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SENATE BILL 632

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

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO PUBLIC EDUCATION; CREATING DIVISIONS IN THE PUBLIC EDUCATION DEPARTMENT TO FOCUS ON BILINGUAL MULTICULTURAL AND HISPANIC EDUCATION; CREATING ADVISORY BOARDS; PROVIDING POWERS AND DUTIES; PROVIDING FOR A SEAL OF MULTICULTURALISM ON DIPLOMA OF EXCELLENCE; CREATING A FUND; REQUIRING ACCOUNTABILITY.

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

SECTION 1. Section 9-24-4 NMSA 1978 (being Laws 2004, Chapter 27, Section 4, as amended) is amended to read:

"9-24-4. DEPARTMENT CREATED.--

A. The "public education department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- (1) the administrative services division;
- (2) the assessment and accountability

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1 division;

2 (3) the charter schools division;

3 (4) the educator quality division;

4 (5) the bilingual multicultural education
5 division;

6 [~~5~~] (6) the Indian education division;

7 (7) the Hispanic education division;

8 [~~6~~] (8) the information technology division;

9 [~~7~~] (9) the instructional support and
10 vocational education division;

11 [~~8~~] (10) the program support and student
12 transportation division;

13 [~~9~~] (11) the quality assurance and systems
14 integration division;

15 [~~10~~] (12) the rural education division; and

16 [~~11~~] (13) the vocational rehabilitation
17 division.

18 B. The secretary may organize the department and
19 divisions of the department and may transfer or merge functions
20 between divisions and bureaus in the interest of efficiency and
21 economy."

22 SECTION 2. Section 22-1-9.2 NMSA 1978 is enacted to read:

23 "22-1-9.2. [NEW MATERIAL] NEW MEXICO DIPLOMA OF
24 EXCELLENCE--STATE SEAL FOR MULTICULTURAL GRADUATES.--

25 A. The state seal of multiculturalism on a New

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1 Mexico diploma of excellence certifies that the recipient is
2 proficient for meaningful use in college, a career or to meet a
3 local community need in multiculturalism. The graduate's high
4 school transcript shall also indicate that the graduate
5 received the state seal on the graduate's New Mexico diploma of
6 excellence.

7 B. The department shall adopt rules to establish
8 the criteria for students to earn a seal of multiculturalism,
9 to include:

10 (1) the number of units of credit in
11 multicultural education, including content courses taught in a
12 language other than English;

13 (2) passage of state assessments in
14 multicultural education;

15 (3) in the case of tribal cultures, cultural
16 proficiency in consultation with individual tribes and
17 adherence to processes and criteria defined by that tribe as
18 appropriate for determining proficiency in its culture; and

19 (4) demonstrated proficiency in one or more
20 cultures through one of the following methods:

21 (a) a score of three or higher on an
22 advanced placement examination for multiculturalism;

23 (b) a score of four or higher on an
24 international baccalaureate examination for multiculturalism;

25 or

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1 (c) the providing of presentations,
2 interviews, essays, portfolios and other alternative processes
3 that demonstrate proficiency in two or more cultures.

4 C. In establishing the criteria for awarding the
5 state seal of multiculturalism, the department shall establish
6 and consult with a task force of stakeholders that represent
7 multicultural experts, including:

8 (1) Indian nations, tribes and pueblos;

9 (2) endorsed teachers of bilingual
10 multicultural education;

11 (3) statewide organizations representing
12 prominent cultures in New Mexico, and multicultural educators;

13 (4) university professors of multicultural
14 education; and

15 (5) representatives of the state bilingual
16 multicultural advisory council, the Indian education advisory
17 council and the Hispanic education advisory council."

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

20 "22-23-2. DEFINITIONS.--As used in the Bilingual
21 Multicultural Education Act:

22 A. "assistant secretary" means the assistant
23 secretary of bilingual multicultural education;

24 [~~A.~~] B. "bilingual multicultural education program"
25 means a program using two languages, including English and the

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1 home or heritage language, as a medium of instruction in the
2 teaching and learning process;

3 C. "council" means the state bilingual
4 multicultural advisory council;

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

10 [~~G. "district" means a public school or any~~
11 ~~combination of public schools in a district;~~]

12 E. "division" means the bilingual multicultural
13 education division of the department;

14 [~~D.~~] F. "English language learner" means a student
15 whose first or heritage language is not English and who is
16 unable to read, write, speak or understand English at a level
17 comparable to grade level English proficient peers and native
18 English speakers;

19 [~~E.~~] G. "heritage language" means a language other
20 than English that is inherited from a family, tribe, community
21 or country of origin;

22 [~~F.~~] H. "home language" means a language other than
23 English that is the primary or heritage language spoken at home
24 or in the community; [~~and~~

25 ~~G.~~] I. "standardized curriculum" means a school

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1 district curriculum that is aligned with the state academic
2 content standards, benchmarks and performance standards;

3 J. "tribal language" means the indigenous language
4 spoken by an Indian tribe that is allowed by the tribe to be
5 taught outside the tribe, but which language might not be
6 written; and

7 K. "tribe" means a New Mexico Indian nation, tribe
8 or pueblo."

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

11 "[NEW MATERIAL] BILINGUAL MULTICULTURAL EDUCATION
12 DIVISION--CREATED--ASSISTANT SECRETARY--DUTIES.--

13 A. The "bilingual multicultural education division"
14 is created in the department to:

15 (1) achieve the purposes of the Bilingual
16 Multicultural Education Act;

17 (2) ensure that bilingual multicultural
18 education programs are in compliance with the Bilingual
19 Multicultural Education Act;

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

23 (4) coordinate and collaborate with the
24 assistant secretary for Indian education and the assistant
25 secretary of Hispanic education and those responsible for

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1 special education to ensure that public schools have sufficient
2 resources, including the expertise, to provide students with a
3 bilingual multicultural education;

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

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

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

10 (8) enforce rules for the administration of
11 the Bilingual Multicultural Education Act;

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

15 (10) coordinate with the Indian education
16 division, including the assistant secretary for Indian
17 education and the Indian education advisory council, for the
18 provision and assessment of bilingual multicultural education
19 programs and services for Indian students enrolled in public
20 schools; and

21 (11) collaborate with the Indian education and
22 Hispanic education divisions and their advisory councils for
23 the provision of high-quality bilingual multicultural education
24 programs and services.

25 B. The secretary, with input from the council,

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1 shall appoint an assistant secretary of bilingual multicultural
2 education, who shall direct the activities of the division and
3 advise the secretary on development of policy regarding
4 bilingual multicultural education.

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

11 D. In accordance with department rules and after
12 consulting with the council, the assistant secretary shall:

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

17 (2) provide assistance and school expertise to
18 school districts, charter schools, tribes and other cultural
19 and language groups in the planning, development,
20 implementation and evaluation of a bilingual multicultural
21 education curricula;

22 (3) develop or select for implementation an
23 appropriate and challenging, sequential, culturally and
24 linguistically relevant standardized curriculum and curriculum
25 models to provide instruction to students in kindergarten

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1 through twelfth grade;

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

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

10 SECTION 5. 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 public school students to have equitable access to instruction
20 and learning as required by state and federal education and
21 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 multicultural education as follows:

25 (1) two enrolled members of tribes;

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1 (2) six members who are kindergarten through
2 twelfth grade teachers, school principals, superintendents,
3 other education administrators or higher education faculty who
4 are from different ethnic or religious groups and of different
5 geographical areas of the state, with at least one representing
6 special education;

7 (3) six parents representing bilingual
8 multicultural students, including one parent of an Indian
9 student, one parent of a Hispanic student, one parent of an
10 African American student, one parent of an Asian student, one
11 parent of a Muslim student and at least one parent of a special
12 education student, which students are enrolled in bilingual
13 multicultural education programs in public schools; and

14 (4) at least one bilingual multicultural
15 education student.

16 C. Members of the council shall begin to serve
17 their appointment on July 1, 2019 for a maximum of two terms
18 with each term being no longer than three years. The secretary
19 may stagger terms on the council.

20 D. The council shall:

21 (1) study issues of bilingual multicultural
22 education for all students and provide advice to the department
23 in the areas of curriculum, instruction, assessment, teacher
24 preparation, teacher evaluation, professional development,
25 licensure and student and family services to:

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1 (a) strengthen the quality of bilingual
2 multicultural education programs;

3 (b) promote rigorous culturally and
4 linguistically responsive instruction in bilingual
5 multicultural education programs; and

6 (c) support effective classroom teaching
7 for bilingual multicultural education program students; and

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

9 (a) identifying current professional
10 development best practices to support teachers to work
11 effectively with all students;

12 (b) developing and training effective
13 bilingual multicultural teachers;

14 (c) creating professional development
15 opportunities to build the capacity of public school
16 administrators to effectively lead bilingual multicultural
17 education programs and become knowledgeable regarding current
18 research, theory and pedagogy, including culturally and
19 linguistically responsive teaching practices;

20 (d) developing and preparing teachers,
21 educational assistants and other licensed school employees to
22 support bilingual multicultural education;

23 (e) contributing ideas for solutions to
24 streamline and strengthen program management, implementation,
25 assessment and monitoring of bilingual multicultural education

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1 programs at the state, school district and public school
2 levels; and

3 (f) becoming a resource on bilingual
4 multicultural education for school districts and public
5 schools.

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

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

11 "22-23-4. DIVISION AND DEPARTMENT--POWERS--DUTIES.--

12 A. The division shall write rules for the
13 department [~~shall issue rules~~] to promulgate for the
14 development and implementation of bilingual multicultural
15 education programs.

16 B. The [~~department~~] division shall:

17 (1) administer and enforce the provisions of
18 the Bilingual Multicultural Education Act; and

19 [~~G. The department shall~~] (2) assist local
20 school boards and governing bodies in developing and evaluating
21 bilingual multicultural education programs.

22 [~~D.~~] C. In the development, implementation and
23 administration of the bilingual multicultural education
24 programs, [~~the department~~] local superintendents and head
25 administrators shall give preference to New Mexico residents

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1 who have received specialized training in bilingual and
2 multicultural education when hiring personnel."

3 SECTION 7. A new section of the Bilingual Multicultural
4 Education Act is enacted to read:

5 "[NEW MATERIAL] BILINGUAL MULTICULTURAL EDUCATION
6 FRAMEWORK--ASSESSMENT--PLANNING--ACCOUNTABILITY.--

7 A. Each public school, in collaboration with the
8 department, the bilingual multicultural education, Indian
9 education and Hispanic education divisions of the department
10 and councils and outside experts as needed, shall develop a
11 bilingual multicultural education plan for the full
12 implementation of bilingual multicultural education in all
13 public schools in the state.

14 B. Bilingual multicultural education shall:
15 (1) use an external assessment or focus
16 monitoring to provide an assessment and status report of
17 bilingual multicultural education for all students of the
18 public school and an equity plan with specific goals for the
19 public school. The report shall identify the needs of the
20 public school for technical assistance and support to implement
21 bilingual multicultural education at the public school. Levels
22 of bilingual multicultural education programming may range from
23 recognition and cultural awareness to other levels of
24 integration of bilingual multicultural content, including
25 ethnic studies or reparations curriculum, with the level

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1 determined through an equity assessment and plan at each public
2 school, with funding provided through the at-risk index and
3 other state public education funds;

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

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

14 (4) require the assistant secretary and the
15 assistant secretary for Indian education and the assistant
16 secretary of Hispanic education and their divisions to work
17 collaboratively with school districts, charter schools, tribes
18 and community partners; and

19 (5) require the assistant secretary, the
20 assistant secretary for Indian education and the assistant
21 secretary of Hispanic education and their divisions to work in
22 coordination with the secretary and all other units of the
23 department to make the Bilingual Multicultural Education Act,
24 the Indian Education Act and the Hispanic Education Act
25 priorities of the department.

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C. The division shall:

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

(2) develop professional development standards, including training in culturally and linguistically responsive instruction, ethnic studies and related support services for bilingual multicultural education, Indian education and Hispanic education teachers, instructional support providers and other public school personnel that need such professional development to make them more proficient at their jobs;

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

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

(5) conduct an annual report on the status of bilingual multicultural education for all students that highlights successful programs and reports on indicators of success;

(6) identify successful strategies that are working at schools to close the academic achievement gap for

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1 culturally and linguistically diverse students;

2 (7) monitor all money allocated to the
3 department, divisions, school districts and charter schools
4 that is earmarked to implement the provisions of the Bilingual
5 Multicultural Education Act, the Indian Education Act and the
6 Hispanic Education Act;

7 (8) monitor and ensure that school districts
8 and charter schools have sufficient funding and resources to
9 fully implement the Bilingual Multicultural Education Act, the
10 Indian Education Act and the Hispanic Education Act;

11 (9) ensure that the expenditures of state
12 funds are aligned with the provisions of the Bilingual
13 Multicultural Education Act, the Indian Education Act and the
14 Hispanic Education Act; and

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

24 **SECTION 8.** Section 22-23B-1 NMSA 1978 (being Laws 2010,
25 Chapter 108, Section 1 and Laws 2010, Chapter 114, Section 1)

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1 is amended to read:

2 "22-23B-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article
3 23B NMSA 1978 may be cited as the "Hispanic Education Act"."

4 SECTION 9. Section 22-23B-3 NMSA 1978 (being Laws 2010,
5 Chapter 108, Section 3 and Laws 2010, Chapter 114, Section 3)
6 is amended to read:

7 "22-23B-3. ~~[DEFINITION]~~ DEFINITIONS.--As used in the
8 Hispanic Education Act:

- 9 A. "assistant secretary" means the assistant
10 secretary of Hispanic education;
- 11 B. "council" means the Hispanic education advisory
12 council;
- 13 C. "division" means the Hispanic education division
14 of the department; and
- 15 D. "Hispanic liaison" means the Hispanic education
16 liaison."

17 SECTION 10. Section 22-23B-4 NMSA 1978 (being Laws 2010,
18 Chapter 108, Section 4 and Laws 2010, Chapter 114, Section 4)
19 is amended to read:

20 "22-23B-4. HISPANIC EDUCATION ~~[LIAISON]~~ DIVISION--
21 CREATED--DUTIES.--

22 A. The "Hispanic education ~~[liaison]~~ division" is
23 created in the department to:

- 24 (1) achieve the purposes of the Hispanic
25 Education Act;

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1 (2) provide technical assistance to public
2 schools in achieving the goals of the Hispanic Education Act;

3 (3) coordinate and collaborate with the
4 bilingual multicultural education and Indian education
5 divisions of the department to ensure that public schools have
6 sufficient resources, including expertise, to provide Hispanic
7 students a culturally and linguistically relevant education;

8 (4) review and approve applications for
9 Hispanic-education-related programs and services;

10 (5) accept gifts, grants and donations to be
11 used for the implementation of the Hispanic Education Act,
12 including money to develop and implement culturally and
13 linguistically relevant education programs, professional
14 development and instructional materials and money to hire
15 Hispanic liaisons;

16 (6) enforce rules for the administration of
17 the Hispanic Education Act;

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

20 (8) consult and collaborate with the council
21 for guidance on the provision of quality culturally and
22 linguistically relevant and responsive education for Hispanic
23 students and English language learning programs and services
24 for Spanish-speaking students.

25 B. The secretary, with input and recommendations

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1 from the council, shall appoint an assistant secretary for
2 Hispanic education, who shall direct the activities of the
3 division and advise the secretary and the secretary of higher
4 education on development of policies regarding Hispanic
5 education.

6 [B-] C. The [~~liaison~~] division shall:

7 (1) focus on issues related to Hispanic
8 education and advise the secretary on the development and
9 implementation of policy regarding the education of Hispanic
10 students;

11 (2) advise the department and the commission
12 on the development and implementation of the five-year
13 strategic plan for public elementary and secondary education in
14 the state as the plan relates to Hispanic student education;

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

18 (4) serve as a resource to enable school
19 districts and charter schools to provide equitable and
20 culturally and linguistically relevant learning environments,
21 educational opportunities and culturally and linguistically
22 relevant instructional materials for Hispanic students enrolled
23 in public schools;

24 (5) support and consult with the [~~Hispanic~~
25 ~~education advisory~~] council; [~~and~~]

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1 (6) support school districts and charter
2 schools to recruit parents on site-based and school district
3 committees that represent the ethnic diversity of the
4 community;

5 (7) 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 (8) develop or select for implementation
9 challenging, sequential, culturally and linguistically relevant
10 curricula standards, models and instructional materials to
11 provide instruction to Hispanic students in public schools;

12 (9) within budget limitations:

13 (a) hire Hispanic liaisons; and

14 (b) develop and implement culturally and
15 linguistically relevant support services, including continuing
16 professional development, to increase the number of Hispanic
17 teachers, instructional support providers, school principals
18 and other administrators in public schools; and

19 (10) develop a plan to educate Hispanic
20 parents about the Education Trust Act, which allows parents and
21 others to open investment accounts to save for a child's higher
22 education."

23 SECTION 11. A new section of the Hispanic Education Act
24 is enacted to read:

25 "[NEW MATERIAL] HISPANIC EDUCATION FUND--CREATED--

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1 PURPOSES.--

2 A. The "Hispanic education fund" is created as a
3 nonreverting fund in the state treasury. The fund consists of
4 appropriations, gifts, grants, donations and income from
5 investment of the fund. The fund shall be administered by the
6 division. Money in the fund is subject to appropriation by the
7 legislature for the distribution of awards to implement the
8 provisions of the Hispanic Education Act. Disbursements from
9 the fund shall be made by warrant of the secretary of finance
10 and administration on vouchers signed by the secretary of
11 public education or the secretary's designated representative.

12 B. The division shall ensure that money disbursed
13 from the Hispanic education fund shall be used for the purposes
14 stated in the Hispanic Education Act.

15 C. The division, in consultation with the
16 department, shall develop procedures and rules for the award of
17 money from the fund."