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SENATE BILL 193

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Linda M. Lopez and Patricia Roybal Caballero

AN ACT

RELATING TO PUBLIC EDUCATION IMPROVEMENTS; CREATING DIVISIONS
IN THE PUBLIC EDUCATION DEPARTMENT TO FOCUS ON BILINGUAL AND
MULTICULTURAL EDUCATION; 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; CREATING A FUND; CREATING THE BILINGUAL MULTICULTURAL
SEAL.

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

SECTION 1. Section 22-23-2 NMSA 1978 (being Laws 1973,
Chapter 285, Section 2, as amended) is amended to read:

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

[A. ~~"bilingual multicultural education program"~~

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1 ~~means a program using two languages, including English and the~~
2 ~~home or heritage language, as a medium of instruction in the~~
3 ~~teaching and learning process;]~~

4 A. "assistant secretary" means the assistant
5 secretary of bilingual multicultural education;

6 B. "council" means the state bilingual
7 multicultural advisory council;

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

13 ~~[C. "district" means a public school, or any~~
14 ~~combination of public schools in a district;]~~

15 D. "culturally responsive teaching" means a
16 multicultural education teaching framework that centers
17 classroom instruction in multiethnic cultural frames of
18 reference, using the cultural knowledge, prior experiences,
19 frames of reference and performance styles of ethnically
20 diverse students to make learning more relevant, while
21 utilizing the strengths of diverse students to teach them;

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

24 ~~[D.]~~ F. "English language learner" means a student
25 whose first or heritage language is not English and who is

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1 unable to read, write, speak or understand English at a level
2 comparable to grade level English proficient peers and native
3 English speakers;

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

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

10 I. "multicultural education" means education and
11 instruction:

12 (1) through the use of texts, materials,
13 references and historical examples that are historically
14 accurate and that reflect the lives and cultural experiences of
15 persons from different cultural backgrounds;

16 (2) designed for the cultures of several
17 different races; and

18 (3) that recognize that the ways students
19 learn and think are deeply influenced by their cultural
20 identity and heritage and that to teach culturally diverse
21 students effectively requires educational approaches that value
22 and recognize their cultural backgrounds;

23 J. "multicultural education program" means a
24 program using multicultural education as a medium of
25 instruction in the teaching and learning process that may be

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1 categorized along a range of levels, types or dimensions of
2 multicultural education;

3 [G-] K. "standardized curriculum" means a school
4 district curriculum that is aligned with the state academic
5 content standards, benchmarks and performance standards;

6 L. "tribal language" means the indigenous language
7 spoken by an Indian tribe that is allowed by the tribe to be
8 taught outside the tribe, but which language might not be
9 written; and

10 M. "tribe" means a New Mexico Indian nation, tribe
11 or pueblo."

12 SECTION 2. A new section of the Bilingual Multicultural
13 Education Act is enacted to read:

14 "[NEW MATERIAL] BILINGUAL MULTICULTURAL EDUCATION
15 DIVISION--CREATED--ASSISTANT SECRETARY--DUTIES.--

16 A. The "bilingual multicultural education division"
17 is created in the department to:

18 (1) achieve the purposes of the Bilingual
19 Multicultural Education Act;

20 (2) ensure that bilingual multicultural
21 education programs are in compliance with the Bilingual
22 Multicultural Education Act;

23 (3) provide technical assistance and support
24 to all school districts and charter schools in achieving the
25 goals of the Bilingual Multicultural Education Act;

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1 (4) coordinate and collaborate with all deputy
2 and assistant secretaries of divisions in the department to
3 ensure that public schools have sufficient resources, including
4 the expertise, to provide students with a bilingual
5 multicultural education;

6 (5) review and approve applications for
7 bilingual multicultural education programs and related funding;

8 (6) monitor and assess the effectiveness of
9 bilingual multicultural education programs;

10 (7) accept gifts, grants and donations to be
11 used for bilingual or multicultural education;

12 (8) enforce rules for the administration of
13 the Bilingual Multicultural Education Act;

14 (9) conduct research and compile statistics
15 relating to the education of bilingual and multicultural
16 students;

17 (10) coordinate with the Indian education and
18 Hispanic education divisions, including the deputy and
19 assistant secretaries and their advisory councils, for the
20 provision and assessment of bilingual multicultural education
21 programs and services for American Indian and Hispanic students
22 enrolled in public schools; and

23 (11) collaborate with the Indian education and
24 Hispanic education divisions and their advisory councils for
25 the provision of high quality bilingual multicultural education

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1 programs and services.

2 B. The secretary, with input from the council,
3 shall appoint an "assistant secretary of bilingual and
4 multicultural education", who shall direct the activities of
5 the division and advise the secretary on development of policy
6 regarding bilingual and multicultural education.

7 C. The assistant secretary shall coordinate with
8 appropriate administrators from all units in the department to
9 ensure that department administrators from all units of the
10 department make implementation of the Bilingual Multicultural
11 Education Act central to and embedded in their educational
12 priorities.

13 D. In accordance with the rules of the department
14 and after consulting with the council, the assistant secretary
15 shall:

16 (1) provide assistance, including advice on
17 allocation of resources to school districts and charter
18 schools, to improve services to meet the bilingual and
19 multicultural educational needs of all students;

20 (2) provide assistance and school expertise to
21 school districts, charter schools and tribes in the planning,
22 development, implementation and evaluation of a bilingual and
23 multicultural education curricula;

24 (3) develop or select for implementation
25 challenging, sequential, culturally and linguistically relevant

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1 curriculum models to provide instruction to students in
2 pre-kindergarten through twelfth grade;

3 (4) provide technical assistance and support
4 to school districts, public schools and local school boards to
5 develop culturally relevant standardized curricula and
6 instructional materials; and

7 (5) ensure that bilingual and multicultural
8 programs are part of a school district's or charter school's
9 professional development plan."

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

12 "[NEW MATERIAL] STATE BILINGUAL MULTICULTURAL ADVISORY
13 COUNCIL--MEMBERSHIP--DUTIES.--

14 A. The "state bilingual multicultural advisory
15 council" is created to advise the secretary, department staff,
16 the governor and the legislature through its interim and
17 standing committees on the effective implementation of the
18 Bilingual Multicultural Education Act and the support of all
19 pre-kindergarten through twelfth grade students to have
20 equitable access to instruction and learning as required by
21 state and federal education and civil rights laws.

22 B. The council consists of no more than fifteen
23 members who have technical knowledge of and expertise in
24 bilingual and multicultural education as follows:

25 (1) two enrolled members of tribes;

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1 (2) six members who are pre-kindergarten
2 through twelfth grade teachers, principals, superintendents,
3 other education administrators or higher education faculty who
4 are from different geographical areas of the state and at least
5 one of whom has a special education background;

6 (3) six parents of bilingual or multicultural
7 students, including one parent of an American Indian student,
8 one parent of a Hispanic student, one parent of an African
9 American student, one parent of an Asian student, one parent of
10 a Muslim student and at least one parent of a student with a
11 disability, whose students are enrolled in bilingual or
12 multicultural education programs at the pre-kindergarten,
13 elementary or secondary level; and

14 (4) one bilingual or multicultural education
15 student.

16 C. The members shall include a minimum of two
17 members from the department-created state bilingual advisory
18 group; other council members shall be appointed by the
19 secretary with input from the serving council members from an
20 applicant pool submitted by the co-chairs after consultation
21 with various stakeholder groups.

22 D. Members of the council shall begin to serve
23 their appointment on July 1, 2020 for a maximum of two terms
24 with each term being no longer than three years. The secretary
25 may stagger terms on the council.

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- 1 E. The council shall:
- 2 (1) study issues of bilingual and
- 3 `multicultural education for all students and provide advice to
- 4 the department in the areas of curriculum, instruction,
- 5 assessment, teacher preparation, teacher evaluation,
- 6 professional development, licensure and student and family
- 7 services to:
- 8 (a) strengthen the quality of bilingual
- 9 and multicultural education programs;
- 10 (b) promote rigorous culturally and
- 11 linguistically responsive instruction in bilingual and
- 12 multicultural education programs; and
- 13 (c) support effective classroom teaching
- 14 for bilingual and multicultural education program students; and
- 15 (2) advise the division on issues such as:
- 16 (a) identifying current professional
- 17 development best practices to support teachers to work
- 18 effectively with all students;
- 19 (b) developing and training effective
- 20 bilingual and multicultural teachers;
- 21 (c) creating professional development
- 22 opportunities to build the capacity of public education
- 23 administrators to effectively lead bilingual and multicultural
- 24 education programs and become knowledgeable regarding current
- 25 research, theory and pedagogy, including culturally and

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1 linguistically responsive teaching practices;

2 (d) developing and preparing teachers,
3 educational assistants and other licensed employees to support
4 bilingual and multicultural education;

5 (e) contributing ideas for solutions to
6 streamline and strengthen program management, implementation,
7 assessment and monitoring of bilingual and multicultural
8 education programs at the state, school district and school
9 site levels; and

10 (f) becoming a resource on bilingual and
11 multicultural education for school districts and local schools.

12 F. Public members of the council are entitled to
13 receive per diem and mileage as provided in the Per Diem and
14 Mileage Act."

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

17 "[NEW MATERIAL] MULTICULTURAL EDUCATION FRAMEWORK--
18 ASSESSMENT--PLANNING--ACCOUNTABILITY.--

19 A. Each school, in collaboration with the
20 department, the Indian education and Hispanic education
21 divisions and their advisory councils and outside experts as
22 needed, shall develop a multicultural education plan for the
23 full implementation of bilingual and multicultural education at
24 their respective educational site in all public elementary and
25 secondary schools in the state.

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B. The division shall:

(1) utilize an external equity audit to provide an assessment and status report of education for students at each school and an equity plan with specific goals for the school. The report will identify the needs of the school for technical assistance and needed support to implement bilingual and multicultural education at the school. Levels of bilingual and multicultural education programs will be determined through an equity audit and equity plan at each school site, with funding provided through the at-risk index and state public education funds;

(2) require that educational programs and services provided to students by school districts and charter schools be aligned with the purpose, goals and provisions of the Bilingual Multicultural Education Act, the Indian Education Act and the Hispanic Education Act;

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

(4) require the assistant secretary and the assistant secretaries of Indian education and Hispanic education and their divisions to work collaboratively with school districts, charter schools, tribes and community

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1 partners;

2 (5) require the assistant secretary and the
3 assistant secretaries of Indian education and Hispanic
4 education and their divisions to work in coordination with the
5 secretary and all other units of the department to make the
6 Bilingual Multicultural Education Act, the Indian Education Act
7 and the Hispanic Education Act priorities of the department;

8 (6) work with the higher education department
9 and the colleges of education at state institutions of higher
10 education to develop a comprehensive bilingual and
11 multicultural teacher preparation program;

12 (7) develop professional development
13 standards, including training in culturally responsive
14 teaching, ethnic studies and related support services for
15 bilingual and multicultural education, Indian education and
16 Hispanic education teachers, educational assistants and other
17 public school personnel that need such professional development
18 to make them more proficient at their jobs;

19 (8) set up semiannual meetings among the
20 advisory councils of the three divisions;

21 (9) conduct family and community forums and
22 collect other forms of school data as indicators to measure the
23 effect of the bilingual and multicultural education on the
24 lives and academic progress of students statewide;

25 (10) conduct an annual report on the status of

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1 bilingual and multicultural education for all students that
2 highlights successful programs and reports on indicators of
3 success;

4 (11) identify strategies that are working at
5 schools to close the academic achievement gap for culturally
6 and linguistically diverse students;

7 (12) monitor all money allocated to the
8 department, divisions, school districts and charter schools
9 that is earmarked to implement the provisions of the Bilingual
10 Multicultural Education Act, the Indian Education Act and the
11 Hispanic Education Act;

12 (13) monitor and ensure that school districts
13 and charter schools have sufficient funding and resources to
14 fully implement the Bilingual Multicultural Education Act, the
15 Indian Education Act and the Hispanic Education Act;

16 (14) ensure that the expenditures of state
17 funds are aligned with the provisions of the Bilingual
18 Multicultural Education Act, the Indian Education Act and the
19 Hispanic Education Act; and

20 (15) for each act, issue an annual report that
21 is produced through collaboration and coordination with the
22 Indian education and Hispanic education divisions that sets
23 forth if and how the provisions of this subsection were
24 accomplished during the past year, including meetings,
25 assessments, monitoring, professional development and

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1 collaboration among units of the department and between the
2 department and school districts and charter schools, and
3 describe plans for the coming year to ensure the educational
4 success of culturally and linguistically diverse students."

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

7 "[NEW MATERIAL] TEACHER ON ADVISEMENT.--

8 A. As used in this section, "teacher on advisement"
9 means a teacher with advanced coursework, experience and skills
10 in multicultural education who is designated by a local school
11 board, school district or charter school to teach at the school
12 site where the teacher is assigned as a teacher on advisement
13 and oversee the mentoring and professional development for
14 staff who teach or work in the multicultural education program
15 at that school site.

16 B. The teacher on advisement shall work with the
17 equity assessment team and with the community to develop the
18 equity plan and assessment report and will coordinate
19 collaborations with the school and community to develop the
20 equity plan.

21 C. The teacher on advisement shall work with all
22 multicultural education teachers and welcome and mentor new
23 teachers entering the school to familiarize new teachers with
24 the school's goals for students in the multicultural education
25 program and students in at-risk categories.

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1 D. The teacher on advisement role shall include the
2 following responsibilities:

- 3 (1) mentor teachers at the school in
4 multicultural education and culturally responsive teaching;
5 (2) collaborate with teachers and school staff
6 to design specialized intervention and assessment plans;
7 (3) conduct the school's equity audit; and
8 (4) work with the school district to provide
9 district-level professional development."

10 **SECTION 6.** A new section of the Bilingual Multicultural
11 Education Act is enacted to read:

12 "[NEW MATERIAL] MULTICULTURAL EDUCATION SEAL.--Criteria
13 for a student to earn a multicultural education seal shall be
14 determined at the state level in consultation with the
15 secretary and the council with school district and public
16 school input. Students shall have the option to earn a
17 multicultural education seal based on their advanced coursework
18 in multicultural education paired with community service and
19 research."

20 **SECTION 7.** Section 22-23-4 NMSA 1978 (being Laws 1973,
21 Chapter 285, Section 4, as amended) is amended to read:

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

23 A. The division shall write rules for the
24 department [~~shall~~] to issue [rules] for the development and
25 implementation of bilingual and multicultural education

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1 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 and multicultural education programs.

8 D. In the development, implementation and
9 administration of ~~[the]~~ bilingual and 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 and multicultural education when hiring personnel."

14 SECTION 8. 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 9. 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 10. 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 of
17 charter schools to develop culturally relevant curricula and
18 instructional 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 11. 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 pursuant to vouchers signed by the secretary
19 of public education or the secretary's designated
20 representative.

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

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

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1 money from the fund."

2 SECTION 12. REPEAL.--Laws 2010, Chapter 108, Section 4
3 is repealed.

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