

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov).

FISCAL IMPACT REPORT

SPONSOR Garratt/Trujillo **ORIGINAL DATE** 02/10/21
LAST UPDATED 03/03/21 **HB** 219/aHEC/aHAFC
SHORT TITLE Biliteracy Development Framework Task Force **SB** _____
ANALYST Becerra

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	See Fiscal Implications					

(Parenthesis () Indicate Expenditure Decreases)

Relates to:
 HB52, Bilingual Multicultural Ed Advisory Council
 HB84, Native Language Education Program Unit
 HB85, Yazzie Lawsuit Response Funding
 HB86, Native American Library, Internet, and Education
 HB87, Yazzie Lawsuit Higher Education Funding

SOURCES OF INFORMATION

LFC Files
 LESC Files

Responses Received From
 Indian Affairs Department (IAD)
 Public Education Department (PED)

SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment to House Bill 219 removes the \$400 thousand appropriation included in the original bill.

Synopsis of HEC Amendment

The House Education Committee (HEC) amendment to House Bill 219 (HB219) adds the legislative finance committee to the list of entities to which the working group shall report its findings and recommendations.

Synopsis of Original Bill

House Bill 219 (HB219) appropriates \$400 thousand from the general fund to the Public Education Department (PED) to convene and staff a biliteracy and oral language development framework working group that will function from the date of its appointment until December 1, 2021. The working group will be comprised of experts in culturally and linguistically responsive instruction and tribal language development and will study a biliteracy and oral language development framework. The findings and recommendations of the working group will be published and reported to PED, the Legislative Education Study Committee, the governor, deans of the colleges of education, presidents of the state universities, and the Indian tribes, nations, and pueblos with approved language programs in the public schools.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

The House Appropriations and Finance Committee (HAFC) amendment to House Bill 219 (HB219) removes the \$400 thousand appropriation included in the original bill.

PED, in their analysis, notes the department received \$100thousand in the General Appropriation Act of 2020 for the purpose of developing a biliteracy framework. The department has already convened a task force of national experts in biliteracy to advise the department about how biliteracy intersects with structured literacy, which is a key statewide literacy initiative called for in 22-13-32 NMSA 1978.

Additionally, the department intends to use a portion of the funds to create professional development modules that will incorporate the framework and supports classroom teachers and school administrators to understand how to incorporate biliteracy across the curriculum. The department intends to move forward for professional development for implementation of the biliteracy framework and biliteracy best practices.

HB219 appropriates \$400 thousand from the general fund to PED to pay the expenses of and staffing for the biliteracy and oral language development framework working group, including paying for state or national biliteracy experts and in-depth research and publication of the working group's report. The appropriation is identified as a nonrecurring expense to the general fund because HB219 specifies the working group will cease to exist on December 1, 2021, and thus the group cannot incur any recurring costs to the general fund. The appropriation is for expenditure in fiscal year 2022 with any unexpended or unencumbered balance remaining at the end of fiscal year 2022 reverting to the general fund

Members of the working group who are not paid with public money are entitled to per diem and mileage as provided in the Per Diem and Mileage Act. Though it is specified in the bill that the related appropriation is to be used to cover any expense related to the working group, the bill does not specify a minimum or maximum number of members, thus, any per diem and mileage reimbursements should be covered by the appropriation so long as the number of members does not exceed the per diem and mileage reimbursements that the appropriation can cover. Otherwise, this may lead to a request for more funding.

PED did not respond to the request for analysis at the time of analysis of original bill, it is assumed that the department can expend any costs related to the administration of the working

group if the related appropriation does not cover additional costs the department may incur.

SIGNIFICANT ISSUES

HB219 would convene a working group to address programs found insufficient in the consolidated Martinez-Yazzie lawsuit. Bilingual and multicultural education programs represent a strategy to implement culturally and linguistically responsive instruction for Native American students and English learners.

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 (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 Indian Affairs Department notes that from 2016 to 2019, 27 district or state charter school awarded 2,161 state seals of bilingual proficiency as a result of current bilingual education programs and as outlined in Section 22-1-9.1 NMSA 1978.

PERFORMANCE IMPLICATIONS

HB219 requires the working group publish a final report of its findings by December 1, 2021, to the Public Education Department, the Legislative Education Study Committee, the governor and the deans of the colleges of education and the presidents of the state universities and to New Mexico Indian nations, tribes and pueblos that have approved language programs in the public schools. The report should include:

- Why identified frameworks have been successful;
- How state standards for Spanish language arts should align with the state's PreK – 12 biliteracy and oral language development framework;
- Key findings regarding instructional approaches that best meet the purposes for indigenous language instruction;
- Recommendations on the biliteracy and oral language development frameworks; and
- Recommendations on appropriate professional development to support school districts and charter schools implementing bilingual multicultural education program models.

ADMINISTRATIVE IMPLICATIONS

The respective appropriated funds and the convening of the working group will be administered by the Public Education Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB52, Bilingual Multicultural Ed Advisory Council, elevates the state's existing bilingual advisory committee to a statutory level and renames it the Bilingual Multicultural Education Advisory Council.

HB84, Native Language Education Program Unit, provides native language education program units.

HB85, Yazzie Lawsuit Response Funding, which appropriates funds to the Indian Affairs Department for tribal departments of education to 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.

HB86, Native American Library, Internet, and Education, which appropriates funds to the Indian Affairs Department for library, internet access, and education resource center projects for Indian tribes, nations, and pueblos.

HB87, Yazzie Lawsuit Higher Education Funding, which appropriates funds to institutions of higher education and tribal colleges to comply with the court's ruling in the consolidated Martinez/Yazzie lawsuit by improving educational outcomes for Native American students and families.

TECHNICAL ISSUES

HB219 does not provide a minimum or maximum number of members of the working group.

OTHER SUBSTANTIVE ISSUES

Biliteracy and Oral Language Development Framework Working Group

Purpose. HB219 specifies the working group will:

- Study potential statewide frameworks that will provide a culturally and linguistically responsive education
- Identify a framework that will improve the biliteracy rate and indigenous oral language development comprehension levels;
- Identify biliteracy frameworks in English and Spanish;
- Identify best practices for oral language development that respect, honor and promote indigenous languages; and,
- Study biliteracy framework implementation and oral language development practices for indigenous language instruction.

Membership. The working group will be comprised, as specified by HB219, by:

- Local experts in culturally and linguistically responsive instruction;
- Tribal language experts designated by participating tribes;
- Service providers, including special education providers; and
- Universities, school districts, charter schools and other education providers and administrators who are successfully implementing biliteracy and oral language development frameworks.

HB219 does not provide guidance on the minimum or maximum number of members of the working group.