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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
55th Legislature, 1st Session, 2021

Bill Number	<u>HB52/aHEC</u>	Sponsor	<u>Figueroa</u>
Tracking Number	<u>218361.4</u>	Committee Referrals	<u>HEC/HSEIC</u>
Short Title	<u>Bilingual Multicultural Ed Advisory Council</u>		
Analyst	<u>Juliani</u>	Original Date	<u>1/25/2021</u>
		Last Updated	<u>2/8/2021</u>

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee Amendment to HB52 (HB52/aHEC) adds language that states the Bilingual Multicultural Education Advisory Council will advise the Public Education Department (PED) on the implementation of the Bilingual Multicultural Education Act instead of the department and the governor. The amendment reapportions the members of the advisory council, increasing the number of members from Indian nations, tribes, and pueblos from three to five, decreasing the number of educators from nine to eight, and decreasing the number of parents from three to two, removing the requirement that one parent be Hispanic and one be Native American. PED will appoint council members using a list generated and approved by the department and the current members of the ad hoc Bilingual Multicultural Education Advisory Council. The amendment clarifies current members will continue to serve the remainder of their term, with new members' terms beginning on July 1, 2021.

Synopsis of Original Bill

House Bill 52 (HB52) creates a new section of the Bilingual Multicultural Education Act, elevating the state's *ad hoc* bilingual advisory committee to statutory level, similar to the status accorded to the advisory councils for Indian education and Hispanic education. The new Bilingual Multicultural Education Advisory Council would advise PED and the governor on matters related to implementing the Bilingual Multicultural Education Act in the areas of curriculum, instruction, assessment, teacher preparation and evaluation, professional development, teacher licensure, and student and family services. HB52 also identifies the criteria for appropriate advisory council members, process for appointing members, and lengths of their terms. The bill also defines "bilingual learner."

FISCAL IMPACT

The bill does not contain an appropriation. It does allow for per diem and mileage reimbursement for members of the advisory council as non-salaried public officers pursuant to the Per Diem and Mileage Act.

PED's analysis indicated the department would be required to cover two types of costs related to the provisions of the bill without any funding designated for this purpose. First, PED would be responsible for any additional data collection and reporting requirements. Second, current State Bilingual Advisory Council members may receive per diem if traveling, with an option to request reimbursements for their time committed to the advisory council based on approval by the Department of Finance and Administration. PED noted only three advisory council members requested reimbursement in FY20 for a total of approximately \$7 hundred with the costs potentially higher if more advisory members had chosen to seek reimbursement for per diem or hotels. PED also indicated, to estimate possible costs, the Indian Education Advisory Council with about the same number of council members as the BMEAC under the proposed language of HB52, received almost \$11 thousand dollars in reimbursements for per diem, mileage, and hotels for all meetings attended in FY20.

SUBSTANTIVE ISSUES

Consolidated *Martinez-Yazzie* Lawsuit. In the consolidated *Martinez-Yazzie* education sufficiency lawsuit, the 1st Judicial District Court ruled the state failed to provide quality programs targeted to meet the specific needs of at-risk students, including English learners. HB52/aHEC creates a statutory framework for stakeholders to recommend how the state can meet the needs of bilingual students and English learners, two student subgroups identified by the court as receiving an insufficient education. HB52/aHEC replaces the current bilingual advisory committee, created in 1970 as an *ad hoc* advisory body, with the Bilingual Multicultural Education Advisory Council, tasked with advising PED and the governor on the effective implementation of the Bilingual Multicultural Education Act and the support of all bilingual learners, including English language learners, to have equitable access to instruction and learning. The Bilingual Multicultural Education Advisory council would be charged with studying issues related to bilingual multicultural education for all students, including the needs of bilingual and English learners, and providing advice to PED in the areas of curriculum, instruction, assessment, teacher preparation and evaluation, professional development, teacher licensure, and student and family services. The bill also requires PED to provide biannual reports to the advisory council regarding progress on yearly advisements.

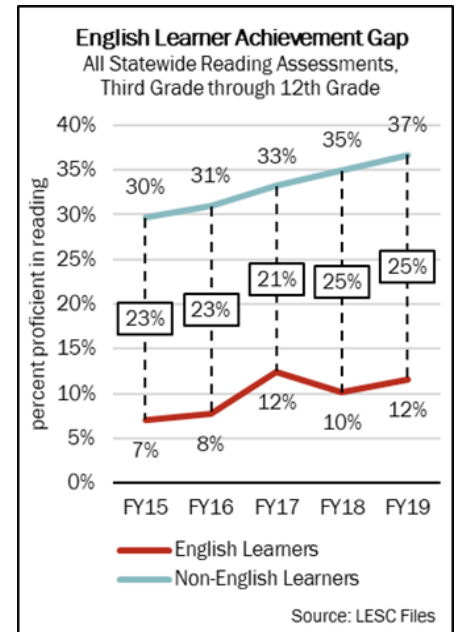
The Bilingual Multicultural Education Act. HB52/aHEC's advisory council consists of members who have technical knowledge of and expertise in bilingual multicultural education and teaching English to English learners positioned to advise the department on implementing uniform high-quality bilingual and multicultural education programs across the state. New Mexico is one of the only states in the United States that includes a provision in the state constitution to ensure teachers are trained in both English and Spanish instruction so they can teach Spanish-speaking pupils. The Bilingual Multicultural Education Act requires research-based bilingual and multicultural education programs to be fully implemented with regard to professional development for teachers and instruction and assessment for students.

National studies show bilingual and multicultural education programs are beneficial for all students, regardless of a student’s home language. Developmentally appropriate instruction in the student’s home language teaches students the value of their culture and improves academic outcomes.

English learners score lower than non-English learners in reading and math, and English learners generally take fewer advanced courses and have lower graduation rates than students who are not classified as English learners. In New Mexico, 16 percent of public school students are identified as English learners (ELs), substantially higher than the national rate of 10 percent. Sixty-two of the state’s 89 school districts (representing more than 450 schools) have a bilingual multicultural education program, and Hispanic and Native American students constitute the majority of participating students.

Council Membership. PED is responsible for appointing members from a list approved by the department and the Bilingual Multicultural Education Advisory Council co-chairs. As amended, the bill requires that the council must include the following members:

- Five members appointed or designated by Indian nations, tribes, or pueblos to include one member each from the Navajo Nation, Mescalero Apache Tribe, Jicarilla Apache Nation, the southern pueblos, and the northern pueblos;
- Eight members who represent prekindergarten through 12th grade teachers, principals, superintendents, other education administrators, and higher education faculty from different geographical areas of the state (at least one of whom with a background in special education); and
- Two parents of students enrolled in bilingual multicultural education programs.



New members of the Bilingual Multicultural Education Advisory Council will serve a three-year term, beginning July 1, 2021. Current members of the existing ad hoc advisory council will serve the remainder of their appointed term. All members can serve up to two consecutive terms. Council members are to be representative of the various stakeholder.

Language regarding term lengths may be problematic because periodic loss of institutional knowledge may occur if the council experiences high turnover in membership at the end of concurrent three-year terms. Staggering terms and having members serve either one-, two-, or three-year terms may constitute a better method than having all members serve concurrent terms of the same length.

Council Duties. The council is to advise PED on the following issues:

- Recruiting, developing, and training effective bilingual multicultural teachers and teachers of bilingual learners and English learners;
- Identifying professional development best suited and appropriate for the languages being taught to support teaching staff to work effectively with bilingual multicultural education program students;
- Promoting professional development to build the capacity of school administrators to effectively lead bilingual multicultural education programs and become knowledgeable regarding second language acquisition research, theory, and pedagogy;

- Developing solutions for streamlining and strengthening program management, implementation, and monitoring of bilingual multicultural education programs at the state, school district, and school-site levels;
- Fostering family and community partnerships representative of the languages and cultures of all students in the program; and
- Achieving programmatic goals, including academic achievement in two languages and bilingual biliteracy growth and, for tribal languages, language-appropriate goals with progress determined in accordance with tribal priorities and sovereignty.

Existing Potentially Duplicative Councils. The state currently has in statute other councils tasked with advising PED on matters related to improving public school education for Hispanic and Native American students. The Hispanic Education Advisory Council may provide duplicative recommendations to PED because the council is currently advising the department on increasing parent involvement and community engagement in the education of Hispanic students, as well as other matters to improve education of Hispanic students. The Indian Education Advisory Council may also provide duplicative advisement to PED specifically related to indigenous research and evaluation measures to identify effective curricula for tribal students.

Definitions. HB52/aHEC defines “bilingual learner” as a student whose bilingualism is emerging through the development of English and a language other than English.

OTHER SIGNIFICANT ISSUES

HB159, Multicultural Education Framework, and HB159/aSEC from the 2019 regular legislative session would have created two new divisions in PED – the Bilingual Multicultural Education Division and the Hispanic Education Division, while aligning the duties of the Bilingual Multicultural and Hispanic Education Divisions, and the Indian Education Division and requiring accountability and collaboration among the secretaries and advisory councils of each respective division. HB159 also sought to create the Hispanic education fund to be administered by the Hispanic Education Division and a new Bilingual Multicultural Advisory Council to advise the secretary of education, PED staff, the governor, and the Legislature on implementation of the Bilingual Multicultural Education Act.

HB87, Bilingual Multicultural Advisory Council, from the 2020 regular legislative session would have added a new section to the Bilingual Multicultural Education Act creating a 15-member state bilingual multicultural advisory council tasked with advising the secretary of education, PED staff, the governor, and the Legislature on implementation of the Bilingual Multicultural Education Act. The council members, required to have technical knowledge of and expertise in bilingual multicultural education and teaching English learners, would have consisted of three members appointed or designated by Indian nations, tribes and pueblos, nine members representing prekindergarten through 12th grade teachers, principals, superintendents, other education administrators and higher education faculty from different geographical areas of the state. The bill also required at least one member who has a special education background, and three parents of bilingual students, including one parent of a Native American student and one parent of a Hispanic student, whose students are enrolled in bilingual multicultural education program.

RELATED BILLS

Relates to HB131, Creating Assistant Secretary of Hispanic Education Positions at PED and the Higher Education Department, which adds members and additional duties to the existing Hispanic education advisory council.

SOURCES OF INFORMATION

- LESC Files

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