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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 1st Session, 2019**

<b>Bill Number</b>	<u>SB632</u>	<b>Sponsor</b>	<u>Lopez</u>
<b>Tracking Number</b>	<u>.213949.1</u>	<b>Committee Referrals</b>	<u>SEC/SFC</u>
<b>Short Title</b>	<u>Additional Ed Dept. Divisions</u>		
<b>Analyst</b>	<u>Ochoa</u>	<b>Original Date</b>	<u>3/4/19</u>
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**BILL SUMMARY**

Synopsis of Bill

Senate Bill 632 (SB632) would amend the Bilingual Multicultural Education Act and the Hispanic Education Act, and add a section for a new state seal for multicultural graduates to the Public School Code. SB632 would create two new divisions in the Public Education Department (PED) — the bilingual multicultural education division and the Hispanic education division. The bill has provisions that would align the duties of the bilingual multicultural education division, the Hispanic education division, and the Indian education division. Additionally, the bill would require accountability and collaboration among the secretaries and advisory councils of each respective division.

**FISCAL IMPACT**

The bill does not contain an appropriation. The House Appropriations and Finance Committee Substitute for House Bill 2 would appropriate \$2.5 million to support bilingual and multicultural education. These funds could be used to implement the provisions of SB632 that apply to bilingual multicultural education. The bill would also create a new fund, the Hispanic Education Fund to be administered by the Hispanic education division. The fund would be subject to appropriation by the Legislature with the purpose of implementing the provisions of the Hispanic Education Act.

The bill would require two new assistant secretaries, one for the bilingual multicultural education division and one for the Hispanic education division. In current statute, only the Indian education division has an assistant secretary with a designated job code of a division director. According to state personnel reports, the average salary of a PED division director is \$96,159. Currently, the language and culture bureau is led by a division director. It is unclear if a change in title would lead to a change in salary. However, there is no current division director equivalent for Hispanic education. The bill would require a new FTE for the assistant secretary of the Hispanic education division with a potential salary of \$96,159.

Section 5(E) of SB632 would allow public members of the bilingual multicultural education council to be “entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act.” This is another cost that would be incurred upon enactment of SB632.

## **SUBSTANTIVE ISSUES**

**State Seal for Multicultural Graduates.** SB632 would add a section to the Public School Code for a state seal for multiculturalism to be added to the New Mexico diploma of excellence. The seal would certify that the recipient would be proficient for meaningful use in college, career, or to meet a local community’s needs in multiculturalism. SB632 would require PED to adopt rules to establish criteria for students to earn the seal of multiculturalism. The criteria would be required to include number of credits in multicultural education and various types of assessments in multiculturalism. The department would be required to consult with Indian nations, tribes, and pueblos; teachers endorsed in bilingual multicultural education; statewide organizations; higher education experts; and representatives from the state bilingual multicultural, Hispanic, and Indian education advisory councils to develop the criteria.

Currently there are no other states implementing a state seal for multicultural graduates. The language in SB632 regarding the state seal for multicultural graduates is modeled after the state seal for bilingual and biliterate graduates, currently in statute — Section 22-1-9.1 NMSA 1978. New Mexico was the fifth state in the nation to adopt a state seal for bilingualism-biliteracy in 2015. Since the adoption, over 1,200 seals have been awarded in 10 different languages. Although quantitative data does not exist to determine whether the state seal in bilingualism-biliteracy leads to improved postsecondary education or career outcomes, there is much research supporting bilingualism and biliteracy as a means for educational and professional advancement.

A report published by the University of California Los Angeles indicated that of employers who were surveyed, 66 percent responded they would prefer a bilingual employee over a monolingual English speaker. When employers were asked if a state seal of biliteracy would have any benefit in hiring, a higher percentage of employers responded they would prefer that candidate. For example, 57 percent of employers in the professional/scientific/technical services category responded they would be more likely to hire a bilingual candidate, when the state seal of biliteracy was mentioned, approval for the bilingual candidate went up to 67 percent. Employers from a variety of industries were surveyed—arts, entertainment, recreation, accommodation, food services, transportation, warehousing, management, administration, retail trade, manufacturing, construction, health care, social assistance, public administration, finance, insurance, real estate, educational services, scientific services, and technical services.

**Program Alignment.** SB632 would model the Bilingual Multicultural Act and the Hispanic Education Act after the Indian Education Act to facilitate alignment between the implementation of each act. The table below demonstrates how the bill would affect what is currently in statute.

**Program Alignment Under SB632**

<b>Indian Education Act</b>	<b>Hispanic Education Act</b>	<b>Bilingual Multicultural Education Act</b>
<ul style="list-style-type: none"> <li>• Indian Education Division</li> <li>• Assistant Secretary of Indian Education</li> <li>• Indian Education Fund</li> <li>• Indian Education Advisory Council</li> </ul>	<ul style="list-style-type: none"> <li>• Hispanic Education Division*</li> <li>• Assistant Secretary of Hispanic Education*</li> <li>• Hispanic Education Fund*</li> <li>• Hispanic Education Advisory Council</li> </ul>	<ul style="list-style-type: none"> <li>• Bilingual Multicultural Education Division*</li> <li>• Assistant Secretary of Bilingual Multicultural Education*</li> <li>• Bilingual Multicultural Education Funding</li> <li>• Bilingual Multicultural Education Advisory Council*</li> </ul>

\*Required under SB632

**New Divisions.** SB632 would create a new bilingual multicultural education division and a new Hispanic education division within PED. The bill indicates the divisions would require an assistant secretary and advisory council, however the bill would not create a Hispanic education advisory council because one already exists in Section 22-23B-5 NMSA 1978. The purpose of the divisions would be to implement the provisions of the Bilingual Multicultural Act and the Hispanic Education Act by ensuring programs are in compliance with federal and state regulations; providing technical assistance for programs; ensuring collaboration occurs between Indian education division, Hispanic education division, and bilingual multicultural education division; monitoring and approving programs; accepting funds; and conducting research related to bilingual education, Hispanic education, and serving English learner (EL) students.

**New Assistant Secretaries.** The secretary of public education would be required to consult with the bilingual multicultural education advisory council and the Hispanic education advisory council to appoint an assistant secretary for each respective division. Both assistant secretaries would be responsible for directing the activities and policy of their division. The assistant secretary of the bilingual multicultural division would be required to provide assistance on allocation of resources to school districts and charter schools to improve programs specific to their division; provide expertise in planning, development, implementation, and evaluation of bilingual or culturally relevant curriculum; and ensuring bilingual multicultural programs are a component of a school district’s or charter school’s professional development plan. The assistant secretary of Hispanic education does not have specific duties outlined in SB632.

**Bilingual Multicultural Education Advisory Council.** The bill would create a new bilingual multicultural advisory council to advise the secretary of education, PED staff, the governor, and the Legislature on implementation of the Bilingual Multicultural Education Act. The council would be required to consist of up to 15 members with expertise in bilingual multicultural education and instruction for ELs: two enrolled members of tribes; six members who are kindergarten through 12th grade teachers, principals, superintendents, education administrators, and higher education faculty with at least one member with a special education background; six parents of bilingual students including at least one parent of a Native American student, one parent of a Hispanic student, one parent of an African American student, one parent of an Asian student, one parent of a Muslim student, and at least one parent of a special education student, all of which are enrolled in a bilingual multicultural program in a public school; and at least one bilingual multicultural education student. Considering the body of research supporting the value of early

childhood education, the sponsor may wish to include an individual with expertise in bilingual multicultural education for early childhood development.

**Accountability.** SB632 would add a new section to the Bilingual Multicultural Education Act that outlines accountability in implementation of a multicultural education framework that identifies and addresses students’ needs; ensures alignment between the Bilingual Multicultural Education Act, the Indian Education Act, and the Hispanic Education Act and collaboration between the divisions; and develops culturally responsive curriculum and instructional materials. This new section of the act would require the division to collaborate with the Higher Education Department and institutions of higher education to develop a bilingual multicultural teacher preparation program, develop professional development standards and programs, ensure advisory councils of all three divisions meet semiannually, conduct annual assessments of bilingual students’ needs, develop indicators to measure the effectiveness of programs, identify strategies to close the achievement gap for culturally and linguistically diverse students, monitor and ensure efficient use of funds, and issue an annual report on how the provisions of the act were achieved.

## **ADMINISTRATIVE IMPLICATIONS**

**Bilingual Multicultural Education Division.** PED complies with the current provisions of the Bilingual Multicultural Education Act. Currently, the department has a Language and Culture Bureau responsible for implementing the provisions of the Act. The bureau consists of a director, deputy director, three specialists, and one clerical support provider. SB632 would change this organizational structure by adding the assistant secretary of bilingual multicultural education. Additionally, the bill would require increased collaboration and coordination between assistant secretaries and divisions of bilingual multicultural education, Hispanic education, and Indian education. Currently the State Bilingual Advisory Council exists within the department. In order to comply with SB632, a new bilingual multicultural advisory council would be created as the bill outlines the initial council would begin to serve on July 1, 2019 for a maximum of two terms of no more than three years per term.

**Hispanic Education Division.** PED does not currently have a Hispanic education division. SB632 would require the department to create the division.

**Annual Report.** SB632 would require the bilingual multicultural division to issue an annual report produced in collaboration with the Indian education and Hispanic education divisions to outline how the provisions of Section 5(C) of the bill were met. This would require all three divisions to issue two annual reports because they are already statutorily obligated to submit a report for the provisions in their respective acts.

## **TECHNICAL ISSUES**

Section 2(A)(4) notes students would demonstrate proficiency in multiculturalism through advanced placement or international baccalaureate examinations for multiculturalism. Currently neither assessment offers an examination in multiculturalism. Both assessments test students in foreign languages and social sciences that could potentially fall in the category of multiculturalism. The sponsor may wish to amend language to either allow for flexibility regarding these assessments or denote precisely which assessments would qualify to demonstrate proficiency in multiculturalism.

Section 5(E) of SB632 would allow public members of the bilingual multicultural education council to be “entitled to receive per diem and mileage as provided in the Per Diem and Mileage

Act.” Pursuant to Section 22-23B-5 NMSA1978 of the Hispanic Education Act, members of the council cannot receive per diem and mileage or other compensation for their services. Additionally, Section 22-23A-6 NMSA 1978 of the Indian Education Act states members of the Indian education advisory council may receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act. The sponsors may wish to ensure the language is consistent across all three acts by amending the aforementioned section of the Hispanic Education Act to allow Hispanic education advisory council members to receive per diem as provided in the Per Diem and Mileage Act.

Section 4(A)(8) notes the bilingual multicultural division would be required to enforce rules. Section 6(A) notes the bilingual multicultural division would be required to write rules. Section 10(A)(6) would require the Hispanic education division to enforce rules. Section 11(C) would require the Hispanic education division to develop rules. PED has the authority to write, promulgate and enforce rules. Individual divisions can provide expertise in rule drafting but they do not have the authority to enforce or write rules. The sponsor may wish to amend the language so PED is identified as the responsible entity for developing, promulgating, and adopting rules.

### **RELATED BILLS**

HB111, Cultural and Linguistic Education Support  
HB120, Bilingual Teacher Preparation Act  
HB159, Multicultural Education Framework  
SB614, Multicultural Educator Loan for Service Act

### **SOURCES OF INFORMATION**

- LESC Files

**ALO/mhg**