

1 AN ACT  
2 RELATING TO EDUCATION; PROVIDING FOR ACCOUNTABILITY IN BILINGUAL  
3 MULTICULTURAL EDUCATION PROGRAMS; SPECIFYING THE PERMISSIBLE  
4 USES OF BILINGUAL MULTICULTURAL EDUCATION PROGRAM FUNDS;  
5 AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. Section 22-23-1 NMSA 1978 (being Laws 1973, Chapter 285,  
9 Section 1) is amended to read:

10 "22-23-1. SHORT TITLE.--Chapter 22, Article 23 NMSA 1978 may be cited  
11 as the "Bilingual Multicultural Education Act"."

12 Section 2. A new section of the Bilingual Multicultural Education Act,  
13 Section 22-23-1.1 NMSA 1978, is enacted to read:

14 "22-23-1.1. LEGISLATIVE FINDINGS.--The legislature finds that:

15 A. while state and federal combined funding for New Mexico's  
16 bilingual multicultural education programs was forty-one million dollars  
17 (\$41,000,000) in 2003, the funds do not directly support bilingual multicultural  
18 education program instruction;

19 B. the state's bilingual multicultural education program goals are for  
20 all students, including English language learners, to:

21 (1) become bilingual and biliterate in English and a second  
22 language, including Spanish, a Native American language, where a written form  
23 exists and there is tribal approval, or another language; and

24 (2) meet state academic content standards and benchmarks  
25 in all subject areas;

C. districts do not fully understand how to properly assess, place  
and monitor students in bilingual multicultural education programs so that the

1 students may become academically successful;

2 D. because inaccurate reporting on student participation in bilingual  
3 multicultural education programs has a direct impact on state and federal funding,  
4 accountability measures are necessary to track bilingual multicultural education  
5 program funds;

6 E. the federal No Child Left Behind Act of 2001 does not preclude  
7 using state funds for bilingual multicultural education programs;

8 F. Article 12, Section 8 of the constitution of New Mexico recognizes  
9 the value of bilingualism as an educational tool;

10 G. professional development is needed for district employees,  
11 including teachers, teacher assistants, principals, bilingual directors or coordinators,  
12 associate superintendents, superintendents and financial officers in the areas of:

13 (1) research-based bilingual multicultural education  
14 programs and implications for instruction;

15 (2) best practices of English as a second language, English  
16 language development and bilingual multicultural education programs; and

17 (3) classroom assessments that support academic and  
18 language development;

19 H. parents in conjunction with teachers and other district employees  
20 shall be empowered to decide what type of bilingual multicultural education program  
21 works best for their children and their community. Districts shall also provide  
22 parents with appropriate training in English or in the home or heritage language to  
23 help their children succeed in school;

24 I. because research has shown that it takes five to seven years to  
25 acquire academic proficiency in a second language, priority should be given to  
programs that adequately support a child's linguistic development. The state shall,  
therefore, fund bilingual multicultural education programs for students in grades

1 kindergarten through three before funding bilingual multicultural education programs  
2 at higher grade levels;

3 J. a standardized curriculum, including instructional materials with  
4 scope and sequence, is necessary to ensure that the bilingual multicultural  
5 education program is consistent and building on the language skills the students  
6 have previously learned. The instructional materials for Native American bilingual  
7 multicultural education programs shall be written, when permitted by the Indian  
8 nation, tribe or pueblo, and if written materials are not available, an oral  
9 standardized curriculum shall be implemented;

10 K. equitable and culturally relevant learning environments,  
11 educational opportunities and culturally relevant instructional materials for all  
12 students participating in the program. For Native American students enrolled in  
13 public schools, equitable and culturally relevant learning environments, educational  
14 opportunities and culturally relevant instructional materials are required to satisfy a  
15 goal of the Indian Education Act; and

16 L. the Bilingual Multicultural Education Act will ensure equal  
17 education opportunities for students in New Mexico. Cognitive and affective  
18 development of the students is encouraged by:

19 (1) using the cultural and linguistic backgrounds of the  
20 students in a bilingual multicultural education program;

21 (2) providing students with opportunities to expand their  
22 conceptual and linguistic abilities and potentials in a successful and positive  
23 manner; and

24 (3) teaching students to appreciate the value and beauty of  
25 different languages and cultures."

Section 3. Section 22-23-2 NMSA 1978 (being Laws 1973, Chapter 285,  
Section 2) is repealed and a new Section 22-23-2 NMSA 1978 is enacted to read:

1 "22-23-2. DEFINITIONS.--As used in the Bilingual Multicultural Education

2 Act:

3 A. "bilingual multicultural education program" means a program  
4 using two languages, including English and the home or heritage language, as a  
5 medium of instruction in the teaching and learning process;

6 B. "culturally and linguistically different" means students who are of  
7 a different cultural background than mainstream United States culture and whose  
8 home or heritage language, inherited from the student's family, tribe or country of  
9 origin, is a language other than English;

10 C. "department" means the public education department;

11 D. "district" means a public school or any combination of public  
12 schools in a district;

13 E. "English language learner" means a student whose first or  
14 heritage language is not English and who is unable to read, write, speak or  
15 understand English at a level comparable to grade level English proficient peers  
16 and native English speakers;

17 F. "heritage language" means a language other than English that is  
18 inherited from a family, tribe, community or country of origin;

19 G. "home language" means a language other than English that is  
20 the primary or heritage language spoken at home or in the community;

21 H. "school board" means a local school board; and

22 I. "standardized curriculum" means a district curriculum that is  
23 aligned with the state academic content standards, benchmarks and performance  
24 standards."

25 Section 4. Section 22-23-4 NMSA 1978 (being Laws 1973, Chapter 285,  
Section 4) is amended to read:

"22-23-4. DEPARTMENT--POWERS--DUTIES.--

1 A. The department shall issue rules for the development and SB  
2 implementation of bilingual multicultural education programs.

3 B. The department shall administer and enforce the provisions of the 4  
4 Bilingual Multicultural Education Act. 7  
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5 C. The department shall assist school boards in developing and Pa  
6 evaluating bilingual multicultural education programs. ge

7 D. In the development, implementation and administration of the 5  
8 bilingual multicultural education programs, the department shall give preference to  
9 New Mexico residents who have received specialized training in bilingual education  
10 when hiring personnel."

11 Section 5. Section 22-23-5 NMSA 1978 (being Laws 1973, Chapter 285,  
12 Section 5, as amended) is amended to read:

13 "22-23-5. BILINGUAL MULTICULTURAL EDUCATION PROGRAM PLAN--  
14 EVALUATION.--

15 A. The school board may prepare and submit to the department a  
16 bilingual multicultural education program plan in accordance with rules issued by  
17 the department.

18 B. At regular intervals, the school board and a parent advisory  
19 committee from the district shall review the goals and priorities of the plan and  
20 make appropriate recommendations to the department.

21 C. Bilingual multicultural education programs shall be located in the  
22 district and delivered as part of the regular academic program. Involvement of  
23 students in a bilingual multicultural education program shall not have the effect of  
24 segregating students by ethnic group, color or national origin.

25 D. Each district shall maintain academic achievement and language  
proficiency data and update the data annually to evaluate bilingual multicultural  
education program effectiveness and use of funds. The department shall annually

1 compile and report this data to the appropriate interim legislative committee.

2 E. Districts shall provide professional development to district  
3 employees, including teachers, teacher assistants, principals, bilingual directors or  
4 coordinators, associate superintendents, superintendents and financial officers in  
5 the areas of:

6 (1) research-based bilingual multicultural education  
7 programs and implications for instruction;

8 (2) best practices of English as a second language, English  
9 language development and bilingual multicultural education programs; and

10 (3) classroom assessments that support academic and  
11 language development.

12 F. Bilingual multicultural education programs shall be part of the  
13 district's professional development plan. Bilingual educators, including teachers,  
14 teacher assistants, instructional support personnel, principals and program  
15 administrators, shall participate in professional development and training."

16 Section 6. Section 22-23-6 NMSA 1978 (being Laws 1973, Chapter 285,  
17 Section 6, as amended) is amended to read:

18 "22-23-6. BILINGUAL MULTICULTURAL EDUCATION PROGRAMS--  
19 ELIGIBILITY FOR STATE FINANCIAL SUPPORT.--

20 A. To be eligible for state financial support, each bilingual  
21 multicultural education program shall:

22 (1) provide for the educational needs of linguistically and  
23 culturally different students, including Native American children and other students  
24 who may wish to participate, in grades kindergarten through twelve, with priority to  
25 be given to programs in grades kindergarten through three, in a district;

(2) fund programs for culturally and linguistically different  
students in the state in grades kindergarten through three for which there is an

1 identifiable need to improve the language capabilities of both English and the home  
2 language of these students before funding programs at higher grade levels;

3 (3) use two languages as mediums of instruction for any part  
4 or all of the curriculum of the grade levels within the program;

5 (4) use teachers who have specialized in elementary or  
6 secondary education and who have received specialized training in bilingual  
7 education conducted through the use of two languages. These teachers or other  
8 trained personnel shall administer language proficiency assessments in both  
9 English and in the home language until proficiency in each language is achieved;

10 (5) emphasize the history and cultures associated with the  
11 students' home or heritage language;

12 (6) establish a parent advisory committee, representative of  
13 the language and culture of the students, to assist and advise in the development,  
14 implementation and evaluation of the bilingual multicultural education program; and

15 (7) provide procedures to ensure that parental notification is  
16 given annually prior to bilingual multicultural education program placement.

17 B. Each bilingual multicultural education program shall meet each  
18 requirement of Subsection A of this section and be approved by the department to  
19 be eligible for state financial support."

20 Section 7. REPEAL.--Section 22-23-3 NMSA 1978 (being Laws 1973,  
21 Chapter 285, Section 3) is repealed.

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