

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number: HB 330**

**51st Legislature, 2nd Session, 2014**

**Tracking Number: .196300.2**

**Short Title: Diploma Seal of Bilingualism**

**Sponsor(s): Representative Rick Miera and Others**

**Analyst: LaNysha Adams**

**Date: February 14, 2014**

---

**Bill Summary:**

HB 330 creates a new section of the *Public School Code* providing for a state seal of bilingualism-biliteracy on a New Mexico Diploma of Excellence.

Among its provisions, HB 330 prescribes that:

- the state seal of bilingualism-biliteracy on a New Mexico Diploma of Excellence certifies that the recipient is proficiency for meaningful use in college, a career, or to meet a local community language need in a world language other than English;
- the Public Education Department (PED) adopt rules to establish the criteria for students to earn a seal of bilingualism-biliteracy, to include:
  - the number of units of credit in a language other than English, including content courses taught in a language other than English, English language arts, or English as a second language for English language learners;
  - passage of state assessments in a world language other than English or English language arts for English language learners;
  - in the case of tribal languages, certification of tribal language proficiency in consultation with individual tribes and adherence to processes and criteria defined by that tribe as appropriate for determining proficiency in its language; and
  - demonstrated proficiency in one or more languages other than English through one of the following methods:
    - score three or higher on an Advanced Placement Examination for a language other than English;
    - score four or higher on an International Baccalaureate examination for a higher-level language other than English course;
    - score proficient on a national assessment of language proficiency in a language other than English; or
    - provide presentations, interviews, essays, portfolios, and other alternative processes that demonstrate proficiency in a language other than English; and
- PED, in establishing the criteria for awarding the state seal of bilingualism-biliteracy, must establish and consult with a task force of stakeholders that represent language experts, including:

- Indian nations, tribes, and pueblos;
- teachers of world languages;
- endorsed teachers of bilingual multicultural education;
- directors of bilingual education;
- statewide organizations representing language educators, bilingual education, dual language education, and teachers of English as a second language;
- university professors of world languages, heritage language, Indian languages, and bilingual education; and
- representatives of the State Bilingual Advisory Council (see “Background,” below), the Indian Education Advisory Council, and the Hispanic Education Advisory Council.

**Fiscal Impact:**

HB 330 does not contain an appropriation.

**Substantive Issues:**

- During the 2013 legislative session, legislation (HB 541, *Teacher Language Proficiency & Council*) was passed by both chambers to create a new section of the *Bilingual and Multicultural Education Act* to establish a seal to denote proficiency in two or more languages and to create a 12 member Bilingual Education Advisory Council; however, the bill was pocket vetoed.
- In 2013, PED noted that the work of instituting a biliteracy seal is important and should move forward.
- According to the Indian Affairs Department bill analysis current provisions in PED’s graduation and course requirements include 24 units, with 1 unit in a career cluster, workplace readiness, or a language other than English, but there are no other provisions in graduation and course requirements for a student to show proficiency in languages other than English.
- According to the National Clearinghouse for English Acquisition, seals of biliteracy and/or bilingualism become highly attractive to future employers and college admissions offices.

According to the PED-issued *Bilingual Multicultural Education Annual Report*, proficiency is assessed using:

- the Woodcock-Muñoz Language Survey, the Language Assessment Scales, or the Individualized Proficiency Test for Spanish language proficiency;
- formative assessments developed by each pueblo’s leaders and educators for Native American language proficiency; and
- Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS) for English language proficiency.

## **Background:**

In 1973, New Mexico became the first state to enact a bilingual multicultural education law. As part of the *Bilingual Multicultural Education Act*, the State Board of Education (SBE) created the New Mexico State Bilingual Advisory Committee (SBAC) to advise the SBE on matters related to the implementation of the act. In 2004, legislation was enacted to provide funds to local districts and charter schools to implement bilingual multicultural education programs for *all* students. However, the SBAC was disbanded in 2011 by the Secretary-designate of Public Education; then reinstated in 2013.

The federal *Title III English Language Acquisition Act* provides funds to local districts and charter schools to implement language acquisition programs to ensure that English language learners and immigrant students:

- attain English proficiency;
- develop high levels of academic attainment in core academic subjects; and
- meet the same challenging state academic standards as all children are expected to meet.

PED's Bilingual Multicultural Education Bureau works to ensure the implementation of the provisions of the *Bilingual Multicultural Education Act* and the federal *Title III English Language Acquisition Act*.

Some school districts in New Mexico, like Clovis Municipal Schools and the Albuquerque Public Schools, have already established ways for students to obtain a bilingual seal on their high school diploma if specific requirements are met. According to information on the Clovis Municipal Schools website, in order to receive a bilingual seal on their high school diploma, students must:

- complete an application;
- pass the reading and writing portions of New Mexico's Standards-Based Assessment with either proficient or above.
- pass the Language Assessment Scale (LAS) Reading Assessment in Spanish at a minimum of 70 percent accuracy;
- pass the LAS Writing Assessment in Spanish at a minimum of 70 percent accuracy;
- complete an interview in both English and Spanish at a minimum of 70 percent accuracy according to a district created rubric in order to assess speaking skills; and
- complete three years of high school Spanish with a C or above; or
- complete a comparable dual credit Spanish class(es) at the college with a C or above; or
- pass a comparable Spanish literacy exam with 70 percent proficiency or above.

## **Committee Referrals:**

HEC

## **Related Bills:**

HB 108 *Rio Arriba Bilingual Early Childhood Program*

HB 313 *State Bilingual Advisory Council*

HB 351 *Bilingual Charter School Act*

SJM 11 *Vision for High-Quality Education in NM*