

HOUSE BILL 159

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC EDUCATION IMPROVEMENTS; CREATING DIVISIONS
IN THE PUBLIC EDUCATION DEPARTMENT TO FOCUS ON BILINGUAL
MULTICULTURAL EDUCATION AND HISPANIC STUDENTS; PROVIDING POWERS
AND DUTIES; ALIGNING THE BILINGUAL MULTICULTURAL EDUCATION,
INDIAN EDUCATION AND HISPANIC EDUCATION DIVISIONS' DUTIES;
CREATING ADVISORY BODIES; CREATING A FRAMEWORK; REQUIRING
ACCOUNTABILITY AND ADEQUATE FUNDING.

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

SECTION 1. Section 22-23-1.1 NMSA 1978 (being Laws 2004,
Chapter 32, Section 2) is amended to read:

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

~~[A. while state and federal combined funding for
New Mexico's bilingual multicultural education programs was~~

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1 ~~forty-one million dollars (\$41,000,000) in 2003, the funds do~~
2 ~~not directly support bilingual multicultural education program~~
3 ~~instruction]~~

4 A. the court, in *Yazzie/Martinez v. State of New*
5 *Mexico*, determined that the state was not meeting its
6 constitutional duty to provide a sufficient education for all
7 students, including at-risk students, culturally and
8 linguistically diverse students, English language learners,
9 American Indian students and students with disabilities. To
10 address that ruling, the legislature finds that the department
11 needs to provide school districts and charter schools a
12 multicultural education framework that focuses on those student
13 populations and provide sufficient resources to school
14 districts and charter schools to help those students have an
15 adequate opportunity to prepare for college and careers;

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

19 (1) become bilingual and biliterate in English
20 and a second language, including Spanish, [~~a Native~~] an
21 American Indian language, [~~where~~] if a written form exists and
22 there is tribal approval, or another language; and

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

25 C. school districts and charter schools do not

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1 fully understand how to properly assess, place and monitor
2 students in bilingual multicultural education programs so that
3 the students may become academically successful;

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

9 E. the federal [~~No Child Left Behind Act of 2001~~]
10 Every Student Succeeds Act does not preclude using state funds
11 for bilingual multicultural education programs;

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

15 G. professional development is needed for school
16 district and charter school employees, including teachers,
17 [~~teacher~~] educational assistants, principals, head
18 administrators, bilingual directors or coordinators, directors
19 of curriculum and instruction, associate superintendents,
20 superintendents and financial officers, in the areas of:

21 (1) research-based bilingual multicultural
22 education programs and implications for instruction;

23 (2) best practices [~~of~~] for English as a
24 second language, English language development and bilingual
25 multicultural education programs; and

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1 (3) classroom assessments that support
2 academic and language development;

3 H. parents in conjunction with teachers and other
4 school district and charter school employees shall be empowered
5 to decide what type of bilingual multicultural education
6 program works best for their [~~children~~] students and their
7 community. School districts and charter schools shall also
8 provide parents with information on appropriate training [~~in~~]
9 for English [~~or in the home or heritage~~] language learners or
10 bilingual students to help their [~~children~~] students succeed in
11 school;

12 I. because research has shown that it takes five to
13 seven years to acquire academic proficiency in a second
14 language, priority [~~should~~] shall be given to programs that
15 adequately support a [~~child's~~] student's linguistic
16 development. The state shall, therefore, fund bilingual
17 multicultural education programs for students in [~~grades~~]
18 kindergarten through [~~three~~] third grade before funding
19 bilingual multicultural education programs at higher grade
20 levels;

21 J. a standardized curriculum, including
22 instructional materials with scope and sequence that are
23 culturally and linguistically responsive to New Mexico public
24 school students, is necessary to ensure that the bilingual
25 multicultural education program is consistent and building on

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1 the language skills the students have previously learned. The
2 instructional materials for [~~Native~~] American Indian bilingual
3 multicultural education programs shall be written, when
4 permitted by the Indian nation, tribe or pueblo, and if written
5 materials are not available, an oral standardized curriculum
6 shall be implemented;

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

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

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

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

25 (3) teaching students to appreciate the value

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1 and beauty of different languages and cultures."

2 SECTION 2. Section 22-23-2 NMSA 1978 (being Laws 1973,
3 Chapter 285, Section 2, as amended) is amended to read:

4 "22-23-2. DEFINITIONS.--As used in the Bilingual
5 Multicultural Education Act:

6 A. "assistant secretary" means the assistant
7 secretary of bilingual multicultural education;

8 ~~[A.]~~ B. "bilingual multicultural education program"
9 means a program using two languages, including English and the
10 home or heritage language, as a medium of instruction in the
11 teaching and learning process;

12 C. "council" means the state bilingual
13 multicultural advisory council;

14 ~~[B.]~~ D. "culturally and linguistically ~~[different]~~
15 diverse" means students who are of a different cultural
16 background than mainstream United States culture and whose home
17 or heritage language, inherited from the student's family,
18 tribe or country of origin, is a language other than English;

19 ~~[G. "district" means a public school, or any~~
20 ~~combination of public schools in a district;]~~

21 E. "division" means the bilingual multicultural
22 education division of the department;

23 ~~[D.]~~ F. "English language learner" means a student
24 whose first or heritage language is not English and who is
25 unable to read, write, speak or understand English at a level

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1 comparable to grade level English proficient peers and native
2 English speakers;

3 ~~[E-]~~ G. "heritage language" means a language other
4 than English that is inherited from a family, tribe, community
5 or country of origin;

6 ~~[F-]~~ H. "home language" means a language other than
7 English that is the primary or heritage language spoken at home
8 or in the community; ~~[and~~

9 ~~G-]~~ I. "standardized curriculum" means a school
10 district curriculum that is aligned with the state academic
11 content standards, benchmarks and performance standards;

12 J. "tribal language" means the indigenous language
13 spoken by an Indian tribe that is allowed by the tribe to be
14 taught outside the tribe, but which language might not be
15 written; and

16 K. "tribe" means a New Mexico Indian nation, tribe
17 or pueblo."

18 SECTION 3. A new section of the Bilingual Multicultural
19 Education Act is enacted to read:

20 "[NEW MATERIAL] BILINGUAL MULTICULTURAL EDUCATION
21 DIVISION--CREATED--ASSISTANT SECRETARY--DUTIES.--

22 A. The "bilingual multicultural education division"
23 is created in the department to:

24 (1) achieve the purposes of the Bilingual
25 Multicultural Education Act;

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1 (2) ensure that bilingual multicultural
2 education programs are in compliance with the Bilingual
3 Multicultural Education Act;

4 (3) ensure that English language learner
5 programs are in compliance with relevant state and federal
6 requirements;

7 (4) provide technical assistance and support
8 to all school districts and charter schools in achieving the
9 goals of the Bilingual Multicultural Education Act;

10 (5) coordinate and collaborate with the
11 assistant secretaries of Indian education and Hispanic
12 education to ensure that public schools have sufficient
13 resources, including the expertise, to provide students with a
14 bilingual multicultural education;

15 (6) review and approve applications for
16 bilingual multicultural education programs and related funding;

17 (7) monitor and assess the effectiveness of
18 bilingual multicultural education programs;

19 (8) accept gifts, grants and donations to be
20 used for bilingual multicultural education;

21 (9) enforce rules for the administration of
22 the Bilingual Multicultural Education Act;

23 (10) conduct research and compile statistics
24 relating to the education of bilingual and English language
25 learner students;

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1 (11) coordinate with the Indian education
2 division, including the assistant secretary and the Indian
3 education advisory council, for the provision and assessment of
4 bilingual multicultural education and English language learner
5 programs and services for American Indian students enrolled in
6 public schools; and

7 (12) collaborate with the Indian education and
8 Hispanic education divisions and their advisory councils for
9 the provision of quality bilingual multicultural education
10 programs and English language learner programs and services.

11 B. The secretary, with input from the council,
12 shall appoint an "assistant secretary of bilingual
13 multicultural education", who shall direct the activities of
14 the division and advise the secretary on development of policy
15 regarding bilingual multicultural and English language learner
16 education.

17 C. The assistant secretary shall coordinate with
18 appropriate administrators from all units in the department to
19 ensure that department administrators from all units of the
20 department make implementation of the Bilingual Multicultural
21 Education Act central to and embedded in their educational
22 priorities.

23 D. In accordance with the rules of the department
24 and after consulting with the council, the assistant secretary
25 shall:

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1 (1) provide assistance, including advice on
2 allocation of resources to school districts and charter
3 schools, to improve language services to meet the educational
4 needs of bilingual education and English language learner
5 students;

6 (2) provide assistance and school expertise to
7 school districts, charter schools and tribes in the planning,
8 development, implementation and evaluation of a bilingual
9 multicultural education curricula;

10 (3) develop or select for implementation a
11 challenging, sequential, culturally and linguistically relevant
12 standardized curriculum and curriculum models to provide
13 instruction to students in pre-kindergarten through twelfth
14 grade;

15 (4) provide technical assistance and support
16 to school districts, public schools and local school boards to
17 develop culturally relevant standardized curricula and
18 instructional materials; and

19 (5) ensure that bilingual multicultural
20 programs are part of a school district's or charter school's
21 professional development plan."

22 SECTION 4. A new section of the Bilingual Multicultural
23 Education Act is enacted to read:

24 "[NEW MATERIAL] STATE BILINGUAL MULTICULTURAL ADVISORY
25 COUNCIL--MEMBERSHIP--DUTIES.--

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1 A. The "state bilingual multicultural advisory
2 council" is created to advise the secretary, department staff,
3 the governor and the legislature through its interim and
4 standing committees on the effective implementation of the
5 Bilingual Multicultural Education Act and the support of all
6 English language learners to have equitable access to
7 instruction and learning as required by state and federal
8 education and civil rights laws.

9 B. The council consists of no more than fifteen
10 members who have technical knowledge of and expertise in
11 bilingual multicultural education and teaching English to
12 English language learners as follows:

13 (1) three enrolled members of tribes;
14 (2) nine members who are pre-kindergarten
15 through twelfth grade teachers, principals, superintendents,
16 other education administrators or higher education faculty who
17 are from different geographical areas of the state and at least
18 one of whom has a special education background; and

19 (3) three parents of bilingual students,
20 including one parent of an American Indian student and one
21 parent of a Hispanic student, whose students are enrolled in
22 bilingual multicultural education programs at the elementary or
23 secondary level.

24 C. For the initial term of the council, the members
25 shall include a minimum of five members from the department-

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1 created state bilingual advisory group; other council members
2 shall be appointed by the secretary with input from the serving
3 council members from an applicant pool submitted by the co-
4 chairs after consultation with various stakeholder groups.

5 D. Members of the council shall begin to serve
6 their appointment on July 1, 2019 for a maximum of two terms
7 with each term being no longer than three years. The secretary
8 may stagger terms on the council.

9 E. The council shall:

10 (1) study issues of bilingual multicultural
11 education for all students, including the needs of English
12 language learners, and provide advice to the department in the
13 areas of curriculum, instruction, assessment, teacher
14 preparation, teacher evaluation, professional development,
15 licensure and student and family services to:

16 (a) strengthen the quality of bilingual
17 multicultural education programs;

18 (b) promote rigorous culturally and
19 linguistically responsive instruction in bilingual
20 multicultural education programs; and

21 (c) support effective classroom teaching
22 for participating bilingual multicultural education program
23 students, including English language learners who may or may
24 not be part of stand-alone federal Title 3 programs; and

25 (2) advise the division on issues such as:

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1 (a) identifying current professional
2 development best practices to support teachers to work
3 effectively with English language learners, regardless of
4 whether students are placed in bilingual multicultural
5 education programs;

6 (b) developing and training effective
7 bilingual multicultural teachers and teachers of English
8 language learners;

9 (c) creating professional development
10 opportunities to build the capacity of public education
11 administrators to effectively lead bilingual multicultural
12 education programs and become knowledgeable regarding current
13 second language acquisition research, theory and pedagogy,
14 including culturally and linguistically responsive teaching
15 practices, whether students are placed in bilingual
16 multicultural education programs or not;

17 (d) developing and training teachers,
18 educational assistants and other licensed employees to support
19 and fulfill the language and learning needs of English language
20 learners and linguistically or culturally different students;

21 (e) developing solutions for
22 streamlining and strengthening program management,
23 implementation and monitoring of bilingual multicultural
24 education programs at the state, school district and school
25 site levels; and

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1 (f) achieving programmatic goals,
2 including academic achievement in two languages and bilingual
3 biliteracy growth as demonstrated and measured by language
4 proficiency in targeted bilingual multicultural education
5 programs, based on data for all students placed in bilingual
6 multicultural programs, including English language learners.

7 F. Public members of the council are entitled to
8 receive per diem and mileage as provided in the Per Diem and
9 Mileage Act."

10 SECTION 5. A new section of the Bilingual Multicultural
11 Education Act is enacted to read:

12 "[NEW MATERIAL] MULTICULTURAL EDUCATION FRAMEWORK--
13 ASSESSMENT--PLANNING--ACCOUNTABILITY.--

14 A. The division, in collaboration with the council,
15 the Indian education and Hispanic education divisions and
16 councils and outside experts as needed, shall develop a
17 multicultural education framework for the full implementation
18 of the Bilingual Multicultural Education Act, the Indian
19 Education Act and the Hispanic Education Act in all public
20 elementary and secondary schools in the state.

21 B. The multicultural education framework shall:
22 (1) identify the needs of school districts and
23 charter schools for technical assistance and support to
24 implement a multicultural education for all students;

25 (2) require that educational programs and

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1 services provided to students by school districts and charter
2 schools be aligned with the purpose, goals and provisions of
3 the Bilingual Multicultural Education Act, the Indian Education
4 Act and the Hispanic Education Act;

5 (3) require that the development of
6 curriculum, instructional materials and other learning tools
7 and resources provided by school districts and charter schools
8 be relevant and responsive to the cultures and languages of
9 their students;

10 (4) require the assistant secretary and the
11 assistant secretaries of Indian education and Hispanic
12 education and their divisions to work collaboratively with
13 school districts, charter schools, tribes and community
14 partners; and

15 (5) require the assistant secretary and the
16 assistant secretaries of Indian education and Hispanic
17 education and their divisions to work in coordination with the
18 secretary and all other units of the department to make the
19 Bilingual Multicultural Education Act, the Indian Education Act
20 and the Hispanic Education Act priorities of the department.

21 C. The division shall:

22 (1) work with the higher education department
23 and the colleges of education at state institutions of higher
24 education to develop a comprehensive bilingual multicultural
25 teacher pipeline for students in secondary education and

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1 students at public post-secondary educational institutions in
2 the state who want to major in bilingual multicultural
3 education in undergraduate or graduate school and who intend to
4 teach in New Mexico's public schools;

5 (2) develop professional development
6 standards, including training in culturally and linguistically
7 responsive instruction, and related support services for
8 bilingual multicultural education, Indian education and
9 Hispanic education teachers, educational assistants and other
10 public school personnel that need such professional development
11 to make them more proficient at their jobs;

12 (3) set up semiannual meetings among the
13 advisory councils of the three divisions;

14 (4) conduct an annual assessment of student
15 needs in bilingual multicultural education programs and
16 multicultural education for all students;

17 (5) develop indicators to measure the effect
18 of the multicultural education framework on the academic
19 progress of students statewide;

20 (6) identify strategies to close the academic
21 achievement gap for culturally and linguistically diverse
22 students;

23 (7) monitor all money allocated to the
24 department, divisions, school districts and charter schools
25 that is earmarked to implement the provisions of the Bilingual

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1 Multicultural Education Act, the Indian Education Act and the
2 Hispanic Education Act;

3 (8) monitor and ensure that school districts
4 and charter schools have sufficient funding and resources to
5 fully implement the Bilingual Multicultural Education Act, the
6 Indian Education Act and the Hispanic Education Act;

7 (9) ensure that the expenditures of state
8 funds are aligned with the provisions of the Bilingual
9 Multicultural Education Act, the Indian Education Act and the
10 Hispanic Education Act; and

11 (10) issue an annual report that is produced
12 through collaboration and coordination with the Indian
13 education and Hispanic education divisions that sets forth if
14 and how the provisions of this subsection were accomplished
15 during the past year, including meetings, assessments,
16 monitoring, professional development and collaboration among
17 units of the department and between the department and school
18 districts and charter schools, and describe plans for the
19 coming year to ensure the educational success of culturally and
20 linguistically diverse students."

21 SECTION 6. Section 22-23-4 NMSA 1978 (being Laws 1973,
22 Chapter 285, Section 4, as amended) is amended to read:

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

24 A. The division shall write rules for the
25 department ~~[shall]~~ to issue ~~[rules]~~ for the development and

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1 implementation of bilingual multicultural education programs.

2 B. The [~~department~~] division shall administer and
3 enforce the provisions of the Bilingual Multicultural Education
4 Act.

5 C. The [~~department~~] division shall assist local
6 school boards and charter schools in developing and evaluating
7 bilingual multicultural education programs.

8 D. In the development, implementation and
9 administration of [~~the~~] bilingual multicultural education
10 programs, [~~the department~~] local superintendents and head
11 administrators of charter schools shall give preference to New
12 Mexico residents who have received specialized training in
13 bilingual multicultural education when hiring personnel."

14 SECTION 7. Section 22-23B-1 NMSA 1978 (being Laws 2010,
15 Chapter 108, Section 1 and Laws 2010, Chapter 114, Section 1)
16 is amended to read:

17 "22-23B-1. SHORT TITLE.--[~~This act~~] Chapter 22, Article
18 23B NMSA 1978 may be cited as the "Hispanic Education Act"."

19 SECTION 8. Section 22-23B-3 NMSA 1978 (being Laws 2010,
20 Chapter 108, Section 3 and Laws 2010, Chapter 114, Section 3)
21 is amended to read:

22 "22-23B-3. [~~DEFINITION~~] DEFINITIONS.--As used in the
23 Hispanic Education Act:

24 A. "assistant secretary" means the assistant
25 secretary for Hispanic education;

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1 B. "council" means the Hispanic education advisory
2 council;

3 C. "division" means the Hispanic education division
4 of the department;

5 D. "Hispanic liaison" means [the] a Hispanic
6 education liaison who is an employee of the department who
7 works in a school district with a high concentration of
8 Hispanic students; and

9 E. "tribe" means a New Mexico Indian nation, tribe
10 or pueblo."

11 SECTION 9. Section 22-23B-4 NMSA 1978 (being Laws 2010,
12 Chapter 108, Section 4 and Laws 2010, Chapter 114, Section 4)
13 is amended to read:

14 "22-23B-4. HISPANIC EDUCATION [~~LIAISON~~] DIVISION--
15 CREATED--DUTIES.--

16 A. The "Hispanic education [~~liaison~~] division" is
17 created in the department

18 ~~[B. The liaison shall:~~

19 ~~(1) focus on issues related to Hispanic~~
20 ~~education and advise the secretary on the development and~~
21 ~~implementation of policy regarding the education of Hispanic~~
22 ~~students;~~

23 ~~(2) advise the department and the commission~~
24 ~~on the development and implementation of the five-year~~
25 ~~strategic plan for public elementary and secondary education in~~

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1 ~~the state as the plan relates to Hispanic student education;~~

2 ~~(3) assist and be assisted by other staff in~~
3 ~~the department to improve elementary, secondary and post-~~
4 ~~secondary educational outcomes for Hispanic students;~~

5 ~~(4) serve as a resource to enable school~~
6 ~~districts and charter schools to provide equitable and~~
7 ~~culturally relevant learning environments, educational~~
8 ~~opportunities and culturally relevant instructional materials~~
9 ~~for Hispanic students enrolled in public schools;~~

10 ~~(5) support and consult with the Hispanic~~
11 ~~education advisory council; and~~

12 ~~(6) support school districts and charter~~
13 ~~schools to recruit parents on site-based and school district~~
14 ~~committees that represent the ethnic diversity of the~~
15 ~~community] to:~~

16 (1) achieve the purposes of the Hispanic
17 Education Act;

18 (2) provide technical assistance and support
19 to all public schools in achieving the goals of the Hispanic
20 Education Act;

21 (3) coordinate and collaborate with the
22 bilingual multicultural education and Indian education
23 divisions to ensure that public schools have sufficient
24 resources, including expertise, to provide Hispanic students a
25 culturally and linguistically relevant education;

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1 (4) review and approve applications for
2 Hispanic education-related programs and services;

3 (5) accept gifts, grants and donations to be
4 used for the implementation of the Hispanic Education Act,
5 including money to develop and implement culturally and
6 linguistically relevant education programs, professional
7 development and instructional materials and money to hire
8 Hispanic liaisons;

9 (6) enforce rules for the administration of
10 the Hispanic Education Act;

11 (7) conduct research and compile statistics
12 relating to the education of Hispanic students; and

13 (8) consult and collaborate with the council
14 for guidance on the provision of quality culturally and
15 linguistically relevant and responsive education for Hispanic
16 students and English language learning programs and services
17 for Spanish-speaking students.

18 B. The secretary, with input and recommendation
19 from the council, shall appoint an "assistant secretary for
20 Hispanic education", who shall direct the activities of the
21 division and advise the secretary on development of policy
22 regarding Hispanic education.

23 C. The assistant secretary shall coordinate with
24 appropriate administrators and divisions to ensure that
25 department administrators make implementation of the Hispanic

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1 Education Act a priority.

2 D. In accordance with rules of the department, and
3 after consulting with the council, the assistant secretary
4 shall:

5 (1) provide assistance, including advice on
6 allocation of resources, to public schools to improve services
7 to meet the educational needs of Hispanic students;

8 (2) provide assistance to public schools and
9 school districts in the planning, development, implementation
10 and evaluation of Hispanic education curricula;

11 (3) develop or select for implementation
12 challenging, sequential, culturally relevant curricula
13 standards and models to provide instruction to Hispanic
14 students in pre-kindergarten through twelfth grade;

15 (4) provide assistance to public schools,
16 school districts, local school boards and governing bodies to
17 develop culturally relevant curricula and instructional
18 materials for Hispanic education;

19 (5) within budget limitations, hire Hispanic
20 liaisons;

21 (6) within budget limitations, develop and
22 implement culturally relevant support services, including
23 continuing professional development, to increase the number of
24 Hispanic teachers, instructional support providers, principals
25 and other school administrators in New Mexico public schools;

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1 and

2 (7) develop a plan to educate New Mexico
3 Hispanic parents about the Education Trust Act, which allows
4 parents or others to open investment accounts to save for a
5 child's higher education through the education trust board."

6 SECTION 10. A new section of the Hispanic Education Act
7 is enacted to read:

8 "[NEW MATERIAL] HISPANIC EDUCATION FUND--CREATED--
9 PURPOSES.--

10 A. The "Hispanic education fund" is created as a
11 nonreverting fund in the state treasury. The fund consists of
12 appropriations, gifts, grants and donations and income from
13 investment of the fund. The fund shall be administered by the
14 division. Money in the fund is subject to appropriation by the
15 legislature for the distribution of awards to implement the
16 provisions of the Hispanic Education Act. Disbursements from
17 the fund shall be made by warrant of the secretary of finance
18 and administration on vouchers signed by the secretary of
19 public education or the secretary's designated representative.

20 B. The division shall ensure that money disbursed
21 from the Hispanic education fund shall be used for the purposes
22 stated in the Hispanic Education Act.

23 C. The division, in consultation with the
24 department, shall develop procedures and rules for the award of
25 money from the fund."

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SECTION 11. REPEAL.--Laws 2010, Chapter 108, Section 4
is repealed.