



***Every New Mexico child has a right to a sufficient and equitable education.***

**HB 394** requires all school districts and charter schools to ensure that English language learner programs, including bilingual, ESL (English as a Second language) and ELD (English language development) programs, are compliant with federal requirements for educating ELL students. The bill requires all teachers to complete two days of professional development in TESOL (Teaching English to Speakers of Other Languages) related pedagogy, beginning in the 2020 school year and requires all teachers applying for a level 1 license in New Mexico to obtain a bilingual or TESOL endorsement, beginning in the 2024 school year. The Public Education Department will be required to report on district and charter-school compliance with the TESOL professional development requirements and to establish a working group to revise and update the TESOL requirements and content test.

**The Court ruled that the State is violating the constitutional rights of students to a sufficient education and is not meeting its state and federal requirements to assist students who are not proficient in English.”**  
(Yazzie/Martinez decision, p.73).

“Effective programs for English language learner (ELL) students must have qualified teachers—meaning bilingual-certified or TESOL-endorsed teachers.” (P.74)

“Teachers working with ELL students, including teachers in non-language academic subjects, must receive periodic, ELL-specific professional development.” (P.74).

Plaintiffs’ expert assessed six school districts that serve high concentrations of Native American English learner students – Zuni, Gallup, Grants-Cibola, Jemez Valley, Cuba, and Bernalillo – and determined that NAEL students were not provided an adequate English acquisition program or a program that fully complies with federal standards. (See p. 95-102).

## **Students who are English Language Learners must receive culturally and linguistically responsive instruction to succeed in school.**

- ELL students in New Mexico make up approximately 14% of the public-school population. In some districts, including Bernalillo, Gadsden, Cuba, and Zuni, ELL students account for about half of all students.
- According to experts in the field, an adequate ESL program should include an underlying philosophy or theory of second language development that is consistent across all grades and time; a program director who supports the theory; teachers who are TESOL endorsed; materials that support the theory; and, professional development for teachers and administrators.
- The research demonstrates a strong, positive correlation between appropriately prepared teachers, including those with TESOL or bilingual endorsements and academic learning.
- According to national reports, ELL students are rarely instructed by licensed practitioners who are knowledgeable about the process of second-language learning. In New Mexico, a majority of school district administrators and educators, who serve high percentages of ELL students, are not certified to teach ELL students.

# ***Transform Education NM***

## **Platform for Action**

Find the full platform at: <http://nmpovertylaw.org/wp-content/uploads/2018/12/Transform-Education-NM-Platform-2018-12-11.pdf>



**Transform Education NM members include:** New Mexico Center on Law and Poverty, College Horizons, Dual Language Education of NM, Native American Community Academy (NACA), NACA Inspired School Network (NISN), Learning Alliance NM, NM Dream Team/United We Dream, Southwest Organizing Project (SWOP), National Education Association NM (NEA-NM), New Mexico Association for Bilingual Education (NMABE), Coalition for the Majority, Native American Budget & Policy Institute (NABPI), New Mexico Education Action Alliance, CHI St. Joseph's, NGAGE NM, NM School Boards Association, The Santa Fe Indian School Leadership Institute, The Sun Project, and current and former superintendents of school districts and plaintiff school districts (Cuba Independent School District, Gallup-McKinley County Schools, Lake Arthur Public Schools, Moriarty Edgewood School District, Rio Rancho Public Schools, Santa Fe Public Schools).