingual Programs in New Mexico.** The state Bilingual Multicultural Education Act (BMEA) requires research-based bilingual and multicultural education programs to be fully implemented, including professional development for teachers and instruction and assessment for students. The act defines "bilingual multicultural education program" as a program using two languages, including English and the home or heritage language, as a medium of instruction in the teaching and learning process. HB199/aHEC/aHAFC specifies the working group to look at biliteracy framework models, which goes beyond this definition to include the ability to read and write proficiently in two languages.

Because key components of the BMEA are not fully implemented by school districts and monitored by PED, students across the state encounter inconsistent bilingual and multicultural learning experiences. PED notes the department is increasing monitoring and improving technical assistance for school districts and charter schools to ensure proper implementation of bilingual and multicultural education programs. The department adopted rule changes to increase bilingual and multicultural education program accountability to ensure academic language proficiency in English and a second language for all student participants. Additionally, as outlined in Section 22-1-9.1 NMSA 1978, the state of New Mexico confers a seal of bilingualism-biliteracy on a high school diploma based on rigorous criteria.



Analysis from the New Mexico Indian Affairs Department (IAD) on a similar bill states that rebuilding New Mexico's education has been a priority of the 23 tribes, nations, and pueblos in the state. PED's Indian Education Division and the Indian Education Advisory Council study have studied best practices from school districts that have a high population of students who practice their culture and speak their heritage language. IAD cites findings from a 2010 report, *Indian Education in New Mexico, 2025*. The qualitative study included findings and recommendations from local indigenous educators and identified the following seven best practices:

- *Accountability*. Schools should offer professional development opportunities to improve knowledge and appreciation of the local community's historical, cultural, and social context.
- *School Climate*. The tribal community should participate and be proactive in the long-term design and development of facilities to serve their students and the community.
- *Successful Relationships*. Teachers should make an effort to learn about the community and the social conditions that affect their student's lives.
- *Vision*. The community should develop proactive and reciprocal relationships between administrators and tribal leadership in a manner that advances the future goals and needs of the community
- *Pedagogy*. Teachers should use holistic practice focused on student engagement, including preparing visual or hands-on materials.
- *Curriculum*. Students stated they did not learn from the worksheets from textbooks when they were in Navajo Language classes, and called for more relevant instructional materials.
- *Language*. Parents and students asked for their heritage language to be taught within their school districts, and school personnel have demonstrated an ability to bridge the school and the community using local languages.

**Teacher Preparation for Bilingual Programs in New Mexico.** Although federal law requires states to provide English learners equal access to education, Education Commission of the States reports more than 30 states do not require training for general education classroom teachers who serve English learners. New Mexico falls in the 20 states that explicitly require teachers of English learners to have a special certification, requiring teachers to earn a Teaching English to Speakers of Other Languages (TESOL) endorsement. New Mexico institutions of higher education offer courses that meet the TESOL requirement, but there is no statewide standardized coursework to earn the endorsement. Instead, institutions offer a broad variety of general courses, rather than applicable training in meeting the needs of English learners, courses that include cultural history, cultural anthropology, linguistics, phonetics, assessment, and parent and community involvement.

**Duties.** The working group would study potential statewide models that will provide all public school students with access to culturally and linguistically responsive education, study biliteracy framework implementation to provide guidance to school districts and charter schools, study successful biliteracy frameworks that align with the state's kindergarten through 12<sup>th</sup> grade English and Spanish language arts standards, and study biliteracy frameworks for Indigenous languages with input from tribal language experts and tribal communities.

The working group would be required to make findings regarding the following:

- Identify biliteracy models that will improve the literacy rate in New Mexico and help students become college and career ready;
- Identify the best kindergarten through 12<sup>th</sup> grade biliteracy frameworks for developmental bilingual multicultural education programs in English and Spanish;

- Identify the best practice for biliteracy frameworks that respect, honor, and promote Indigenous languages; and
- Identify which culturally and linguistically responsive curriculum and instructional materials have best supported the implementation of a biliteracy framework and provided biliteracy success for public school students.

The working group will use the findings and determine why the frameworks they studied were successful. A final report based on these elements, in addition to, providing guidance to school districts and charter schools that want to use a biliteracy framework with their bilingual and multicultural education program implementation is required to be completed by December 1, 2022. The report must be sent to PED, LESC, the governor, the deans of the colleges of education and the presidents of state universities.

## **ADMINISTRATIVE IMPLICATIONS**

**Membership.** HB199/aHEC/aHAFC would create a working group made up of experts from the following areas:

- Culturally and linguistically responsive instruction;
- Tribal language experts designated by participating tribes;
- Service providers; and
- Universities, school districts, charter schools and other education providers that are successfully implementing biliteracy frameworks.

The New Mexico Independent Community Colleges and Santa Fe Community College (SFCC) expressed in their analysis concern that community colleges who offer teacher preparation programs will not be thoughtfully included in the process. SFCC noted they offer a bilingual education endorsement certificate as well as a teaching English as a second language (TESOL) endorsement. SFCC also offers a cultural immersion program through the Language Institute for Sustainability and Transformative Education in Oaxaca, Mexico.

## **OTHER SIGNIFICANT ISSUES**

Analysis from the University of New Mexico (UNM) outlines the following concerns and how to address them in relation to Native American biliteracy frameworks.

- *Not all New Mexico Indigenous communities have fully developed or implemented biliteracy frameworks.* The focus of this study includes New Mexico Indigenous languages and assumes that biliteracy frameworks exist for Indigenous communities. The UNM analysis notes with the exception of the Navajo language, which is written and implemented in many Navajo bilingual programs, most of the remaining New Mexico Indigenous languages, including the Apache and Pueblo languages, have not fully developed or implemented biliteracy frameworks, or in some cases, may eschew Native literacy as a means for teaching Native languages. The analysis suggests that in the case of New Mexico Indigenous languages, the focus for examining Native literacy will be limited to those languages sanctioned by a given tribe to use in a school program.
- *The study should include the present status of Native language programs.* UNM notes Native biliteracy programs face challenges that need to be studied. The UNM analysis includes new metrics for the study to consider, including: an examination of the present

status of Native literacy development and implementation in K-12 Native language programs; the extent to which Native literacy development is supported with existing instructional materials; the extent of professional development in local education agencies for Native language teachers in the area of Native literacy instruction; how Native literacy development is addressed in the state's existing K-12 framework and how it is supported by PED; and how Native literacy implementation aligns with a specific tribe's goals for language maintenance and/or revitalization.

- *The study should include Tribal Leaders and Communities.* The UNM analysis states the study needs to not only include input from tribal leaders and communities, but needs to follow the state's process applicable to all state agencies regarding issues impacting tribes. The analysis also notes the final report of findings and recommendations distribution list does not include New Mexico tribal leaders, Native language teachers, or the PED Indian Education.

## **RELATED BILLS**

Relates to HB138, Funding for *Yazzie* Lawsuit Responses, which appropriates funds to IAD for tribal departments of education to accomplish the following: develop and implement culturally and linguistically relevant education blueprints and governance structures; early childhood curriculum, assessment, and teacher and program evaluation instruments; for tribal libraries to develop and staff after-school and community-based summer school programs; and to develop and staff information technology departments to increase high-speed Internet connections for tribal education departments and other tribal education entities.

Relates to HM12, Cultural Diversity & Bilingual School Programs, which requests the secretary of PED to convene a working group to share best practices for implementing bilingual and multicultural programs. The working group will consist of members from magnet, charter, and traditional public schools and educational organizations that support cultural diversity and bilingual education. The working group would be requested to make a report of its findings and recommendations to the LESC.

Relates to HB87, Bilingual Multicultural Advisory Council, which creates a bilingual multicultural advisory council to study issues of bilingual multicultural education for all students, including the needs of English language learners, and provide advice to PED in the areas of curriculum, instruction, assessment, teacher preparation, teacher evaluation, professional development, licensure and student and family services.

Relates to SB89, Bilingual Teacher Scholarship Act, which creates a state bilingual multicultural advisory council tasked with advising the PED secretary, PED staff, the governor and the Legislature on implementation of the Bilingual Multicultural Act.

Relates to HB153, Bilingual Multicultural Educational Program, which raises the bilingual multicultural educational program units and makes an appropriation.

Relates to HB 135, Native Language Educational Units, which provides native language education program units

**SOURCES OF INFORMATION**

- LESC Files
- Indian Affairs Department (IAD)
- University of New Mexico (UNM)
- Santa Fe Community College (SFCC)
- New Mexico Independent Community Colleges (NMICC)

**CEC/tb/mc/sgs**