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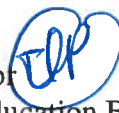
HANNA SKANDERA  
SECRETARY OF EDUCATION

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GOVERNOR

September 28, 2016

**MEMORANDUM**

**TO:** School District Superintendents, Charter School Directors, Bilingual Directors, Principals and Other Interested Parties

**FROM:** Icela Pelayo, PhD, Director   
Bilingual Multicultural Education Bureau

**RE:** **Required Professional Development for Bilingual Multicultural Education (BME) Programs**

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The purpose of the following memorandum is to provide guidance regarding professional development and training requirements under 2004 Bilingual Multicultural Education Act (22-23 NMSA) and 2005 Bilingual Multicultural Education Regulation (6.32.3 NMAC). Section 22-23-5 of the Bilingual Multicultural Education Act states the following:

22-23-5. Bilingual multicultural education program plan; evaluation. (2004)

E. Districts shall provide professional development to district employees, including teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents and financial officers in the areas of:

- (1) research-based bilingual multicultural education programs and implications for instruction;
- (2) best practices of English as a second language, English language development and bilingual multicultural education programs; and
- (3) classroom assessments that support academic and language development.

F. Bilingual multicultural education programs shall be part of the district's professional development plan. Bilingual educators, including teachers, teacher assistants, instructional support personnel, principals and program administrators, shall participate in professional development and training.

In addition, section 13 of the 2005 Bilingual Multicultural Education Regulation reiterates the obligation to ensure all district employees are provided the relevant professional development:

#### 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, 11-30-05]

Thus, all districts with state-funded BME programs are legally obligated to ensure that professional development is provided. BME program funding may be used for a variety of professional development and training, including bilingual education conferences.

We value our partnership with state organizations supporting BME programs including long-standing advocates such as the New Mexico Association for Bilingual Education (NMABE) and Dual Language Education of New Mexico (DLeNM). New Mexico families seek out BME programs because of their desires to ensure their children will become bilingual and biliterate. Together, we can work to strengthen the program quality and instructional effectiveness of all BME programs across the state in service to our children and families.

Please note that districts and schools with state-funded BME programs must comply with all state statute and regulation pertaining to bilingual multicultural education, including providing professional development and training to district employees. Furthermore, Title III subgrantees who also receive state BME program funding must also comply with the federal *supplement, not supplant* provision, (ESEA, Title III, Section 3115(g)) which states:

(g) SUPPLEMENT NOT SUPPLANT. –Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

If you have any questions and/or need further information, please contact a Specialist in the Bilingual Multicultural Education Bureau.

Enclosure (1): Bilingual Multicultural Education Act

cc: Matt Montano, Educator Quality Division Director  
David Rogers, Executive Director, Dual Language Education of New Mexico (DLeNM)  
Victoria Tafoya, President, New Mexico Association for Bilingual Education (NMABE)

IP/mv

**ARTICLE 23**  
**Bilingual Multicultural Education**

- 22-23-1 Short title.
- 22-23-1.1 Legislative findings.
- 22-23-2 Definitions.
- 22-23-3 Repealed.
- 22-23-4 Department; powers; duties.
- 22-23-5 Bilingual multicultural education program plan; evaluation.
- 22-23-6 Bilingual multicultural education programs; eligibility for state financial support.
- 22-23-1. Short title. (2004)

Chapter 22, Article 23 NMSA 1978 may be cited as the "Bilingual Multicultural Education Act".

**22-23-1.1. Legislative findings. (2004)**

The legislature finds that:

- A. while state and federal combined funding for New Mexico's bilingual multicultural education programs was forty-one million dollars (\$41,000,000) in 2003, the funds do not directly support bilingual multicultural education program instruction;
- B. the state's bilingual multicultural education program goals are for all students, including English language learners, to:
  - (1) become bilingual and biliterate in English and a second language, including Spanish, a Native American language, where a written form exists and there is tribal approval, or another language; and
  - (2) meet state academic content standards and benchmarks in all subject areas;
- C. districts do not fully understand how to properly assess, place and monitor students in bilingual multicultural education programs so that the students may become academically successful;
- D. because inaccurate reporting on student participation in bilingual multicultural education programs has a direct impact on state and federal funding, accountability measures are necessary to track bilingual multicultural education program funds;
- E. the federal No Child Left Behind Act of 2001 does not preclude using state funds for bilingual multicultural education programs;
- F. Article 12, Section 8 of the constitution of New Mexico recognizes the value of bilingualism as an educational tool;
- G. professional development is needed for district employees, including teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents and financial officers in the areas of:
  - (1) research-based bilingual multicultural education programs and implications for instruction;
  - (2) best practices of English as a second language, English language development and bilingual multicultural education programs; and
  - (3) classroom assessments that support academic and language development;
- H. parents in conjunction with teachers and other district employees shall be empowered to decide what type of bilingual multicultural education program works best for their children and

their community. Districts shall also provide parents with appropriate training in English or in the home or heritage language to help their children succeed in school;

I. because research has shown that it takes five to seven years to acquire academic proficiency in a second language, priority should be given to programs that adequately support a child's linguistic development. The state shall, therefore, fund bilingual multicultural education programs for students in grades kindergarten through three before funding bilingual multicultural education programs at higher grade levels;

J. a standardized curriculum, including instructional materials with scope and sequence, is necessary to ensure that the bilingual multicultural education program is consistent and building on the language skills the students have previously learned. The instructional materials for Native American bilingual multicultural education programs shall be written, when permitted by the Indian nation, tribe or pueblo, and if written materials are not available, an oral standardized curriculum shall be implemented;

K. equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for all students participating in the program. For Native American students enrolled in public schools, equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials are required to satisfy a goal of the Indian Education Act [22-23A-1 NMSA 1978]; and

L. the Bilingual Multicultural Education Act [22-23-1 NMSA 1978] will ensure equal education opportunities for students in New Mexico. Cognitive and affective development of the students is encouraged by:

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

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

(3) teaching students to appreciate the value and beauty of different languages and cultures.

#### **22-23-2. Definitions. (2004)**

As used in the Bilingual Multicultural Education Act [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.

**22-23-3. Repealed.**

**22-23-4. Department; powers; duties. (2004)**

A. The department shall issue rules for the development and implementation of bilingual multicultural education programs.

B. The department shall administer and enforce the provisions of the Bilingual Multicultural Education Act [22-23-1 NMSA 1978].

C. The department shall assist school boards in developing and evaluating bilingual multicultural education programs.

D. In the development, implementation and administration of the bilingual multicultural education programs, the department shall give preference to New Mexico residents who have received specialized training in bilingual education when hiring personnel.

**22-23-5. Bilingual multicultural education program plan; evaluation. (2004)**

A. The school board may prepare and submit to the department a bilingual multicultural education program plan in accordance with rules issued by the department.

B. At regular intervals, the school board and a parent advisory committee from the district shall review the goals and priorities of the plan and make appropriate recommendations to the department.

C. Bilingual multicultural education programs shall be located in the district and delivered as part of the regular academic program. Involvement of students in a bilingual multicultural education program shall not have the effect of segregating students by ethnic group, color or national origin.

D. Each district shall maintain academic achievement and language proficiency data and update the data annually to evaluate bilingual multicultural education program effectiveness and use of funds. The department shall annually compile and report this data to the appropriate interim legislative committee.

E. Districts shall provide professional development to district employees, including teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents and financial officers in the areas of:

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

(2) best practices of English as a second language, English language development and bilingual multicultural education programs; and

(3) classroom assessments that support academic and language development.

F. Bilingual multicultural education programs shall be part of the district's professional development plan. Bilingual educators, including teachers, teacher assistants, instructional support personnel, principals and program administrators, shall participate in professional development and training.

**22-23-6. Bilingual multicultural education programs; eligibility for state financial support. (2004)**

A. To be eligible for state financial support, each bilingual multicultural education program shall:

- (1) 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 a district;
- (2) 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;
- (3) use two languages as mediums of instruction for any part or all of the curriculum of the grade levels within the program;
- (4) use teachers who have specialized in elementary or secondary education and who have received specialized training in bilingual education conducted through the use of two languages. These teachers or other trained personnel shall administer language proficiency assessments in both English and in the home language until proficiency in each language is achieved;
- (5) emphasize the history and cultures associated with the students' home or heritage language;
- (6) 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 bilingual multicultural education program; and
- (7) provide procedures to ensure that parental notification is given annually prior to bilingual multicultural education program placement.

B. Each bilingual multicultural education program shall meet each requirement of Subsection A of this section and be approved by the department to be eligible for state financial support.