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FISCAL IMPACT REPORT

SPONSOR <u>Trujillo/Gurrola</u>	LAST UPDATED <u>2/27/23</u>
	ORIGINAL DATE <u>2/21/23</u>
SHORT TITLE <u>Prueba De Espanol Para La Certification</u>	BILL NUMBER <u>House Bill 152/aHEC</u>
	ANALYST <u>Helms/Liu</u>

APPROPRIATION* (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
	\$350.0	Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Relates to HJM 3, SJM 6
Duplicates an appropriation in the General Appropriation Act

Sources of Information

LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to House Bill 152 extends PED’s authority to expend the \$350 thousand appropriation into subsequent fiscal years and does not revert the appropriation to the general fund at the end of FY24.

Synopsis of Original Bill

House Bill 152 appropriates \$350 thousand from the general fund to the Public Education Department (PED) to develop an updated version of the Prueba de Español para la Certificación Bilingüe, the Spanish language proficiency exam required for public school educators to receive a bilingual endorsement in Spanish. This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

The appropriation of \$350 thousand contained in this bill is a nonrecurring expense to the

general fund. Any unexpended or unencumbered balance remaining at the end of FY24 shall revert to the general fund. The HEC amendment prevents this appropriation from reverting.

This bill duplicates an appropriation in the General Appropriation Act. The HAFC Substitute for House Bill 2 includes \$750 thousand from the public education reform fund to update the Prueba de Español para la Certificación Bilingüe Spanish language proficiency exam and other language proficiency exams for licensure endorsement.

The exam has four parts and multiple versions. An analysis from the Bilingual Multicultural Education Act Council (BMEAC) to PED for SY22-23 estimated project costs to reach \$300 thousand including a contract position with PED to lead test redevelopment, exam writers, a video production team for visual aspects of the test, test validation and new grading guideline creation, and supervision from Eastern New Mexico University (ENMU), who administers the exam. PED cites this advisement from BMEAC.

LFC analysis concurs with the SY22-23 estimate presented to the BMEAC. There would be \$50 thousand remaining in the appropriation after estimated costs assessed by the BMEAC.

SIGNIFICANT ISSUES

Prueba de Español para la Certificación Bilingüe was last updated in FY06. A 2022 LFC Program Evaluation of Bilingual and Multicultural Education Programs recommended an update to the Prueba exam, citing that the exam was first developed in the 90s and has not been fully redeveloped since that time. The BMEAC has noted an updated exam would increase standards for meaningful bilingual educators in the classroom, create more accurate standards for bilingualism, and ensure the exam is commensurate with the Bilingual Multicultural Education Act. BMEAC has noted if personnel were available, a full update of the test would take nine months to one year, including validation testing.

PED analysis notes:

A bilingual endorsement is required to teach Spanish-English bilingual education, which made up 84 percent of the state's bilingual education programs in SY21. The exam is outdated; for example, the exam refers to audio cassette tape recording technology.

ENMU has administered the exam since 2003 and does not assess institutional fees. LFC analysis notes the exam costs exam-takers \$150 dollars, plus travel time and travel costs to exam locations in Albuquerque, Portales, or Roswell. It is possible any remaining funds in the appropriation could be used to establish one-time waivers for exam or travel costs for bilingual teachers teaching at schools with high proportions of at-risk students, pursuant to the Bilingual Multicultural Education Act, which advises support of all bilingual multicultural education students, including bilingual learners and English language learners, to have equitable access to instruction and learning as required by state and federal education and civil rights laws. One-time waivers could allow BMEAC to see if providing waivers for exam costs and travel allows a greater number of educators to take interest in or access the exam compared to years without waivers.

ADMINISTRATIVE IMPLICATIONS

PED analysis notes:

The provisions of the bill would require PED personnel to coordinate the project during the 2023-2024 school year or, at a minimum, administer contracts for the project. PED personnel currently have no part in the examinations. Since 2003, Eastern New Mexico University (ENMU) has administered the in-person exam and collected exam fees to sustain the program. In fall 2022, BMEAC offered to provide PED input and expertise for the project of updating the exam, and to connect the Department or project director to additional resources, experts, and the original creators of the Prueba de Español para la Certificación Bilingüe.

DUPLICATION, RELATIONSHIP

This bill duplicates an appropriation in the General Appropriation Act. The HAFC Substitute for House Bill 2 includes \$750 thousand from the public education reform fund to update the Prueba de Español para la Certificación Bilingüe Spanish language proficiency exam and other language proficiency exams for licensure endorsement.

This bill relates to House Joint Memorial 3 and Senate Joint Memorial 6, which requests the governor to name calendar year 2023 as the Year of Bilingual Multicultural Education and requests BMEAC to make recommendations and respond to the LFC's evaluation on bilingual multicultural education programs.

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