

Proposed DRAFT 10/30/17

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TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 32 EDUCATIONAL STANDARDS - BILINGUAL MULTICULTURAL EDUCATION
PART 2 GUIDELINES FOR IMPLEMENTING BILINGUAL MULTICULTURAL EDUCATION
PROGRAMS

6.32.2.1 ISSUING AGENCY: Public Education Department herein after the department
[6.32.2.1 NMAC - Rp, 6.32.2.1 NMAC, 7-1-2018]

6.32.2.2 SCOPE: This regulation applies to public schools receiving bilingual state funding, K-12.
[6.32.2.2 NMAC - Rp, 6.32.2.2 NMAC, 7-1-2018]

6.32.2.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Sections 22-2-1, 22-23-1 through 22-23-6, NMSA, 1978.
[6.32.2.3 NMAC - Rp, 6.32.2.3 NMAC, 7-1-2018]

6.32.2.4 DURATION: Permanent
[6.32.2.4 NMAC - Rp, 6.32.2.4 NMAC, 7-1-2018]

6.32.2.5 EFFECTIVE DATE: July 1, 2018, unless a later date is cited at the end of a section.
[6.32.2.5 NMAC - Rp, 6.32.2.5 NMAC, 7-1-2018]

6.32.2.6 OBJECTIVE: This regulation provides requirements for developing and implementing bilingual multicultural and language revitalization programs (in accordance with Section 22-23-4, NMSA 1978 and standards for excellence, Subsection B of 6.30.2.11 NMAC and supports the state of New Mexico's long-standing policy in furthering bilingual multicultural education.
[6.32.2.6 NMAC - Rp, 6.32.2.6 NMAC, 7-1-2018]

6.32.2.7 DEFINITIONS: As used in the Bilingual Multicultural Education Act [~~22-23-1, NMSA 1978~~], Section 22-23-1 NMSA 1978:

- A. "bilingual multicultural education program" means a program using two languages, including English and the home or heritage language, as a medium of instruction in the teaching and learning process;
- B. "culturally and linguistically different" means students who are of a different cultural background than mainstream United States culture and whose home or heritage language, inherited from the student's family, tribe or country of origin, is a language other than English;
- C. "department" means the public education department;
- D. "district" means a public school or any combination of public schools in a district;
- E. "English language learner" means a student whose first or heritage language is not English and who is unable to read, write, speak or understand English at a level comparable to grade-level English proficient peers and native English speakers;
- F. "heritage language" means a language other than English that is inherited from a family, tribe, community or country of origin;
- G. "home language" means a language other than English that is the primary or heritage language spoken at home or in the community;
- H. "school board" means a local school board; and
- I. "standardized curriculum" means a district curriculum that is aligned with the state academic content standards, benchmarks and performance standards.

[6.32.2.7 NMAC - Rp, 6.32.2.7 NMAC, 7-1-2018]

6.32.2.8 DEPARTMENT DUTIES: The department shall be responsible for carrying out the powers and duties as provided in the Bilingual Multicultural Education Act, Sections 22-23-1 through 22-23-6 NMSA 1978.
[6.32.2.8 NMAC - N, 7-1-2018]

6.32.2.9 PROGRAM GOALS: The state's bilingual multicultural education program goals are for all students, including English language learners, to:

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A. ~~Become~~ become bilingual and biliterate in English and a second language, including Spanish, a Native American language (with appropriate approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children) or another language. For Native American languages that are oral only, the literacy component shall be measured only in the skill areas/domains of listening, speaking, and comprehension; and

B. ~~Meet~~ meet state academic content standards and benchmarks in all subject areas.
[6.32.2.9 NMAC - N, 7-1-2018]

6.32.2.10 PROGRAM ELIGIBILITY: To be eligible for financial support, each program shall:

A. provide for the educational needs of linguistically and culturally different students, including Native American children and other students who may wish to participate, in grades kindergarten through twelve, with priority to be given to programs in grades kindergarten through three, in any public school or any combination of public schools in a district;

B. fund programs for culturally and linguistically different students in the state in grades kindergarten through three, for which there is an identifiable need to improve the language capabilities of both English and the home language of these students, before funding programs at higher grade levels;

C. use two languages as mediums of instruction for any part or all of the curriculum of the grade levels within the program;

D. establish a parent advisory committee, representative of the language and culture of the students, to assist and advise in the development, implementation, and evaluation of the program;

E. provide procedures to ensure that parental notification is given annually prior to program placement; and

F. provide personnel endorsed in bilingual education, TESOL, or certified in Native American language and culture. The secretary of education may authorize other personnel to implement programs if qualified personnel are not available by the submission of an approved program design that addresses recruitment, professional development, and staffing patterns.

[6.32.2.10 NMAC - Rp, 6.32.2.8 NMAC, 7-1-2018]

6.32.2.11 PROGRAM APPROVAL:

A. A public school district shall submit an initial application to the department by the date of the preceding school year as specified by the department for each school requesting program approval. A proposed bilingual multicultural education program shall be eligible pursuant to 22-23-1 NMSA 1978 and 6.32.2 NMAC.

B. The initial application shall include:
(1) projected number of students to be served; ~~and~~
(2) ~~signatures of superintendent, bilingual education/title III coordinator, and school principal.~~ assurances that all district and school personnel are knowledgeable of the requirements to comply with 22-23-1 NMSA 1978 and 6.32.2 NMAC; signatures of school board president, superintendent, bilingual multicultural education director, school principal, and a parent advisory committee representative who shall not be employed by the district or school.

(3) description of proposed program;
(4) resource allocation plan that supports program implementation; and
(5) evidence of tribal consultation to satisfy the goals of Article 23A; public schools providing a Native American language program shall obtain approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children.

C. The department shall review initial applications for approval. Districts with ~~initially~~ approved applications shall submit by the ~~20th~~ fortieth day of the target school year the following:

(1) ~~annual measurable achievement objectives (AMAOs) for English and home language;~~
(2)(1) instructional plan; and
(3)(2) actual number of students to be served.

[6.32.2.11 NMAC - Rp, 6.32.2.13 NMAC, 7-1-2018]

6.32.2.12 PROGRAM ELEMENT - INSTRUCTION:

A. Public schools providing an approved bilingual multicultural education program shall include:

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(1) instruction to attain language proficiency and literacy skills in two languages, one of which is English;

~~(2) instruction to attain high academic achievement in two languages, one of which is English;~~

~~(2)(3) sheltered content instruction;~~
~~(3)(4) standardized curriculum that is aligned with the state academic content standards, benchmarks and performance standards; and~~
~~(4)(5) instruction in the history and cultures of New Mexico; and~~
~~(6) culturally and linguistically responsive instruction designed to develop cross-cultural skills.~~

B. Public schools providing an approved Native American ~~heritage language revitalization~~ program shall include:

(1) instruction to attain language proficiency and literacy skills in English and a Native American language (where tribal language is written); for Native American languages that are oral only, the literacy component shall be measured only in the skill ~~areas/domains~~ areas or domains of listening, speaking and comprehension;

~~(2) instruction to attain high academic achievement in English and a Native American language;~~

~~(2)(3) sheltered content instruction;~~
~~(3)(4) standardized curriculum that is aligned with the state academic content standards, benchmarks and performance standards; unless otherwise agreed to in writing by the department to satisfy the goals of Article 23A;~~

~~(4)(5) instruction in the history and cultures of New Mexico Native American tribes; and~~
~~(6) culturally and linguistically responsive instruction designed to develop cross-cultural skills; and~~

~~(5)(7) public schools providing a Native American ~~heritage language revitalization~~ program (or other approved bilingual education model) shall obtain appropriate approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children.~~

C. The following content areas shall be included as appropriate:

(1) language arts in the home or heritage language – for funding purposes, time allotted for instruction in the home language must be equivalent to the time provided for English language arts and must be consecutive in nature (that is, not fragmented throughout the day);

~~(2) modifications of instruction in the English language arts that address the developmental, linguistic and academic needs of students; and English language development – English language instruction to develop the English language proficiency of English language learners based on the student’s English language proficiency level; instruction shall be distinct from English language arts;~~

(3) depending on the time allotted for program model:
(a) content area instruction in ~~two languages~~ the home or heritage language of the program that utilizes the student’s language, history, and/or culture; ~~and/or~~
(b) fine arts instruction in ~~two languages~~ the home or heritage language of the program that utilizes the student’s language, history, culture, and the arts traditions of ~~his/her~~ the student’s community.

D. All programs shall implement one or more of the following bilingual education models in the public school program:

(1) dual language immersion: designed to develop:
(a) high academic achievement in two languages;
(b) additive bilingual and biliterate proficiency; and
(c) cross-cultural skills development.
(2) enrichment: designed to further develop the home language of fully English proficient students and to teach the cultures of the state;
(3) heritage language: ~~designed to support and revitalize a student’s native language and culture through oral and/or written language instruction; Native American language programs require approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of~~

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~~Native American children; designed to support students in revitalizing, developing or maintaining their home or heritage language while gaining a deeper understanding of their cultural heritage.~~

(4) maintenance: designed to develop and maintain proficiency and literacy in the primary or home language while developing a student's literacy and oral skills in English;

(5) transitional: ~~designed to transfer students from home language instruction with gradual transition to an all-English curriculum.~~ designed to maintain and develop skills in the primary or home language and culture while introducing, maintaining, and developing skills in English.

[6.32.2.12 NMAC - Rp, 6.32.2.10 NMAC, 7-1-2018]

6.32.2.13 PROGRAM ELEMENT - PROFESSIONAL DEVELOPMENT:

A. Public school districts shall provide professional development to teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents, other instructional personnel, and financial officers in the areas of:

(1) research-based bilingual/multicultural and/or language revitalization programs and implications for instruction;

(2) best practices of English as a second language (ESL); English language development (ELD) and bilingual/multicultural and/or language revitalization programs; and

(3) principles of language acquisition.

B. Bilingual/multicultural education or language revitalization programs shall be part of the district's professional development plan as required in Subsection E of Section 22-23-5 NMSA 1978. Bilingual educators, including teachers, instructional support personnel, principals, and program administrators, will participate in professional development. Principals and program administrators shall participate in training that addresses program supervision.

[6.32.2.13 NMAC - Rp, 6.32.2.12 NMAC, 7-1-2018]

6.32.2.14 PROGRAM ELEMENT - ASSESSMENT:

A. Trained personnel shall administer state-approved language proficiency assessments in English and the home or heritage language annually until proficiency in each language is achieved.

B. Public school districts shall comply with federal assessment requirements, including Titles I and III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as amended and office for civil rights requirements.

C. Students enrolled in this program shall participate in the New Mexico standards-based assessment (NMSBA) program.

D. In those grades that students do not participate in the New Mexico standards-based assessment program, the public school district shall develop and implement an assessment and evaluation program.

[6.32.2.14 NMAC - Rp, 6.32.2.11 NMAC, 7-1-2018]

~~**6.32.2.15 EVALUATION:**~~

~~A. To evaluate bilingual multicultural education program effectiveness and use of funds each district shall maintain academic achievement and language proficiency data and update the data annually.~~

~~(1) Districts shall submit to the department an annual progress report.~~

~~(2) Reports shall be submitted by September 30th of the following year.~~

~~(3) The report shall include:~~

~~(a) verification that the program has identified and served students most in need (with priority given to K-3) based on language proficiency (English and home language) and academic achievement;~~

~~(b) a current analysis of assessment results by school and by model(s);~~

~~(c) data demonstrating that participating students have met the state targets for annual measurable achievement objectives (AMAOs); and~~

~~(d) an expenditure report from the general ledger on use of funds for the program.~~

~~B. The department shall compile and analyze the student data submitted by public school districts and shall report annually to the appropriate interim legislative committee.~~

~~[6.32.2.15 NMAC - Rp, 6.32.2.15 NMAC, 11-30-05]~~

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6.32.2.16 ~~PROGRAM RENEWAL:~~ The district annual report will be the indicator to determine the effectiveness of the program, and need for program renewal and/or modification. The following cycle will apply for evaluation of program effectiveness:

- A. ~~after the first year (SY 2005-06), districts will report baseline data;~~
- B. ~~after the second year, districts shall submit a progress report, by school, indicating how schools met annual measurable achievement objectives from year one to year two; if data shows improvement, the public school district may continue the program as previously outlined in the initial or modified application;~~
- C. ~~after two consecutive years of the school's failing to make progress toward meeting AMAOs, the department shall:~~
 - (1) ~~notify the public school district that the school has not demonstrated reasonable progress;~~
 - (2) ~~assist the school in the development of an improvement plan; and~~
 - (3) ~~provide technical assistance to the school and district.~~
- D. ~~after four consecutive years of the school's failure to make progress toward meeting AMAOs, the department shall:~~
 - (1) ~~require the school to modify the curriculum, program, and method of instruction; or~~
 - (2) ~~the program shall be redesigned, modified, or discontinued by the department.~~

6.32.2.15 PROGRAM EVALUATION AND RENEWAL:

A. Program Evaluation. Bilingual multicultural education programs shall be evaluated by the department annually for effectiveness and for the appropriate use of funds generated by the bilingual cost differential in the funding formula. For the purposes of such evaluation, each district shall maintain academic achievement and language proficiency data for each school year of each program, which shall be updated annually. This data shall be provided to the department in an annual progress report submitted to the department by September 30 of the following school year. The annual report shall include the following, by school and by model(s):

- (a) verification that the program has identified and served students most in need (with priority given to K-3) based on language proficiency (English and home or heritage language) and academic achievement;
- (b) a current analysis of language and academic assessment results demonstrating that participating students have made measurably significant progress in meeting the state targets for language and academic proficiency;
- (c) specific and attainable goals for the following school year;
- (d) verification that the program has provided professional development to teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents, other instructional personnel, and financial officers; and
- (e) an expenditure report from the general ledger on the use of funds generated by the bilingual cost differential in the funding formula for the program.

B. Program Renewal. Based on program monitoring and review of the annual report, the Department will determine whether the bilingual multicultural education program is compliant pursuant to 22-23-1 NMSA 1978 and 6.32.2 NMAC.

- (1) If the department determines that a program is compliant, the public school district may continue the program as authorized in the approved application.
- (2) If the department determines that a program is not compliant, the department shall notify the district of such non-compliance.
 - (a) Upon receipt of a notice of non-compliance from the department, the district shall develop a program improvement plan, with technical assistance from the department, to address the non-compliance. This plan shall include provisions to adjust the curriculum, program or method of instruction, as necessary. The plan must be submitted to the department within thirty days, or, with prior written approval of the department, additional time not to exceed ninety days, of receipt by the district of the notice of non-compliance. The district shall implement this plan during the school year in which the district received the notice of non-compliance.
 - (b) A district in the process of implementing a program improvement plan shall submit its annual report to the department and will be evaluated by the department for compliance based on the standards articulated previously in this rule, and not solely on the basis of whether they have fully implemented and complied with the program improvement plan.

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(c) If upon review, after receipt of the annual report submitted by a district with a program improvement plan, the department determines that the district remains non-compliant; the department shall so notify the district. If the district remains non-compliant after the first year of implementation of the program improvement plan, the district will be required to re-evaluate the program improvement plan and make necessary adjustments. The district must report the results of this evaluation and any revisions to the original program improvement plan to the department within thirty days of receipt of the notice of non-compliance. If a program is determined to be non-compliant after receiving three consecutive notices of non-compliance, the department shall notify the district and shall discontinue the program at the end of the third school year unless the district can verify compliance to the satisfaction of the department. If the department determines that a district has become compliant, the district may continue the program as approved by the department.

(d) A district may not apply for approval for a bilingual multicultural education program for the school year immediately following a discontinuation by the department.

(e) All districts, regardless of any discontinuation by the department, shall submit the annual report to the department, for any year in which the district has provided assurances to the department.

C. The department shall compile and analyze the data submitted by public school districts and shall report annually to the appropriate interim legislative committee.

[6.32.2.16 NMAC - Rp, 6.32.2.15 NMAC, 7-1-2018]

HISTORY OF 6.32.2 NMAC:

PRE-NMAC HISTORY: The material in this regulation is derived from that previously filed with the State Records Center and Archives under: State Board of Education Regulation 73-21, Guidelines for Submitting Bilingual-Multicultural Education Proposals, filed June 18, 1973 and State Board of Education Regulation No. 75-19, Guidelines for Implementing Bilingual-Multicultural Programs, filed January 22, 1976.

HISTORY OF REPEALED MATERIAL: 6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Programs, repealed effective 07-01-03; 6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Education Programs, repealed effective 11-30-05; 6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Education Programs, repealed effective 7-1-2018.