



**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

**HB 159 Multicultural Education Framework, HB 171, SB 554, Bilingual Multicultural Education Act (22-23 NMSA 1978)**

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

Title IV of the Civil Rights Act and accompanying Office of Civil Rights requirements as well as the Elementary and Secondary Education Act of 1965, as amended, under the Every Student Succeeds Act (ESSA), requires that districts and schools have English Learner Programs for all English Learners.

**BILL SUMMARY**

Synopsis: The bill creates new statutory language requiring English Learner Programs for all current English Learners in the state. Section 1 of HB394HEC specifically lists the requirements of English Learner Programs that are aligned to Office of Civil Rights requirements, and is amended to require 10 hours instead of two days of professional development for all principals, assistant principals and teachers on culturally and linguistically responsive instruction, and requires the Public Education Department (PED) to conduct monitoring.

Section 2, was amended in HB394HEC deleting a requirement for all teachers to obtain an endorsement in Teaching English to Speakers of Other Languages (TESOL) before advancing from a Level 1 to a Level 3 license. Instead, Section 2 requires that all applicants for a level one license must be qualified to have a TESOL endorsement by 2024.

Section 3, added to HB394HEC, requires a TESOL working group to: 1) develop criteria for the PED to use in evaluating professional development course content and quality, before approving them; and 2) review and update related rules to include course requirements and the TESOL competencies. The TESOL working group shall name college of education faculty who teach in TESOL courses, members of the State Bilingual, Indian Education and Hispanic Education Councils, language acquisition experts and endorsed teachers in elementary and secondary schools.

**FISCAL IMPLICATIONS**

HB394 does not include an appropriation.

**SIGNIFICANT ISSUES**

HB394HEC will require coordination between the Public Education Department's Language and Culture Bureau and Professional Licensure Bureaus.

While HB394HEC creates a mechanism for all new teachers to acquire TESOL endorsement, it delays this requirement for 5 years. Given the great need for educators—pre-service and in-service—to be equipped to support English Learners, waiting 5 years to institute the change appears to lack urgency. If meet the academic and language learning need of English Learners is critical—and it is—then it is incongruous that HB394HEC is silent on expectations for currently licensed and practicing educators, not requiring them to similarly obtain TESOL endorsement.

Therefore, it is important to consider how to ensure that currently licensed personnel have the knowledge and skills to appropriately meet the academic and language learning of the EL students they serve. This could be resolved by providing explicit training on English language development and second language acquisition through an TESOL immersion program with a hourly or credit requirement completed by 2024.

Additionally, HB394 does not address level one reciprocity. This could be resolved by requiring that a TESOL endorsement be completed within three years of the level one license.

## **PERFORMANCE IMPLICATIONS**

The PED's Language and Culture Bureau is charged with EL program implementation and oversight English Learner Programs, including those embedded and provided as part of an approved state-funded Bilingual Multicultural Education Program. This statute provides the Department with state statute that will allow it to hold districts and schools accountable for ensuring ELs with the services for which they are eligible regardless if a district offers bilingual programming. This bill supports current departmental efforts and further strengthens its ability to hold district and schools accountable for adequately serving ELs.

The Language and Culture Bureau has worked with stakeholders to review the TESOL competencies (in collaboration with the Professional License Bureau), rule on English Language Development and to create a sample curriculum for English Language Development. Thus, the proposed TESOL working group would add to current efforts.

## **ADMINISTRATIVE IMPLICATIONS**

HB394HEC would have administrative implications for the PED as it would need to provide districts with timely and relevant guidance and technical assistance related to new licensure requirements, educator preparation program requirements, and approved courses. The PED would also be responsible for leading the TESOL working group. The Bilingual endorsement competencies support the development of language in EL programs; however, there is currently no assessment aligned to measure on the Bilingual competencies. The PED would need to adopt or create an assessment aligned to the Bilingual Competencies, and may require additional funding to support related assessment procurement.

Even though the bill creates statutory requirements for EL programs, it requires 10 hours of professional development focused on culturally and linguistically responsive instruction rather than professional development focused on English language development (ELD), second language acquisition, and effective instructional practices to support language and content learning. Perhaps the language should be further amended to be more precise. One potential way of improving this would be to require professional development for culturally and linguistically responsive ELD.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Related to 6.29.5 NMAC, English Language Development, and 6.65.2 NMAC, Professional Development Framework

### **TECHNICAL ISSUES**

The bill conflates bilingual multicultural education programming with EL programming. Bilingual education programming is not exclusively for ELs. Therefore, it is not consistent to require the TESOL working group to develop criteria for evaluating “bilingual multicultural” and TESOL professional development courses (p.3). Instead, it would be more consistent with expressed purposes of the act language to replace “bilingual multicultural” with culturally and linguistically responsive” as doing so would keep the requirements related to English Language Learner Program Elements in Section 1 internally consistent.

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The PED will continue to rely on federal requirements or ensuring district and schools are adequately serving and meeting the academic and language learning needs of ELs.

### **AMENDMENTS**