



# BILINGUAL MULTICULTURAL EDUCATION PROGRAMS



**The State of New Mexico  
Bilingual Multicultural Education Programs  
Technical Assistance Manual**

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**Required Notice**

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**Notes**

This manual may be periodically updated to reflect changes to state and federal statutes or regulation that may impact guidance. When such updates or revisions occur, they will be noted. This document and other Technical Assistance Manuals (TAMs) can be found on the [LCD Website](#).

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## Purpose

The guidance provided to districts in this manual about the requirements of state statute and regulation is meant to support local Bilingual Multicultural Education Program (BMEP) directors and other staff to comply with state law and to ensure that students receive the highest quality of education possible. After reading this manual, director and district personnel may still have questions. For additional support, please contact the LCD.

This TAM is part of a series of manuals published by the Language and Culture Division (LCD).

Who should read the Technical Assistance Manuals (TAM)?

WHO	WHAT DOCUMENT
All district administrators	Serving ELs TAM
Title III subgrant recipients	Serving ELs & Title III TAM
Districts & school personnel with BMEPs	Serving ELs & BMEP TAM
Title III & BMEP personnel PED staff, as appropriate	Serving ELs, Title III, & BMEP TAM
High School Administrators, Registrars, & Counselors	SSBB TAM

The PED encourages the following school personnel to explore this TAM carefully to ensure compliance with federal and state law:

BMEP Directors	NOVA Coordinators
BMEP Educators	Principals/ Charter School Directors
District Test Coordinators (DTC)	School boards and charter governance boards
Education Assistants	Special Education Directors
English Language Development (ELD) Teachers	Superintendents
Federal Programs Directors	Title III Directors
Native American Language & Culture (NALC) Teachers	Tribal Education Leaders

## Development & Implementation

The objective of this section is to provide the requirements for developing and implementing BMEPs which is anchored in NM constitution accordance with Section 22-23-4, of state Statute (NMSA) 1978 and Standards for Excellence, Subsection B of 6.30.2.11 NM Administrative code (NMAC), while supporting the state's long-standing policy in furthering Bilingual Multicultural Education (BME). Within this TAM, the law that governs and anchors the requirements will appear above each compliance area, followed by important details and resources.

### [Tool 3: New Mexico BME Regulation](#)

Developing proficiency in two or more languages for students has been the commitment of NM educators, legislators, and other government leaders since the state constitution was approved in 1911. Since that time, our state has been, and continues to be, a leader in the nation. New Mexico is the first state in the US to have a BME law, the BME Act of 1973. The law was expanded in 2004 and stands as an exceptional national model for [Tool 1: BME Act, NMSA 1978](#) in policy and practice (the NM English Plus Resolution was adopted in 1989). [Tool 2: History of Laws and Provisions That Support BMEPs](#)

## Program Goals

There are two goals of the BME Act. First, for all students, including ELs, to 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.

Second, for students in BMEPs to meet state academic content standards and benchmarks in all subject areas. Under the BME Act, districts and state charter schools are eligible for funding to implement BMEP as they work to meet the two goals of the BME Act. Families of NM deserve strong BMEPs that deliver on the promise of bilingualism and biliteracy as well as academic success for all students.

#### **6.32.2.9 PROGRAM GOALS:**

- A.** 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 or domains of listening, speaking, and comprehension; and
- B.** meet state academic content standards and benchmarks in all subject areas.



### **Program Eligibility**

While some of the requirements in the NMAC might seem commonsensical within the context of BMEPs, such as using two languages as mediums of instruction for any part or all the curriculum, other requirements may not seem so intuitive but are no less crucial.

#### **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 K-12, with priority to be given to programs in grades K-3, 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 K-3, 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 the curriculum of the grade levels within the program;
- D.** establish a Parent Advisory Committee (PAC), representative of the languages and cultures of the students in the program, 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, Teaching English to Speakers of Other Languages (TESOL) or certified in NALC. 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 (PD), and staffing patterns.

### **Serving Culturally and Linguistically Diverse Students**

Culturally and linguistically diverse (CLD) students come to BMEPs with a wealth of knowledge and experience, but also different needs. For the purposes of this TAM, CLD students are students whose cultural background differs from mainstream United States culture and who may have inherited a home/ heritage language other than English from their family, tribe, or country of origin. To understand the educational needs of these students, assumptions about a student's culture and language proficiency must not be made. Getting to know the students' families and learning about the community in which students are being served are actions educators, administrators, and other school staff should take to build and maintain an effective BMEP.

*"The validation and affirmation of the home (indigenous) culture and home language for the purposes of building and bridging the student to success in the culture of academia and mainstream society." – Dr. Hollie*

Pedagogy that is responsive to students’ cultural and linguistic backgrounds, or that seeks to sustain them, can bolster the effectiveness of BMEPs. Sharroky Hollie defines Culturally and Linguistically Responsive (CLR) pedagogy as “the validation and affirmation of the home (indigenous) culture and home language for the purposes of building and bridging the student to success in the culture of academia and mainstream society”. Home culture and home language is inclusive of multiple identities, which comprise what Hollie calls the “rings of culture.” For Hollie, the rings include ethnicity, gender, age, orientation, nationality, language, disability, and religion. Race is not considered part of the rings of culture because race is a social construct and does not drive cultural or linguistic behaviors, even though these behaviors are often racialized (CLR Guidance Handbook).

## Priority Funding for ELs

Students who have been identified as ELs are considered CLD and with federal requirements such as the Civil Rights Act of 1964, should be given priority service when it comes to BMEPs, as this can help sustain and grow the home/heritage language of ELs. The state, therefore, will fund BMEPs that primarily serve students who are ELs and in grades K-3 before funding a BMEP that serves other students who may wish to participate. Below provides a list of categories that are used to describe a student’s proficiency in the English language and information that may help determine priorities.

Category Description
<b>A:</b> Monolingual in a language other than English—Students classified as EL, per results of English Language Proficiency (ELP) screener or assessment: Level 1 (Entering) on W-APT; or Level 1 (Beginning) on ACCESS for ELLs© or ACCESS for ELLs 2.0
<b>B:</b> Partial proficiency of English—Students classified as EL, Level 2 (Emerging), Level 3 (Developing), or Level 4 (Expanding) on the W-APT; or Level 2, Level 3, or Level 4 on ACCESS for ELLs© or ACCESS for ELLs 2.0
<b>C:</b> Native English speakers—Students whose first (dominant) language is English and home/heritage language(s) include both English and a language(s) other than English are eligible to participate in two-hour programs or can also participate in three-hour Dual Language Immersion (DLI) program. Students classified as EL, Level 4 (Expanding) on the W-APT; or Level 4 on ACCESS for ELLs© or ACCESS for ELLs 2.0
<b>D:</b> Other students/Native English speakers—Students whose first and home language is English are eligible to participate in one or two-hour programs and three-hour DLI programs if funds are available after first meeting the needs of EL students.

## Priority Funding for Grades K-3

Students participating in a BMEP who are in grades K-3 must be given priority prior to funding additional grade levels in BMEPs. The BMEP should:

- Provide for the educational needs of linguistically and culturally different students, including Native American children and other students who may wish to participate.
- Fund programs for culturally and linguistically different students in the state for which there is an identifiable need to improve the language capabilities of both English and the home language of these students.

## Language of Instruction

Districts with a BMEP currently offer 10 languages across NM. The languages are **Spanish, Jicarilla Apache, Keres, Lakota, Navajo, Tewa, Tiwa, Towa and Zuni**. BMEPs must use one of these home/heritage or target languages as well as English as a medium of instruction in the teaching and learning process. In the case of Native American language programs, per the State Tribal Collaboration Act of 2009, all proposed programs require approval from tribal councils or from other appropriate tribal entities with authority to make decisions on behalf of Native American children.

To see most current information on program languages, and data across NM, you can access the [BMEP Annual Report](#), which contains a geographical map highlighting NM counties with BMEPs.

**Note:** Spanish as a world (foreign) language is not funded by the State. For additional details, please see the following sections on BMEP instruction and program approval.

## PAC

Parents, along with teachers, administrators, and other staff, shall be empowered to decide the type of BMEP most appropriate for their children and their community. To cultivate meaningful relationships with families and solicit feedback about the program from parents, districts and state charter schools with BMEPs must establish a PAC, representative of the languages and cultures of all the students in the program. The PACs purpose is to assist and advise in the development, implementation, and evaluation of the program. At regular intervals, the local school board—along with a PAC—should review the goals and priorities of the district or state charter school’s plan and make appropriate recommendations to further enhance support for the BMEP.



## Parental Notification and Program Placement for BMEPs

Districts and state charter schools shall provide procedures to ensure that parental notification is given annually prior to program placement. Prior to placing students in a BMEP, the school and/or district will notify parents in writing about the following:

- the benefits of the program being offered to the student; and other program options available;
- parents’ rights to visit the program; and parents’ rights to withdraw the student from the program.

Parental notifications pertaining to BMEPs should communicate the items bulleted above as clearly as possible. The LCD has developed templates in English and Spanish that model the information that should be shared with parents, but not all parts of the letter may be necessary. Please take time to revise and review the annual notifications to ensure clarity and accuracy before sending them to families. When developing procedures for communicating with parents, it is important to keep in mind that districts and schools must also have a process to determine the primary and preferred language of the parents as well as their language needs.

Districts must “provide [parents] with free and effective language assistance, such as translated materials or an appropriate and competent interpreter” (EL Toolkit). Such interpreters/translators should have proficiency in the target language(s). They should have knowledge of specialized terms or concepts, be trained in their role and in the ethics of interpreting and understand the need for confidentiality. Expecting children to translate may involve them in dialogue that may not be age-appropriate and impede the ability of addressing sensitive matters. Further, doing so may create undue family stress, tension, and disrupt family roles and/or cultural practices. Hard or digital copies of the parental notifications sent to families should be kept in students’ cumulative files as evidence that annual communications have taken place. Please See [Tool 4: Sample BMEP Parent Notification Letter \(English\)](#) & [Tool 5: Sample BMEP Parent Notification Letter \(Spanish\)](#).

## Teachers with Specialized Training

Districts and charter schools must provide personnel endorsed in bilingual education, Modern Classical and Native Languages (MCNL), TESOL, or certified in NALC to be eligible for state funding. Teachers who serve in a state funded BMEP must also hold a content area endorsement for their designated content area. Endorsement requirements for teachers serving in a BMEP vary by grade level and content area.



**Note:** An endorsement in TESOL is a requirement for teachers serving in State-funded BMEPs, though the TESOL endorsement is NOT a requirement to serve ELs in the state, (NMPED, 2006). Under Title VI of the 1964 Civil Rights Act, school districts and schools have an obligation to ensure that ELs have equal access to a high-quality education and the opportunity to achieve their full academic potential. Therefore, serving ELs ensuring that they are provided equal access to content is the responsibility of all involved in their education.

The Licensure Bureau may issue a NALC certificate to an instructor who has been approved and deemed proficient in their Native American language by a NM tribe, pueblo, or nation. Native American language programs require approval and recommendations from tribal departments of education and/or tribal councils. It is the Native American language instructor's responsibility to submit documentation to the PED so that a NALC certificate can be issued.

**Note:** All Native American BMEPs may employ instructors holding NALC certification or who are endorsed in bilingual education in the language for which they are providing instruction.

New Mexico provides early childhood (birth–3 and PreK–3), elementary (K–8), middle level (5–9), secondary (7–12), specialty (PreK–12), and special education (PreK–12) licenses, which are available to teachers serving in BMEPs. In addition, NM also provides the NALC (PreK–12) certificate. Please visit [Licensure Pathways](#) for additional information and requirements.

**Note:** A teacher cannot teach at the 6<sup>th</sup> grade level with a secondary (7–12) license. However, a middle level (5–9) license does provide the knowledge and skills to prepare a teacher to teach at this middle school grade level.

## BMEP Endorsement Waivers

Teachers who lack a TESOL, MCNL or Bilingual endorsement but who are working towards attaining one or more of the same endorsements may request an endorsement waiver for no more than three years. Waivers requests for the TESOL, MCNL and Bilingual endorsements are accepted and reviewed by the LCD before the 60<sup>th</sup> calendar day of the school year or 60 days following the teacher's hiring date.

Applications for BMEP waivers require consent from administrators and teachers. The purpose of the consent forms are two-fold, as they indicate the teacher is supported by the district or charter school administration in obtaining the desired endorsement AND the teacher is eager to serve students by seeking the required credentials. Please contact the BMEP specialist in the LCD or the district/charter school BMEP director for more information.

## BMEP Licensure and Endorsements Requirements Tables for K—12

The following tables are designed to assist in understanding the comparisons and distinctions between licensure and endorsement requirements for teachers who provide instruction in a state-funded BMEP and provide instructional time and student language classification eligible for courses.

BMEP Endorsement Requirements: Elementary School Grades K–5 <sup>1</sup>				
TEACHING LICENSE REQUIREMENTS				
As Required by the NMPED Licensure Bureau for specific grade levels taught. <a href="#">Licensure Website</a>				
Program Hours		Endorsement Requirements	Instructional Time	Student Language Classification
Language arts in the home/heritage (target) Language				
1st Hour	-Course Code 1274 <ul style="list-style-type: none"><li>•Jicarilla Language Arts</li><li>•Keres Language Arts</li><li>•Lakota Language Arts</li><li>•Navajo Language Arts</li><li>•Tiwa Language Arts</li><li>•Tewa Language Arts</li><li>•Towa Language Arts</li><li>•Zuni Language Arts</li></ul>	-Native American language and culture certificate (NALC) <i>Teaching license not required for Native American languages only</i>	One hour (60 minutes) of home/heritage (target) language arts instruction	<ul style="list-style-type: none"><li>• ELs</li><li>• Reclassified Fluent English Proficient (RFEP) students.</li><li>• Initial Fluent English Proficient (IFEP) students</li></ul>
	-Course Code 1275 <ul style="list-style-type: none"><li>• Spanish language arts (SLA)</li></ul>	-Bilingual endorsement		
ELD / English as a second Language (ESL)				
2nd Hour	-Course code 1062 <ul style="list-style-type: none"><li>• ELD/ESL</li></ul>	-TESOL OR -Bilingual endorsement <i>may be used in place of a TESOL endorsement at the elementary level only</i>	One hour (60 minutes) or equivalent of English language instruction	<ul style="list-style-type: none"><li>• ELs only</li></ul>
Content area in the home/heritage (target) Language				
3rd Hour*	<ul style="list-style-type: none"><li>• Science</li><li>• Math</li><li>• Social studies</li><li>• Fine arts -content area endorsement is required**</li><li>• Computer Science</li></ul>	-NALC certificate <i>Teaching license is required for content areas taught in Native American languages.</i> OR -Bilingual endorsement	One hour (60 minutes) or equivalent of content area instruction in the home/heritage (target) language	<ul style="list-style-type: none"><li>• ELs</li><li>• RFEPs</li><li>• IFEPs</li></ul>
<b>*3<sup>rd</sup> hour.</b> Required for all students (EL/RFEP/IFEP) in a DLI model, but optional for all students (EL/RFEP/IFEP) in maintenance, heritage, and transitional BMEP models. <b>Refer to BMEP models and the instructional time chart that follows in a section below of the TAM for additional information on requirements for the 3<sup>rd</sup> hour of instruction specific to each BMEP model.</b> <b>**Content area</b> endorsements as required by the NMPED licensure bureau for specific content areas taught. Endorsement waivers are issued by the NMPED licensure bureau. Please note: Specialty Area K-12 500 licensed teachers, in an elementary setting, can only teach the content areas for which they hold endorsements.				

<sup>1</sup> Includes 6th grade when taught in an Elementary setting.

BMEP Endorsement Requirements: Middle School Grades 6–8				
TEACHING LICENSE REQUIREMENTS				
As Required by the NMPED Licensure Bureau for specific grade levels taught. <a href="#">Licensure Website</a>				
Program Hours		Endorsement Requirements	Instructional Time	Student Language Classification
Language arts in the home/heritage (target) language				
1st Hour	<b>-Course code 1260</b> <ul style="list-style-type: none"><li>• Jicarilla language arts</li><li>• Keres language arts</li><li>• Lakota language arts</li><li>• Navajo language arts</li><li>• Tiwa language arts</li><li>• Tewa language arts</li><li>• Towa language arts</li><li>• Zuni language arts</li></ul>	<b>-NALC certificate</b> <i>Teaching license not required for Native American languages only</i>	One hour (60 minutes) of home/heritage (target) language arts instruction	<ul style="list-style-type: none"><li>• ELs</li><li>• RFEPs</li><li>• IFEPs</li></ul>
	<b>-Course code 1276</b> <ul style="list-style-type: none"><li>• SLA</li></ul>	<b>-Bilingual endorsement</b> AND <b>-MCNL Endorsement</b>		
ELD/ESL				
2nd Hour	<b>-Course code 1062</b> <ul style="list-style-type: none"><li>• ELD/ESL</li></ul>	<b>-TESOL endorsement</b>	One hour (60 minutes) or equivalent of English language instruction	<ul style="list-style-type: none"><li>• ELs only</li></ul>
	<b>-Course code 1063</b> <ul style="list-style-type: none"><li>• English Language Arts (ELA) /ELD</li></ul>	<b>-TESOL endorsement</b> AND <b>-Language arts endorsement</b>		
Content area in the home/heritage (target) Language				
3rd Hour*	<ul style="list-style-type: none"><li>• Science</li><li>• Math</li><li>• Social studies</li><li>• Fine arts</li><li>• Computer Science</li></ul>	<b>-NALC certificate</b> <i>Teaching license is required for content areas taught in Native American languages</i> AND <b>-Content area**</b>	One hour (60 minutes) or equivalent of content area instruction in home/heritage (target) language	<ul style="list-style-type: none"><li>• ELs</li><li>• RFEPs</li><li>• IFEPs</li></ul>
	<i>Various course codes may be allowable but must be designated in NOVA as BEP.</i>	<b>-Bilingual endorsement</b> AND <b>-Content area**</b>		
**Please see notes above for 3rd Hour and Content Areas.				

BMEP Endorsement Requirements: High School Grades 9–12				
TEACHING LICENSE REQUIREMENTS				
As Required by the NMPED Licensure Bureau for specific grade levels taught. <a href="#">Licensure Website</a>				
Program Hours		Endorsement Requirements	Instructional Time	Student Language Classification
Language arts in the home/heritage (target) language				
1st Hour	-Course codes 1271, 1272, 1273 and 1268 <ul style="list-style-type: none"><li>• Jicarilla language arts</li><li>• Keres language arts</li><li>• Lakota language arts</li><li>• Navajo language arts</li><li>• Tiwa language arts</li><li>• Tewa language arts</li><li>• Towa language arts</li><li>• Zuni language arts</li></ul>	-NALC certificate <i>Teaching license not required for Native American languages only</i>	One hour (60 minutes) of home/heritage (target) language arts instruction	<ul style="list-style-type: none"><li>• ELs</li><li>• RFEPs.</li><li>• IFEPs</li></ul>
	-Course codes 1277, 1278, 1279,1280, 1202 and 1203 <ul style="list-style-type: none"><li>• SLA</li></ul>	-Bilingual endorsement AND -MCNL endorsement		
ELD/ESL				
2nd Hour	-Course code 1062 <ul style="list-style-type: none"><li>• ELD/ESL</li></ul>	-TESOL endorsement	One hour (60 minutes) or equivalent of English language instruction	<ul style="list-style-type: none"><li>• ELs only</li></ul>
	-Course code 1064, 1065, 1066, and 1067 <ul style="list-style-type: none"><li>• ELA-ELD</li></ul>	-TESOL endorsement AND -Language arts endorsement		
Content area in the home/heritage (target) language				
3rd Hour*	<ul style="list-style-type: none"><li>• Science</li><li>• Math</li><li>• Social studies</li><li>• Fine arts</li><li>• Computer Science</li></ul>	-NALC certificate <i>Teaching license is required for content areas taught in Native American languages</i> AND -Content area**	One hour (60 minutes) or equivalent of content area instruction in home/heritage (target) language	<ul style="list-style-type: none"><li>• ELs</li><li>• RFEPs</li><li>• IFEPs</li></ul>
	<i>Various course codes may be allowable but must be designated in NOVA as BEP.</i>	-Bilingual endorsement AND -Content area**		
** Please see notes above for 3rd Hour and Content Areas.				

## Program Instruction

The BME Act ensures that districts provide equal opportunities for students in NM as follows:

### 22.23.1.1 LEGISLATIVE FINDINGS

A. The BME Act will ensure equal education opportunities for students in NM. Cognitive and affective development of the students is encouraged by:

- (1) using the cultural and linguistic backgrounds of the students in a BMEP;
- (2) providing students with opportunities to expand their conceptual and linguistic abilities and potential in a successful and positive manner; and teaching students to appreciate the value and beauty of different languages and cultures.

BMEPs must encourage the cognitive and affective development of students by using the cultural and linguistic backgrounds of the students, providing students with opportunities to expand their conceptual and linguistic abilities, and teaching students to appreciate the value and beauty of different languages and cultures.

BMEPs must teach students to appreciate the value and beauty of different languages and cultures. This appreciation includes all cultures and all languages whether they are oral, written, or signed. The validity of a language must not be subverted by sociolinguistic factors regarding institutions, social groups, prevailing attitudes, or perceptions. It is important to understand that all languages are complete languages, as they share universal properties such as reflexivity, displacement, arbitrariness, productivity, duality, cultural transmission, and generative grammar.

PROPERTIES OF LANGUAGE (Yule, 2014)	
<b>Reflexivity</b>	that allows language to be used to think and talk about language itself
<b>Displacement</b>	that allows users to talk about things and events not present in the immediate environment
<b>Arbitrariness</b>	describing the fact that there is no natural connection between a linguistic form and its meaning, the connection is arbitrary
<b>Productivity</b>	that allows users to create new expressions, also called “creativity”
<b>Duality</b>	whereby linguistic forms have two simultaneous levels of sound production and meaning, also called “double articulation,” that can be divided into separate parts
<b>Cultural Transmission</b>	whereby knowledge of a language is passed from one generation to the next
<b>Generative Grammar</b>	in which a small and finite set of rules can produce a large and potentially infinite number of well-formed structures; a set of rules defining the possible sentences in a language

Furthermore, it is important to embrace the language varieties that students bring from their home and their communities. Validating and affirming English and the home/ heritage language of the BMEP allows for building students’ conceptual abilities and bridging that knowledge between their languages. Thus, cultivation of metalinguistic awareness through a BMEP provides students with skills in the academic, standard, and vernacular variations of a language that will allow them to be successful at home, in school, and in their communities.

## CLR Pedagogy

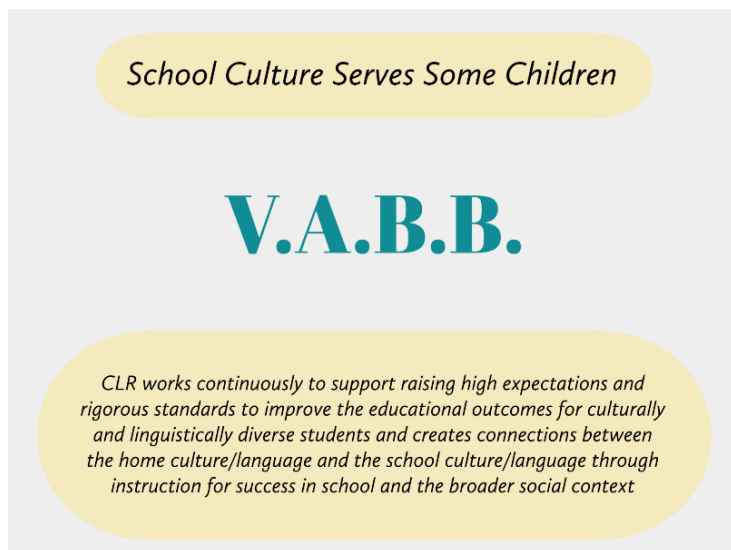
CLR instructional practices help children build bridges between what they already know about something (funds of knowledge) and what they need to learn about it. CLR teaching practices are the tools that teachers use to build such bridges.

According to Villegas and Lucas (2002), a culturally responsive approach to teaching:

- Centers on a socio-constructivist approach to teaching and learning.
- Builds on students' cultural and linguistic resources by accessing prior knowledge and relevant experiences.
- Helps students examine curriculum from multiple perspectives.
- Uses a variety of assessment practices that promote learning.
- Makes the culture of the classroom inclusive of all students.

Lucas, Villegas, and Freedson-Gonzalez (2008) further expanded their culturally responsive framework to also include *linguistic* responsiveness, especially when serving ELs. According to Lucas et al. (2008), there are several important, research based linguistic principles that can serve as the linguistic foundation, highlighting some relevant and useful linguistically responsive pedagogical responses that flow from them. See the subsection on ESL/ELD instruction in state funded BMEPs for additional information.

It is important to embrace, honor and value the languages that students bring to their homes and their communities. Validating and affirming English and the home/heritage language of the BMEP provides students with skills in academic, standard, and vernacular varieties of a language that will allow them to be successful in society. According to Hollie (2011), “in order to better support traditionally underserved students, educators must be willing and able to validate, affirm, build and bridge student’s language and culture.”



Validate, Affirm, Build, and Bridge (Hollie, 2011)	
<b>Validate</b>	To make legitimate that which the institution (academia) and mainstream has made illegitimate
<b>Affirm</b>	To make positive that which the institution (academia) and mainstream media has made negative
<b>Build</b>	To make connections between the home culture and language with the school culture and language through instructional strategy and activity
<b>Bridge</b>	To give opportunities for *situational appropriateness or the utilization of the appropriate cultural or linguistic behavior.
*Situational appropriateness is the concept of determining what cultural or linguistic behavior is most appropriate for the situation. Students are allowed to make choices around cultural and linguistic behaviors dependent on the situation but without giving up or sacrificing what they consider to be their base culture or language.	

Taking a decidedly CLR approach to BMEPs, language must be viewed as a strength and asset to be leveraged—not a problem to be fixed (Hurtado and Rodrigues, 1989). Building the home/heritage language must be accomplished taking a CLR approach, as appropriate for the local schooling and community context. Thus, building academic language in the home/heritage language will ensure that students participating in BMEPs become bilingual and biliterate as well as meeting academic content area expectations.



The following is a comprehensive list of the three focus areas and the requirements for instruction of BMEPs:

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

- (1) language arts in the home/heritage language- for funding purposes, time allotted for instruction in the home language shall be equivalent to the time provided for ELA and shall be consecutive in nature (that is, not fragmented throughout the day);
- (2) ELD- English language instruction to develop the ELP of ELs based on the student's ELP level; instruction shall be distinct from content area instruction; and
- (3) Language Acquisition (LA) in the home/heritage language – instruction to develop language proficiency based on the student's home/heritage language proficiency level; and
- (4) depending on the time allotted for program:
  - a) content area instruction in the home/heritage language of the program that utilizes the student's language, history, and culture; or
  - b) fine arts instruction in the home/heritage language of the program that utilizes the student's language, history, culture, and the arts traditions of the student's community.

### Language Arts Instruction in the Home/Heritage Language

Students participating in BMEPs are emergent bilinguals who are both acquiring and learning a language. Emergent bilinguals are “students who are in the beginning stages of moving along a bilingual continuum (Garcia).”

Although knowledge of the features of a language is important, BMEPs should focus their instruction on LA, which includes academic language development and communicative approaches. Communicative approaches are of extreme importance if BMEPs are to deliver on the promise of ensuring students become bilingual and biliterate in English and a second language. Instruction in BMEPs must provide students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner. A communicative approach focuses specifically on communicative competence—the general ability to use language accurately, appropriately, and flexibly—and consists of the four components listed in the following table.

COMMUNICATIVE COMPETENCE (Yule, 2014)	
Component	Definition and Description
<b>Grammatical Competence</b>	The ability to use words and structures accurately
Although an important consideration in LA, grammatical competence alone will not provide students with the ability to interpret or produce expressions appropriately.	
<b>Sociolinguistic Competence</b>	The ability to use language appropriately according to the social context
This competence refers to students' knowledge of language use in context and involves familiarity with the social and cultural components of language.	
<b>Strategic Competence</b>	The ability to use language to organize effective messages and to overcome potential communication problems
Students' ability to communicate in a cohesive and coherent manner and to enhance the effectiveness of the communication can be seen in their ability to think strategically about language and context.	
<b>Communication Strategy</b>	A way of overcoming a gap between communicative intent and limited ability to express that intent
Students' flexibility in language use to overcome any potential communication problems in interactions might be seen in their use of gesture and pantomime.	

In keeping with these state statutory and regulatory requirements for BMEPs, the development of communicative competence, as well as principles of LA, must be reflected in the materials used for BMEP instruction. There are a wide range of instructional materials that are appropriate tools for language learning and for learning in other content areas, especially materials that are designed for interaction. However, these materials must be aligned with a language immersion approach of LA rather than a world (foreign) language approach (language learning).

**LA:** refers to the gradual development of ability in a language by using it naturally in communicative situations, while language learning applies to a more conscious process of accumulating knowledge of the features, such as vocabulary and grammar, of a language (Yule, 2014; Hollie, 2011).

**Incorporation of the program students’ culture and linguistic background.** Language arts instruction in the home/heritage language of the program must target the development of reading, writing, listening, speaking, and comprehension skills. The program’s home/heritage language is defined as the medium of communication, vernacular, variety, or standard—other than English—used in daily situations. BMEPs must also incorporate the cultural and linguistic backgrounds of the students in the program. A positive disposition and attitude towards language usage ensures the acceptance, use, and expansion within the parameters provided by the objectives of the program and the linguistic repertoire of the students.

Language arts instruction in the home/heritage language of the program should NOT use the traditional “foreign” language approach to language learning since this method of instruction was found to over-emphasize grammar and translation to English and (un)intentionally decontextualize the home/heritage language of students participating in bilingual multicultural and language revitalization programs. The traditional foreign language approach has typically resulted in more knowledge *about* the language and its related cultures from an outsider’s perspective rather than focusing on fluent communication (reading, writing, and speaking) that is indicative of bilingualism and biliteracy. **Note:** World (foreign) language teaching and learning has also moved away from this traditional approach and towards a communicate approach as well.

Second LA courses may qualify for state funding under the BME Act. These courses may utilize the American Council on the Teaching of Foreign Languages (ACTFL)’s world readiness standards for learning languages. Further, districts and charter schools may choose to offer courses in a world language if they have staff with the proper credentials to teach the language and apply the world readiness standards.

#### **6.32.2.12 PROGRAM ELEMENT—INSTRUCTION:**

**A.** Public schools providing an approved BMEP shall include:

- (1) instruction to attain language proficiency and literacy skills in two languages, one of which is English;
- (2) instruction to attain academic achievement in two languages, one of which is English;
- (3) sheltered content instruction;
- (4) standardized curriculum, including instructional materials with scope and sequence, that is aligned with the state academic content standards, benchmarks, and performance standards;
- (5) instruction in the history and cultures of NM; and
- (6) CLR instruction designed to develop cross-cultural skills.

## **Spanish as a Heritage Language**

Although some students fall into the traditional category of native speakers, it is important that teachers do not make assumptions about students in BMEPs based on student’s experience with the language and their unique social reality. These assumptions may be inequitable, and socially unjust, particularly if these are centered on the belief that all bilingual students bring an immense advantage (with reference to “native speaker” norms) that traditional (L2) foreign language learners do not have (Roca & Colombi, 2003).



There are nine research-based principles relevant to the Spanish language in the US that have been suggested by Lynch (2003) and developed in *Toward a Theory of Heritage Language Acquisition* (HLA). Underlying Lynch's theory of HLA, he assumes that:

- 1) English is the language of more frequent, everyday use among most Spanish heritage language (HL) speakers;
- 2) English is the socially "preferred" language of interaction among Spanish HL speakers;
- 3) most HL speakers do not insist that one must speak Spanish to be considered Hispanic or Latino; and
- 4) English literacy and formal discourse skills of the majority of US born bilinguals are prescriptively superior to their Spanish skills.

<b>Nine Principles of (Spanish) HLA (Lynch, 2003)</b>	
<b>Purposeful acquisition</b>	Spanish HL speakers are most apt to expand their linguistic repertoires through purposefully sought opportunities for acquisition.
<b>Incidental acquisition</b>	Spanish HL speakers are likely to expand their linguistic repertoires through incidental experiences with the language occurring naturally in social context.
<b>Simplification</b>	Since English is the language of instruction and socialization in US schools, it is the cognitively dominant language of HL speakers of Spanish. As a result, the Spanish linguistic system of these speakers will reflect several grammatical, lexical, and pragmatic simplifications that are not evident in English. For this reason, the formal and academic discourse norms of Spanish HL speakers should not be compared to the formal and academic norms of first-generation Spanish speakers who were educated principally, or fully, in their native countries.
<b>Variability</b>	The grammar and discourse of Spanish HL speakers is highly variable in nature; therefore, the most apt approach to HL development aims to build upon this variability.
<b>Discourse</b>	Spanish HL speakers will most successfully expand their linguistic repertoires through vertical and horizontal discourse relationships with other speakers. HL pedagogy should emphasize grammatical and lexical development through discourse activities.
<b>Utility</b>	The more practical and useful Spanish HL speakers find the language to be in their immediate and/or broader social context, the more likely they will seek out opportunities to use it and acquire it both purposefully and incidentally.
<b>Social Relevance</b>	If Spanish HL speakers perceive their broader social environment to be a bilingual or multilingual, they will be more likely to use and to purposefully acquire the HL.
<b>Social identity</b>	Spanish HL speakers—who psychologically relate one or more aspects of their social identity to the heritage language, either for reasons of utility or social relevance—will be more inclined to use it and purposefully acquire it.
<b>Re-contact</b>	Spanish HL speakers who experience re-contact with the language—either through contact with first-generation immigrants, visitors, or through travel, work, or study abroad—will be more likely to acquire the HL both purposefully and incidentally (Roca & Colombi, 2003).

These principles focus on LA (1–2), the process of LA (3–5), and macro-level issues of Spanish in the context of the US (6–8). The last principle provides focuses on the phenomenon of sociolinguistic re-contact specific to Spanish, which may not apply to all other world languages.

## Native American Language Instruction

**6.32.2.12 B. Public schools providing a Native American language revitalization program, or other approved Native American BME model, shall obtain approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children. An approved 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 or domains of listening, speaking and comprehension;
- (2) instruction to attain academic achievement in English and a Native American language;
- (3) sheltered content instruction;
- (4) standardized curriculum, including instructional materials with scope and sequence, that is aligned with the state academic content standards, benchmarks, and performance standards, unless otherwise agreed to in writing by the department in accordance with the Indian Education Act (IE Act);
- (5) instruction in the history and cultures of NM Native American tribes; and
- (6) CLR instruction designed to develop cross-cultural skills.

The wishes of Native American communities regarding the use of their native language in the public schools must be respected. In some cases, written teaching materials in the native language may not be available; in other cases, the community only allows the oral aspect of the language to be taught. However, cultural content can be taught in several areas of the curriculum.

A Native American language program must follow (if allowable and available) a written, scope and sequenced curriculum, which is aligned with the [NM Content Standards](#) (NMCS) and benchmarks for language arts that include an additional 15% of state specific standards which focus on cultural responsiveness. Additionally, there are several considerations in Native American language revitalization instruction to honor. This is true—not only for the language—but for place, community, and culture. According to Castagno and Brayboy (2008), “when teachers, curricula, and schools provide a challenging and high-quality education that is intimately connected and relevant to tribal communities, they will be far more likely to graduate youth who are academically prepared, connected to an active member of their tribal communities, and knowledgeable about both the dominant and their home cultures.”

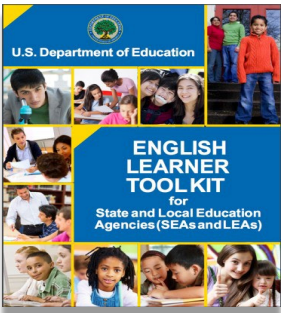
## ELD/ESL Instruction in a State-Funded BMEP

A BMEP is chosen by districts and schools. The BMEP can serve ELs as the EL program. Basic programs or services for ELs may be satisfied through a BMEP that is aligned with the BME Act and state regulation. ELs must have meaningful access to a district’s educational program. Therefore, districts and schools must provide students who are classified as ELs with appropriate English language assistance programs and services. Such EL programs and services must be:

- (1) educationally sound in theory;
- (2) effective in practice; and
- (3) designed to enable ELs to become proficient in English and to achieve academically in the standard instructional program within a reasonable length of time (EL Toolkit).

It is imperative to set high academic expectations for EL students and to validate, affirm, and respect “them as individuals and the belief in their unlimited range of possibility as learners” (Schreck M.). For the district’s EL program (whether a standalone program or a BMEP) to meet federal OCR and Department of Justice requirements, it must meet the following standards as established by the United States Court of Appeals for the Fifth Circuit in *Castañeda v. Pickard*.

**Program standards.** Standards must reflect the following three specific dimensions:



- 1) **Research based.** Is the program based on an educational theory recognized as sound by experts in the field? Or, is the program considered to be a legitimate experimental strategy?
- 2) **Attainable.** Are program and practices, including resources and personnel, reasonably calculated to implement this theory effectively?
- 3) **Timely results.** Does the program succeed, after a legitimate trial, in producing results, thus indicating that students' language barriers are actually being overcome within a reasonable period of time?

For BMEPs to effectively serve ELs, they must address the three program standards outlined above in federal guidance. Since they serve ELs, they must not only meet federal requirements but also meet state statutory and regulatory requirements.

**Program design:** EL programs must be designed to ensure that ELs:

- 1) develop academic English, such that ELP is achieved within a reasonable length of time; and
- 2) meet the state's academic standards in all areas.

**ELP:** ELs must be provided with instruction that address both above listed obligations. To meet the first requirement of obtaining ELP, a BMEP must provide a dedicated block of time for ELD/ESL for ELs, above and beyond ELA. Additionally, ELs enrolled in a BMEP must receive instruction in the home/heritage language.

**Academic proficiency.** ELs participating in BMEPs must be provided with access to effective instruction that ensures those students meet the state's academic content requirement in all the requisite content area courses. A BMEP satisfies the second requirement when its EL students receive content area instruction in the home/heritage language and in English.

**“Above and beyond” instruction.** Thus, for a BMEP to meet the federal guidance, it must provide ELD/ESL instruction above and beyond ELA instruction to all students. This “above and beyond” instruction to all participating ELD/ESL students is a required component of state funded BMEPs.

**Standards, curriculum, materials, and instructional guidelines.** To ensure ELs attain ELP and academic proficiency, a BMEP must adhere to standards and instructional guidelines and provide appropriate, effective instructional materials. ELD/ESL instruction must be aligned with the NMCS and the 2012 World-Class Instructional Design and Assessment (WIDA) ELD Standards to address the development of English language skills in reading, writing, listening, speaking, and comprehension. The standards-based curriculum for the ELD/ESL instruction, provided to ELs in a BMEP, must be designed to follow a logical scope and sequence that ensures that the academic and language-learning needs of ELs are met so that they will develop ELP within a reasonable period.

Additionally, the standards-based curriculum that guides ELD/ESL instruction must use appropriate instructional materials designed for this purpose. A BMEP that serves ELs must provide sheltered instruction<sup>2</sup> across all content areas. Sheltered content instruction is necessary so that ELs have access to grade-level content while they continue to develop ELP.

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<sup>2</sup> This approach to teaching ELs integrates language and content instruction. It has the dual goals of developing English language Proficiency and providing grade-level academic content and skills.

**Language instructional block.** The defined block of instruction—focused on English LA and ELD—must not be confused with the use of ESL-oriented methods or sheltered instructional strategies provided during content-area instruction. Both are necessary. The ELD/ESL block fulfills the requirement of providing instruction to ELs that prioritizes developing these students’ ELP.

**Content instruction block.** The use of sheltered instructional practices and ESL-oriented methodologies across all instructional blocks are necessary so that ELs have access to grade-level content that supports their progressive development of skills in listening, speaking, reading, writing, and comprehension in English across the content areas. ELs must develop ELP and must be provided meaningful access to a district’s ELD program, so they can meet the state’s academic standards. Serving ELs and ensuring that they are provided equal access to content is everyone’s responsibility.

For ELs served in a BMEP, the ELD/ESL instruction (addressing ELP component must be a defined block that is in addition to the required core ELA instruction (academic content area), the required core instruction for all students. That is, **ELA and ELD/ESL are not interchangeable.** **Exception:** At the secondary level, there is one exception. Course 1063, ELA -ELD, integrates ELA content with ELD standards and instructional strategies to appropriately scaffold for the ELD of an EL. Course 1063 allow provides ELA graduation credit.

**Measuring EL progress.** In accordance with federal and state requirements, all ELs must be assessed annually with the State’s ELP assessment, ACCESS for ELLs. This is necessary so all stakeholders—teachers, parents, students—can determine that ELs are progressing toward attaining ELP. When ELs attain ELP—as determined by the State’s defined exit criteria—they must be reclassified to signal exiting EL status. Once an EL achieves an overall (composite) score of 4.7 or higher on the ACCESS for ELLs®, the student must be categorized as RFEP. Thus, RFEP students will no longer need ELD/ESL instruction. RFEP and IFEP students should not be placed in ESL/ELD courses and should not participate in the maintenance or transitional BMEP models, since these are designed for ELs only. However, since BMEPs are open to all students, RFEP and IFEP students may participate in a BMEP designed for non-ELs (DLI, heritage, or enrichment models). RFEPs are encouraged to continue to develop language and literacy skills in the home/heritage language through a BMEP.

For guidance about EL state and federal requirements: [EL TAM](#)  
For districts receiving federal funding to support ELs: [Title III TAM: Supplemental Support for EL Programs](#)

### Content Area Instruction in the Home/Heritage (Target) Language

Instruction in content areas, shall be taught in the home/heritage (target) language of the program, and builds on the student’s language, history, and culture. This part shall be a defined component, based upon the NMCS and benchmarks for the content areas selected. This includes mathematics, science, social studies, and fine arts. The development of literacy skills in the home language must be emphasized across the curriculum, including these content areas.

**Fine arts instruction.** Fine arts instruction builds on students’ language, history, culture, and the arts traditions of students’ community. Inclusion of cultural heritage through a specific fine arts component (or other available electives) must be taught 100 percent in the home/heritage language to be funded as a BMEP course.

**Note:** For funding purposes, time allotted for instruction in the home/heritage language must be equivalent to the time provided for ELA, and it must be consecutive in nature (that is, not fragmented throughout the day). The same time requirement applies to (ELD/SLD) instruction. This equitable time requirement applies to all program models. 60 minutes = 1 funded program hour.

**The district's BMEP scope and sequence.** In developing an appropriate sequence of courses, the BMEP must consider students' skills and needs in the home/heritage language. Similarly, determining which course is the most appropriate for a student to register in should be informed by home/heritage language proficiency assessment data. For example, a secondary student demonstrating high levels of language proficiency in the home/heritage language would best be served in an advanced language arts course in the home/heritage language. Conversely, a student with beginning levels of home/heritage language proficiency would best be served in a beginning language arts course in the home/heritage language.

## BMEP Models

A model serves as the foundation for program planning, implementation, student assessment, and program evaluation. Districts/ schools may select one or more of the following approved BMEP model(s) to implement—DLI, Heritage, Maintenance, Transitional, and Enrichment, depending on each student's academic and language learning needs. For all students, the BMEP must consider the home/heritage language proficiency. Additionally, for BMEPs serving ELs, the students' ELP must be considered.

**Language learning considerations-** Language learning, like all learning, is a process that is socially mediated and context dependent (Vygotsky). Though it may be easier to think of language as *either* basic interpersonal communication skills *or* cognitive academic language proficiency—as described by Cummins (1981) in his early work—doing so creates a false dichotomous view of language use and acquisition that results in the oversimplification of language learning. Thus, program administrators should carefully plan for the development and use of academic language development as well as the use of social and instructional language in situationally appropriate ways (Anstrom).

**Determining program model.** Student performance on home/heritage language proficiency assessments provide useful information about a student's language strengths and areas of challenge. For ELs, the ELP assessment (ACCESS for ELLs®, ACCESS for ELLs 2.0) and academic assessment data (e.g., MSSA, ASR, any short cycle), should be considered. For all program models, a written, sequential curriculum with specific, measurable objectives must be planned and followed. The district's curriculum must be aligned with the State's academic and language standards.

All models must include language arts instruction in the home/heritage language. All BMEPs models are required to provide a minimum of one hour of language arts instruction daily in the home/heritage language. This is referred to as the first funded program hour. All ELs participating in a BMEP must also be provided a minimum of one hour of ELD/ESL instruction daily in English. This is referred to as the second funded hour. An additional hour of daily instruction in the home/heritage language may be provided in a content area (excluding language arts). This is referred to as the third funded program hour. RFEP and IFEP students receive 1 hour of language arts instruction in the home/heritage language and may receive two additional contents in the home/heritage language. BMEPs may be funded for a maximum of 3 hours.

<p><b>Note:</b> The maintenance and transitional models are designated for students classified as ELs only. ELs may be served in a DLI, heritage, maintenance, or transitional models only. The enrichment model is not designed for ELs and is only appropriate for students classified as RFEP or IFEP.</p>
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**Determined locally to meet students' needs.** Beyond choosing the partner language of the program, educational plans should also specify the type of language instruction that the child needs (Ortiz). Some students will simply need to continue to scaffold their home/heritage language, enhancing their reading and writing skills, while others may need oral language, literacy, and writing development in their home/heritage language, as well as in English. Models selected must be designed with students' academic needs in mind and consider local community concerns.



Decisions about BMEPs are to be reached locally, with community stakeholder input and the required PAC. The model(s) chosen by the district or individual school must be specified in the annual BMEP funding application. If a district or school wishes to change its plan to use a different BMEP model than the one originally stated in the BMEP application, the BMEP director of the district should contact the LCD and request these changes be made.

**Note:** Models can be effective only to the extent that they are intentionally designed and implemented. Effective leadership at the district, school, and program level, and effective instructional practices, are necessary to produce effective BMEPs. Each model serves students' individual needs, schools implementing more than one program model should ensure that only one model is used as a method of instruction during an instructional period.

## DLI Model

### 6.32.2.12.D.1 DLI: designed to develop proficiency in two languages;

The DLI model is designed to develop bilingualism and biliteracy in two languages—English and a partner language. The major goals of the DLI model are for students to develop full proficiency in both languages, including literacy, cross-cultural understanding, and proficiency in academic achievement (at or above grade level). There are several variations for designing a DLI program that best meet the needs of the students served. One important design feature is related to the languages of instruction.

**One-way DLI model.** When there is one group of students sharing the same home/heritage language (L1), the program is considered a one-way DLI program. The L1 may be English or a language other than English. Typically, in this model, ELs are developing their L1 while learning English as the second language (L2). However, there are also one-way DLI programs designed for students whose primary home language is English (L1) and who are learning a second language (L2).

**Two-way DLI model.** When two (or more) groups of students are learning the two languages, that program is considered a two-way DLI program. In this case, not all students have the same L1—some students will have English as their L1 while other students will have the partner language as their L1. In a two-way DLI program, students—whose L1 is English—learn the partner language as L2. Whereas students whose home/heritage language is (L1), learn English as L2. In this case, both types of students will learn L1 and L2, becoming bilingual and biliterate. Since each group is a native speaker of their L1, they serve as a natural language model of a proficient speaker of that language. Each group is not only the language model for the other group, but each student is also a second language learner, working to acquire high levels of proficiency in their L2. Thus, the partnering of two language groups in this model emphasizes collaboration, which creates the opportunity for cross-cultural skill development.

Another consideration in designing the DLI program pertains to the proportion of instruction in each language.

**90/10.** While a DLI program may use either a one-way or two-way model, a 90/10 model refers to a DLI program that begins at kindergarten with 90 percent of instruction in one of the languages. This means the partner language is targeted for 90 percent of instruction time (in all subjects), while instruction in English is provided for the remaining 10 percent of instruction time. At each subsequent grade level, this proportion is incrementally altered until a 50/50 proportion (half the instructional time) in each language is reached. This proportion is reached by 4<sup>th</sup> grade and is maintained for each successive grade level.

**50/50.** Schools may also use a 50-50 model. In this configuration, the proportion of instruction in each language is equal from the beginning of a students' school career in kindergarten and is maintained at this level in the two languages at all subsequent grade levels. The minimum amount of time that must be provided for the home/heritage language instruction is three course periods per day (three hours), or half of the curriculum (based on a six-hour school day). That is, all students must receive language arts instruction in the home/heritage language, paired with an additional two courses (hours) of either content area or fine arts instruction. The other three hours of instruction are conducted in English. For ELs, one of those hours must be ELD/ESL, above and beyond the core ELA instruction provided to all students.

Regardless of the percentage of time spent in instruction in each language, language proficiency and literacy development in both languages must be emphasized across the curriculum.

**Language classification.** Typically, a student whose primary home language (L1) is English is classified as an IFEP. Students whose primary home language is a language other than English, may be classified as an IFEP or EL (based on the results of the language screener, W-APT) or as an RFEP (after attaining ELP, as measured by ACCESS for ELLs).

### Enrichment Model

**6.32.2.12.D.2 Enrichment:** designed to further develop the home language, as defined in Subsection G of Section 22-23-2 NMSA 1978, of fully English proficient students;

The enrichment model is designed to instruct students whose primary home language is a language other than English, who are fluent English proficient (classified as IFEP or RFEP), and who are achieving academically in the general curriculum. This model is not designed for ELs, no ELD/ESL instruction is provided. The goal of an enrichment model is pluralistic—the development of biliterate and bilingual individuals (Roberts).

The purpose of the enrichment model is to further develop students' proficiency in the home/heritage language, as well as integrating the history and cultures of the state. All BMEP models take a CLR approach to instruction. The enrichment model provides, at minimum, one hour of language arts instruction in the home language. 2 additional hours of instruction in the home language may be provided in a different content area (e.g., math, science, social studies) or in fine arts.

According to state statute and regulation, the home language is defined as a language other than English. Thus, the enrichment model is not intended to substitute as a world (foreign) language program, since foreign language instruction assumes that a student's primary language is not the language of instruction. For example, students learning French, German, or Japanese as a foreign language do not speak those languages at home and have not inherited them through their family, community, or country of origin. Further, there are many students in NM for whom Spanish is neither the home/heritage language, and they wish to learn Spanish. The options for these students would be either a DLI-BME program or world (foreign) language instruction—which is not eligible for BMEP funding.

### Heritage Language Model

**6.32.2.12.D.3 Heritage:** designed to support and revitalize a student's heritage language and culture through oral and written communication; for Native American languages that are oral only, the literacy component shall be measured only in the skill areas or domains of listening, speaking and comprehension

The heritage language model is designed to provide language instruction to students in the home/heritage language of their family or tribe. When students enter the program, they may be fluent in their home language, or they may have lost their language with generational changes. The goal is to halt home language loss and ultimately recover (or newly develop) native proficiency in the language (Wiley).

Listening, speaking, reading, and writing skills (where applicable) must form a defined component of the BMEP. The home culture of students in the Heritage Language BMEP must be included. An immersion method is a recommended approach for developing fluency. When ELs are served through a heritage language BMEP, they must also be provided one hour of ELD/ESL instruction beyond ELA instruction.

### Maintenance Model

**6.32.2.12.D.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.

The maintenance model is designed specifically for ELs. It is an appropriate placement for students who speak a language other than English, and who are not yet proficient in English (i.e., students who have not yet achieved a 4.7 composite score or greater on ACCESS for ELLs© or ACCESS for ELLs 2.0). In a maintenance BMEP, students are provided with instruction in ESL at the level that is appropriate to their current proficiency in English. An effective maintenance model ensures that ELs develop and maintain proficiency in the home/heritage language, while developing the academic language necessary to achieve ELP. In the maintenance model, ELs are provided access to grade-level content—with appropriate sheltered instruction that includes scaffolding and appropriate linguistic supports—that prepares them to meet the state's academic standards when they exit the maintenance program.

ELs, who are served in a maintenance model BMEP, are provided at least one hour of daily language arts instruction in their home/heritage language, which—when taught effectively—will enable students to become proficient in the home/heritage language. ELs must be provided with one hour of daily ELD/ESL instruction, above and beyond core ELA instruction. ELs in maintenance BMEPs may also receive an additional hour of daily instruction in the home/heritage language. This third hour of instruction can be in the fine arts or in a content area that is not ELA.

When ELs have attained ELP and are reclassified to RFEP status, ELD/ESL instruction is no longer required or provided. New RFEPs must transition out of the maintenance program. They may be assigned to the district's general education program. Should the parents of RFEPs want their children to continue to receive instruction in the home/heritage language, the RFEPs may continue in a different BMEP model that serves RFEP and IFEP students. Regardless of placement, federal and state guidelines require that newly reclassified students are monitored for academic progress for at least two years to ensure continued academic success.

### Transitional Model

**6.32.2.12.D.5 Transitional:** designed to develop skills in the home language and culture while developing continued skills and proficiency in English

The transitional model is designed specifically for ELs. It is an appropriate placement for students who speak a language other than English and who are not yet proficient in English (i.e., students who have not yet achieved a 4.7 composite score or greater on ACCESS for ELLs© or ACCESS for ELLs 2.0). The program provides instruction to ELs in their home/heritage language and in English. The transitional model is designed to prepare ELs to transition to the district's all English general education program. An effective transitional model ensures that ELs develop the academic language necessary to achieve ELP.



ELs must be provided grade-level access to content—with appropriate sheltered instruction that includes scaffolding and a suitable level of linguistic support—that prepares them to meet the state’s academic standards. When students exit the transitional BMEP, all subject matter is taught entirely in English.

By design, an EL program that does not provide any instruction in the student’s home/heritage language is not a BMEP; therefore, not eligible for BMEP funding. A state funded transitional BMEP must provide at least one hour of language arts instruction in the student’s home/heritage language and one hour of ELD/ESL instruction above and beyond core ELA instruction. ELs in a transitional model BMEP may also receive an additional hour of daily instruction in the home/heritage language. This third hour of instruction can be provided in the fine arts or a content area that is not ELA.

**Early exit models.** This type of transition model refers to a short-term program, typically only one to three years. Research has demonstrated that intermediate levels of proficiency take approximately two to three years to develop, while full proficiency can be achieved with an additional three to four years (Goldenberg). Other prominent researchers in the field discuss ELP in terms of oral language proficiency developing within two to five years whereas academic English proficiency develops within four to seven years (Hakuta, Butler, and Witt). Thus, early exit or short-term programs may not allow sufficient time for ELs to adequately build foundational literacy skills in English or the home/heritage language, which would support the development of academic English. Therefore, early-exit transitional models are not encouraged.

**Late exit models.** In contrast, late-exit transitional models function more like maintenance BMEPs, since both models require daily language arts instruction in the home language as well as ELD/ESL instruction. With sufficient time and effective instruction, ELs can achieve ELP and then be transitioned to the district’s general education program after four to six years.

**BMEP Models and Instructional Time**

A program model is the method the district uses to ensure that all students in BMEPs receive instruction designed to meet students’ academic and linguistic needs. The model serves as the foundation for determination of the number of hours to which a student is assigned. There are five program models funded by the state. A school may use more than one model to serve the individual needs of its students. The below table, provides information about the BMEP models and instructional time requirements. The table discusses: student language classifications and their descriptions, instructional time (program hours), required daily instruction (courses), and each BMEP model available to students in BMEPs.

### BMEP Instruction 6.32.2.12 NMAC - Effective July 1, 2018

Student Language Classification	IFEP	EL	RFEP
<b>Description</b>	A student whose language usage survey indicated that there is no influence of languages other than English in the student's home (Native English speaker) OR it may refer to a student who scored proficient on the department approved ELP screener.	A student whose language usage survey indicated that there is influence from a language other than English (Questions 1-7) and whose department approved ELP screener score resulted in an EL classification	A student who has reached proficiency in the annual department approved ELP assessment and is thus no longer classified as an EL
<b>Instructional Time</b>	1 to 3 hours per day	2 to 3 hours per day	1 to 3 hours per day
<b>Instructional Requirements</b>	<ul style="list-style-type: none"> <li>• Instruction to attain language proficiency and literacy skills in two languages, one of which is English;</li> <li>• Instruction to attain academic achievement in two languages, one of which is English;</li> <li>• Sheltered content instruction;</li> <li>• Standardized curriculum, including instructional materials with scope and sequence, that is aligned with the state academic content standards, benchmarks and performance standards;</li> <li>• Instruction in the history and cultures of NM; and</li> <li>• CLR instruction designed to develop cross-cultural skills.</li> </ul>		
<b>1st program hour REQUIRED Instruction</b>	Language arts in the home/heritage language		
<b>2nd program hour REQUIRED Instruction</b>	N/A	ELD	N/A
<b>2nd program hour OPTIONAL Instruction</b>	Content area instruction in the home/heritage language or Fine arts instruction in the home/heritage language	N/A	Content area instruction in the home/heritage language or Fine arts instruction in the home/heritage language
<b>3rd program hour OPTIONAL Instruction</b>	Content area instruction in the home/heritage language or Fine arts instruction in the home/heritage language		
<b>Models</b>	DLI* Heritage Enrichment	DLI* Heritage Maintenance Transitional	DLI* Heritage Enrichment
*Note: DLI model must provide 3 program hours of instruction in the home or heritage language			

## Professional Development

PD is a core component for school program effectiveness and success. The continuous development of quality teachers, principals, administrators, and educational support personnel is one of the major goals set forth in the BME Act. Effective PD programs must be continuous, ongoing, and must meet federal and state requirements.

### **6.32.2.13 PROGRAM ELEMENT— PD:**

- A.** Public school districts shall provide PD 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 ESL; ELD and bilingual/multicultural and/or language revitalization programs; and
  - (3)** principles of LA.
  - (4)** principles of first and SLA, including language revitalization, differentiated language instruction and sheltered content instruction; and
  - (5)** effective practices of program implementation and program evaluation
- B.** BME or language revitalization programs shall be part of the district's PD 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 PD. Principals and program administrators shall participate in training that addresses program supervision.

## New Mexico PD Framework

In 2006, the PED approved regulation that required districts to design and implement an approved PD plan that created standards for developing PD activities for schools that improves teachers' knowledge of the subjects they teach and the ability to teach those subjects to all their students. [Tool 6: PD Framework](#)

## Academic Language Development for All (ALD4ALL) Project

Educators must leverage students' experiential backgrounds, especially culture and language, as a resource for student learning and effective instruction. Educators must also create systems and schools that effectively support and respond to students' academic learning needs by using rigorous, CLR teaching practices that focuses on building academic language and developing bilingualism and biliteracy to increase student learning, academic achievement, and educational outcomes. The LCD initiated a \$1.2 million project, supported by the W. K. Kellogg Foundation, to provide teacher training and build the capacity of administrator leadership. Its purpose has been to address the needs and academic language development of CLD students, including ELs, participating BMEPs. The organizing schema of the ALD4ALL project has been the sociocultural approach that recognizes that learning is socially mediated and context dependent (Vygotsky).

The LCD called on the collective knowledge of local school BMEP staff, who created a collective picture of practices that have proven effective with their students. These practices have been analyzed, synthesized, and widely shared with BMEP personnel across the state to inform program development and implementation. The first step was to identify effective practices used by school staff in providing services in their five different BMEP models. In the first year of the project, the ALD4ALL inquiry team observed NM schools with BMEPs. They structured their observations of classroom instruction, leadership practices, and school culture according to adapted Cadiero-Kaplan (2004) indicators of effective BME.

<b>ALD4ALL OBSERVATION INDICATORS EFFECTIVE PRACTICES IN BME</b>	
<b>Indicators (adapted)</b>	<b>Description of Practice</b>
<b>Student-centered Instruction Affirms Value of Learners</b>	Students’ experiential background and skills are drawn upon to meet learning goals.
<b>Holistic Academic Language and Literacy Orientation</b>	Multidimensional aspects of language are taught explicitly across all content areas. This instructional approach is consciously used to ensure that students can apply concepts and skills to real-world situations.
<b>Expectations for Active Learners</b>	Instructors clearly communicate learning goals, objectives, and expectations of progress to their students.
<b>Instructional Planning is School/Program wide</b>	Instructors follow core curriculum and plan rigorous, interactive, and meaningful lessons, activities, and approaches to meet learning goals and objectives.
<b>Resources for Learning in a Bilingual Context</b>	School personnel identify available resources and maximize their use to support teaching and learning most effectively.
<b>Performance-Based Assessment &amp; Accountability</b>	Instructional staff measure and record learning in both of students’ languages to inform programmatic and instructional decision-making in their BMEP.
<b>Models of BMEP</b>	Program staff implements BMEP models that embody the sociocultural and local context for teaching and learning.

**Professional Learning (PL) Project.** One of the ALD4ALL projects objectives was centered on PD aligned to the effective practices of BMEPs. Through the ALD4ALL PL project, PL for educators was developed and implemented that addressed the academic language learning needs of CLD and EL students. PL training was developed to be job embedded/onsite, sustained over time, use a coaching-mentoring approach, build on what teachers know, be interactive, and provide feedback (Rumberger & Palardy). The PL focused on effective instructional practices to best ensure that the academic and language learning needs of CLD and EL students are addressed in ways that are meaningful to the growth of these students. The PL that was provided to schools participating in the third year of the ALD4ALL project focused on mutually agreed upon areas of need/growth and was facilitated by an ALD4ALL team member. The PL experiences were held onsite at each school and were delivered as highly customized curriculum, targeted for a very specific group of educators in their specific context.

<b>ALD4ALL EFFECTIVE PL PRACTICES</b>	
<b>Effective Practice</b>	<b>Practice description</b>
<b>CLR Instruction</b>	Instructional approach validates and affirms participants’ home (indigenous) culture and language for the purposes of building relationships and bridging the divide between home and professional environments (adapted from Hollie’s focus on students).
<b>Generative Approach</b>	PL opportunities focus effort and resources on cultivating job-embedded problem-solving.
<b>Differentiated</b>	PD is created based on the identified needs of each school or BMEP. Resource allocation occurs locally.
<b>Locally Based Onsite</b>	Direct PD training is provided onsite.

The PL format was designed to facilitate the exchange of ideas and accurately target student needs. The content of PL training focused on the improvement of the academic language/literacy learning needs of CLD and EL students in both English and the home/heritage languages—such as Diné (Navajo), Keres, Tiwa, Zuni, and Spanish. At each school, an ALD4ALL facilitator worked with leadership, teachers, and students in various capacities to ensure implementation of the mutually agreed upon plan for each school. Engaging school leadership has been essential for each ALD4ALL facilitator. Since administrators are the instructional leaders of their schools, their support of the project has been essential for the success of the PL efforts and BMEP improvement.

The ALD4ALL facilitator learned from school leadership about local, district, and state directives, as well as other instructional goals the school had with respect to academic language and literacy. Coupled with important school community content and context, the information from leadership to the ALD4ALL facilitators has been integrated and found to be of huge importance to the achievements of PL trainings.

## Program Approval

### 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 BMEP shall be eligible pursuant to Section 22-23-1 NMSA 1978 and 6.32.2 NMAC.

**B.** The initial application shall include:

- (1) projected number of students to be served;
- (2) assurances that [all] district and school personnel are knowledgeable of the requirements to comply with Section 22-23-1 NMSA 1978 and 6.32.2 NMAC; signatures of school board president, superintendent, BME director, school principal, and a PAC representative who shall not be employed by the district or school;
- (3) a program plan;
- (4) a resource allocation plan that supports program implementation;
- (5) evidence of prior tribal consultation in program planning in accordance with the IE Act, Sections 22-23A-1 through 22-23A-8 NMSA 1978; public schools providing a Native American language revitalization program, or other approved Native American BME model, shall obtain approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children; and
- (6) districts providing a Native American language revitalization program, or other approved Native American BME model, shall provide notification of approval and the application approved by the department to tribal councils or other appropriate tribal entities with authority to make education decisions on behalf of Native American children.

**C.** The department shall review initial applications for approval. Districts with approved applications shall submit by the 40th day of the target school year the following:

- (1) instructional plan; and
- (2) actual number of students to be served. [6.32.2.11 NMAC - Rp, 6.32.2.11 NMAC, 7/1/2018; A, 7/18/2023]

## Relation to the Education Plan for Student Success (EPSS)

Initial applications for a state funded BMEP must contain specific measurable objectives for the subject areas delivered. In addition, program objectives must specify the language(s) used to accomplish the anticipated outcomes in each course.

Additionally, the NM Standards for Excellence require the web EPSS to address a PD component that includes:

- A focus on increased student achievement
- Input by teachers into the planning process and delivered activities
- A direct correlation between PD and the district's student-centered focus areas and individual school improvement plans
- A direct correlation between PD and the implementation of CCSS and benchmarks
- Resources available to support PD activities
- Timelines for PD activities and ongoing follow through
- Person(s) responsible for implementation and follow through of PD activities
- An annual review and modifications of the PD plan

## Initial and Continuing BMEP Funding Applications

The **Initial BMEP funding application** is completed by the individual school and is for all schools who *did not* have an approved state funded BMEP in the previous year. The initial BMEP funding application includes the district and school assurances pages which outline the projected number of students to be served in one, two, and/or three-hour programs, the model, and the home/heritage language(s) in the BMEP. The assurances require signatures of the: superintendent, BMEP director, district business manager, school principal, and parent advisory committee leader. In addition, the application will ask schools to write about their mission statement, instructional materials, standards, teaching strategies, their courses, and assessments, as well as information regarding teachers, PD, BMEP PAC, and to upload their master schedule for the school year in which they are intending to apply.

The **Continuing BMEP funding application** is completed by the district and requires to upload all schools who were approved for a state funded BMEP in the previous year and who intend to continue their BMEP in the following school year to be listed along with their respective grade levels, BMEP languages, and models. This application includes the district assurance page, which outline the projected number of students to be served in one, two, and/or three-hour programs, the model, and the home/heritage language(s) in the BMEP. The district assurance page requires signatures of the: superintendent, BMEP director and the district business manager.

Both the Initial and the Continuing BMEP funding application can be accessed through the BMEP SharePoint by the Bilingual director and those in the district with access to the platform. To inquire about access or link to the BMEP applications, please contact the BMEP Director of the district and they can work with the Bilingual Specialist with the NMPED LCD to get you access or to support you with any questions. All BMEP applications should be completed and approved by June 30<sup>th</sup>. Districts and non-public schools are encouraged to complete and submit their applications before the deadline, as they will be reviewed in the order that they are submitted. Any discrepancies will require the district/state charter school to complete necessary adjustments and resubmit for additional review and approval.

## Reporting State-Funded BMEP Data

A district's NOVA BMEP and ELL District Hours Report is the detailed report of the actual number of students being served. This *Bilingual Education Program (BEP) and ELL District Hours Report* provides an in-depth analysis of many components of a state funded BMEP.

By the 40<sup>th</sup> day of school, districts must submit to their SIS the following data to be reviewed by the LCD:

DATA TYPE	SPECIFIC DATA REQUIRED OF SCHOOLS WITH A BMEP	
School data	District name	School's full/official name
	Course codes	Grades served
BMEP course data	Language of instruction	Content area
	Number of classes offered	
Membership by grade level	Number of ELs	Number of IFEP and RFEP students
Participating Teacher data	Full names	BMEP endorsements/certificate types*
	License numbers and types*	

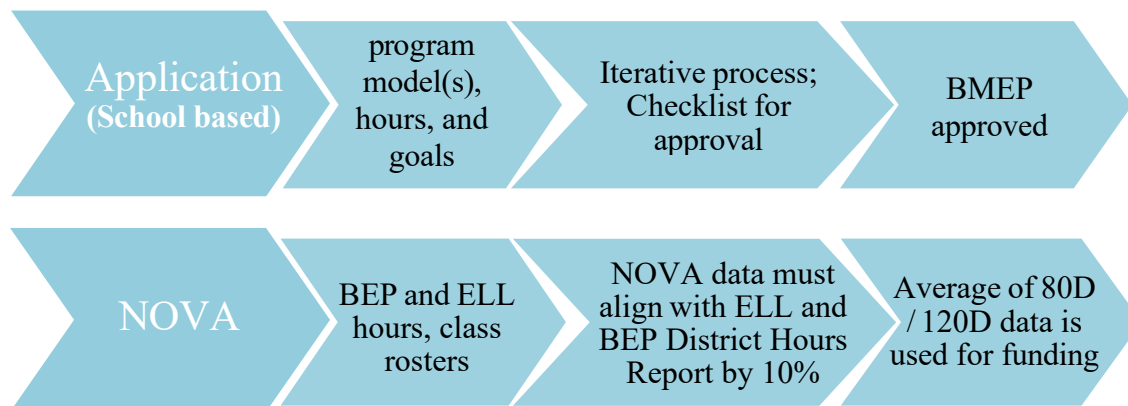
\*No pending licensure/endorsement applicants may be reported.

The data should be submitted one week before the upcoming NOVA data reporting period. This allows sufficient time for the LCD to review *NOVA BEP and ELL District Hours Reports* and all other appropriate reports. District personnel must ensure that all data submitted to NOVA has been thoroughly reviewed for reliability and accuracy. Any discrepancies will require that the LCD alert districts of necessary adjustments to the data reported for final funding approval and may delay data validation.



## BMEP Course Requirements

For a list of eligible [BMEP Course Code & Requirements](#). At the secondary level, mathematics, social sciences and history, life and physical sciences, and fine and performing arts subject area course codes **may be eligible** for BMEP funding. Please contact the LCD for guidance on secondary content area course codes for the third hour of BME programming, if needed. [Tool 7: District BMEPS' Self Appraisal Checklist In NOVA](#) and [Tool 8: BMEP Onsite Documentation Review](#)



## NOVA- Accurate BMEP Reporting

It is essential that district personnel (district BMEP director, NOVA coordinator, and principals) develop an internal process to ensure that BMEP data is audited for accuracy in all official documents before it is submitted for PED review. NOVA is a collaborative effort of the NM Legislature, the public schools, and the PED. NOVA is a comprehensive student, staff, and course information system that provides a standard data set for each student served by the NM PreK–12 public education system. NOVA uses the eScholar data warehouse that integrates detailed student, staff, and course information via a standard set of templates that provide a consistent format of loading data from various student information systems used in public school districts or charter schools.

NOVA serves multiple purposes:

1. meet the current PED, state, and ED federal reporting requirements;
2. improve educational decision making through the use of high-quality decision support tools;
3. provide a longitudinal data system of student progress and educational history over time;
4. report timely and accurate education data to state and federal education stakeholders.

Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student educational records. Student educational records are protected, official, confidential documents (FERPA, 20 USC 1232g). FERPA defines education records as all records that schools or education agencies maintain about students, protects both paper and computerized records, and ensures that information about citizens collected by schools and government agencies is released only for specific and legally defined purposes. Under FERPA Sec. 99.31 and 99.35, education agencies may release personally identifiable information to the NMPED for the purposes of auditing and evaluating education programs and complying with regulations.

## BMEP TEMPLATES IN NOVA

TEMPLATE	FIELD #	FIELD	VALID CODE OPTIONS
Assessment Fact	2	Test Description	HL— <ul style="list-style-type: none"> <li>• Home/Heritage Language (language other than English)</li> <li>• NM ELP Assessment (NMELPAPT)-WIDA ACCESS Placement Test (W-APT)</li> </ul>
	4		HL— <ul style="list-style-type: none"> <li>• Woodcock-Muñoz</li> <li>• IDEA Proficiency Tests (IPT)</li> <li>• LAS Links</li> <li>• Instrument not in Spanish</li> </ul>
			NMELPAPT— <ul style="list-style-type: none"> <li>• NMELPAPT</li> </ul>
Course	27	Course Code Long	<ul style="list-style-type: none"> <li>• 1062 ESL</li> <li>• 1063 English/Language Arts ELD</li> <li>• 1271 Language for Native Speakers I</li> <li>• 1272 Language for Native Speakers II</li> <li>• 1273 Advanced Language for Native Speakers II</li> <li>• 1274 Language for Native Speakers</li> </ul>
			Fifth digit— <ul style="list-style-type: none"> <li>• Common Field W 8</li> </ul>
Program Facts	5	Programs Code	BEP— <ul style="list-style-type: none"> <li>• Bilingual Education Program</li> </ul>
	9	Program Intensity	<ul style="list-style-type: none"> <li>• 1—One program hour</li> <li>• 2—Two program hours</li> <li>• 3—Three program hours</li> </ul>
	18	Participation Information Code	BEP— <ul style="list-style-type: none"> <li>• 01—DLI</li> <li>• 02—Developmental maintenance bilingual</li> <li>• 03—Enrichment</li> <li>• 04—Transitional bilingual</li> <li>• 05—Heritage or Indigenous language</li> <li>• 06—Parent refusal of services</li> </ul>
			ELL/Title III— <ul style="list-style-type: none"> <li>• Pull-out ESL—The student is pulled out of general education class for special instruction in ESL.</li> </ul>



## BMEP NOVA and Data Certification Process

Below is the process that districts and the PED follow to review BEP counts that are submitted to NOVA.

Participant	ACTION TAKEN (TASK)
<b>LEA (District)</b>	<ul style="list-style-type: none"> <li>• Submit data to NOVA within five days after scheduled reporting day for each reporting period</li> <li>• On the 10<sup>th</sup> day after scheduled 40<sup>th</sup>, 80<sup>th</sup>, and 120<sup>th</sup> days, the reporting window closes</li> <li>• If a district has not completed submitting data; need to request from NOVA to reopen reporting window.</li> </ul>
<b>PED NOVA</b>	<ul style="list-style-type: none"> <li>• Daily—determines if districts have submitted appropriate templates</li> <li>• Daily—sends status report to PED bureaus providing information on submission status</li> <li>• When district data appears complete, sends membership report to district and to PED bureaus</li> <li>• Reports problem of ELs in one-hour programs</li> </ul>
<b>PED Bureaus</b>	<ul style="list-style-type: none"> <li>• Review <i>Membership Report</i> for discrepancies</li> </ul>
<b>PED LCD</b>	<ul style="list-style-type: none"> <li>• <i>Reviews BEP and ELL District Hours Report</i> <ul style="list-style-type: none"> <li>○ Compares the BEP students against the previous school year's count</li> <li>○ Checks for substantial overall changes in students participating in BMEPs</li> <li>○ Determines if any ELs have erroneously been entered into a BEP for one hour</li> </ul> </li> <li>• <i>Reviews BEP and ELL District Hours Report and Detailed Class Roster</i> <ul style="list-style-type: none"> <li>○ Compares the number of BEP hours to previous reporting period.</li> <li>○ Compares the BEP students to previous reporting period in the <i>detailed class rosters</i> submitted by districts/charter school</li> <li>○ Monitors for overall changes in students' BEP hours that vary by greater than 10%</li> </ul> </li> <li>• <i>Reviews Licensure Discrepancies</i> <ul style="list-style-type: none"> <li>○ Compares to see if any teachers have been flagged for missing an endorsement/license to teach in a BMEP.</li> </ul> </li> <li>• <i>Contacts district bilingual education coordinator to inform of any discrepancies</i> <ul style="list-style-type: none"> <li>○ Instructs the coordinator on how to proceed</li> </ul> </li> <li>• <i>If there are no discrepancies</i> <ul style="list-style-type: none"> <li>○ Signs off on <i>Membership District Detail Report</i></li> </ul> </li> <li>• Returns information to the PED's School Budget Bureau for further certification</li> </ul>

## The NOVA Data Reporting Process—Via Flow Charts

The following three flow charts are designed to assist with the submission of data to NOVA for students who meet any one of the following three categories related to BMEPs:

- ELs participating in a BMEP
- RFEP students participating in a BMEP
- IFEP students participating in a BMEP

EL/ELLs Participating in BMEPs
<b>1:</b> District NOVA coordinator enters all pertinent student information.
<b>2:</b> NOVA coordinator verifies that student has been identified as ELL and enters information in the following NOVA fields:
<b>3—Field 20</b> BEP Hours Template: 0560 Enter the number of approved BEP hours for this student <b>Note:</b> Since the student is an ELL participating in a BEP, this number can NEVER be “1”.
<b>4—Fields 95 &amp; 4</b> ELL Templates: 0320, 0440, 0565 Since the student is an ELL, use programs code “ELL” in program qualification.
<b>5—Field 5</b> ELL Assessment Date Templates: 2000 Enter the date for the WIDA-ACCESS for ELLs© Placement Test (W-APT).
<b>6—Field 123</b> Home/Heritage (Target) Language Template: 0320, 0440 Refer to NOVA manual for a list of valid home language codes. Enter appropriate code.
<b>7—Field 8</b> Method Template: 0565 Enter “9” only if the student was IFEP and was later classified as ELL status. Enter “0” if this does not apply. <b>Note:</b> Provide response on only one reporting period unless the student fluctuates between classifications.
<b>8—Field 4</b> Proficiency Assessment Used Template: 2100 Identify the language proficiency assessment used for the home/heritage (target) language and the test date.
<b>9—Field 8</b> ELL Method Template: 0565 Indicate the method used to identify the IFEP student as an ELL.
<b>10—Field 18</b> BEP Model Template: 0560 Indicate the state approved BMEP model in which the student is participating.

RFEP <sup>3</sup> Students Participating in BMEPs
<b>1:</b> District NOVA coordinator enters all pertinent student information.
<b>2:</b> NOVA coordinator verifies that student has been classified as RFEP and enters information in the following NOVA fields:
<b>3—Field 20</b> BEP Hours Template: 0560 Enter the number of approved BEP hours for this student.
<b>4—Field 123</b> Home/Heritage (Target) Language Template: 0320, 0440 Refer to NOVA manual for a list of valid home language codes. Enter appropriate code.
<b>5—Field 4</b> Proficiency Assessment Used Template: 2100 Identify the language proficiency assessment used for the home/heritage (target) language and the test date.
<b>6—Field 18</b> BEP Model Template: 0560 Indicate the state approved BMEP model in which the student is participating.
<b>7—Field 113</b> FEP Class Template: 0320, 0440 The former ELL student has been reclassified RFEP. Review response options carefully.

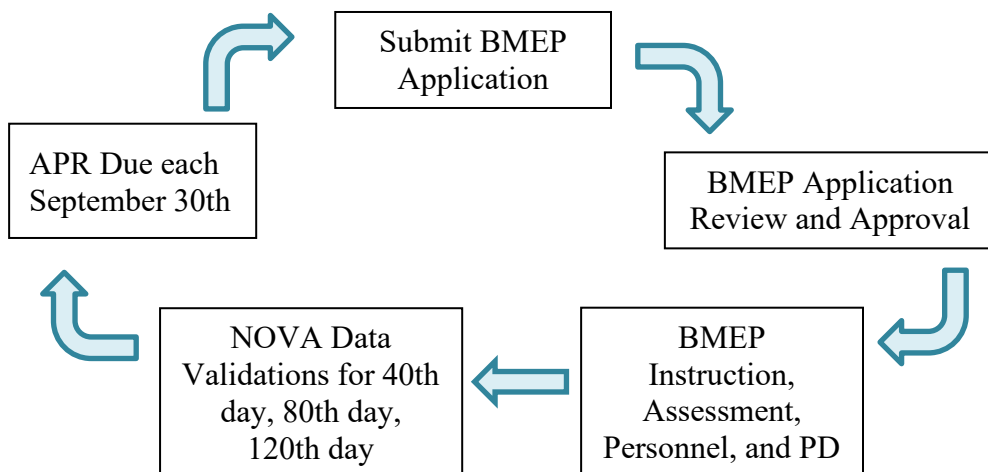
<sup>3</sup> RFEP means the student has exited EL status and has been Reclassified as Fluent English Proficient

<b>IFEP<sup>4</sup> Students Participating in BMEPs</b>
<b>1:</b> District NOVA coordinator enters all pertinent student information.
<b>2:</b> NOVA coordinator verifies that student has been classified as IFEP and enters information in the following NOVA fields
<b>3—Field 20</b> BEP Hours Template: 0560 Enter the number of approved BEP hours for this student.
<b>4—Field 123</b> Home/Heritage (Target) Language Templates: 0320, 0440 Refer to NOVA manual for a list of valid home language codes. Since the student is IFEP, the home language code in this case must be English.
<b>5—Field 4</b> Proficiency Assessment Used Template: 2100 Identify the language proficiency assessment used for the home/heritage (target) language and the test date.
<b>6—Field 18</b> BEP Model Template: 0560 Indicate the state approved BMEP model in which the student is participating.

## BMEP Funding

State BMEP funds are discretionary. Districts receive state funds based upon the average number of students served in a BMEP from the previous year and reported to NOVA. This average is based upon student enrollment for the 80<sup>th</sup> and 120<sup>th</sup> days. Funding is non-categorical and is part of the state equalization guarantee formula (SEG). Districts and/or schools must submit accurate data during NOVA reporting periods, as the following year's funding depends on accurate student counts. New programs (i.e., a new school district or new charter school) are funded after the 40<sup>th</sup> day of the current year. Districts are required to submit an annual expenditure report by September 30<sup>th</sup> of each year to the LCD. This expenditure report must be based on actuals from the general ledger that is compiled and reported to the Legislative Finance Committee (LFC) and Legislative Education Study Committee (LESC) through the BMEP Annual Report.

## BMEP Funding Cycle



<sup>4</sup> IFEP means the student scored proficient in the English Language Proficiency Screener or Students home language is English only.

## Program Assessment

### 6.32.2.14 PROGRAM ELEMENT—ASSESSMENT:

- A. Trained personnel shall administer state-approved language proficiency assessments in English and the home/heritage language annually until proficiency in each language is achieved; public schools providing a Native American language revitalization program, or other approved Native American BME model, shall obtain approval for language proficiency assessments from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children; for Native American languages that are oral only, the literacy component shall be measured only in the skill areas or domains of listening, speaking, and comprehension.
- B. Public school districts shall comply with federal assessment requirements.
- C. Students enrolled in this program shall participate in the NMSBA program.
- D. In those grades that students do not participate in the NMSBA program, the public school district shall develop and implement an assessment and evaluation program. [6.32.2.14 NMAC - Rp, 6.32.2.14 NMAC, 7/1/2018]

All student participating in a BMEP (IFEP, RFEP, and Els), regardless of BMEP model, must be assessed annually for their proficiency in the home/heritage language of the program (the language other than English). All students who participate in a Spanish BMEP must take the Avant STAMP Assessment, annually, until they reach proficiency (6 or higher, composite score). All ELs must be assessed annually for ELP (ACCESS for ELLs 2.0) until they attain a 4.7 or higher composite score. A BMEP providing a Native American language program must work with nations, tribes, or pueblos to develop and administer a locally designed assessment. Contact the LCD for additional support with required assessments. Please see below for the state-approved language proficiency assessments and their proficiency levels as well as their respective websites.

STATE APPROVED LANGUAGE PROFICIENCY ASSESSMENTS		
Assessment	Language	Proficiency Level
Avant STAMP 4Se	Spanish	Intermediate High- 6
Avant STAMP 4S	Spanish	Intermediate High- 6
ACCESS for ELLs 2.0	English	Composite Score 4.7

**Note:** Public school districts and charters with BMEPs shall comply with federal assessment requirements, including Titles I and III of the ESEA of 1965, as amended, and federal Office of Civil Rights (OCR) requirements. Further, students enrolled in BMEPs shall participate in the NMSBA program. In those grades in which students do not participate in the NMSBA program, the public-school district shall develop and implement an assessment and evaluation program.

## BMEP Evaluation

Evaluation is a key component in any program for determining program effectiveness and then using that feedback to set new goals. Success is measured in terms of whether a program is achieving the specific goals that a district has established for the BMEP. Districts must evaluate longitudinal data to compare the academic progress of EL students and exited RFEP students with the progress of non-EL students. Student performance evaluation indicators may include grade point averages; rates of retention, dropout, and graduation; parent and community involvement; school safety; and honors and awards bestowed on individual students and the school community.

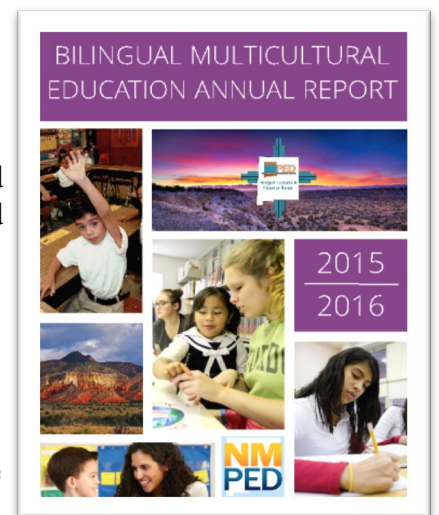
### 6.32.2.15 PROGRAM EVALUATION:

- A.** BMEPs 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 (APR) submitted to the department by September 30 of the following school year. The APR shall include the following, by school and by model(s):
- (1) 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/heritage language) and academic achievement;
  - (2) a current analysis of language and academic assessment results demonstrating that participating students have made measurably significant growth toward meeting the state targets for language and academic proficiency;
  - (3) specific and measurable goals for the following school year, based on Paragraph (2) of Subsection A of 6.32.2.15 NMAC;
  - (4) verification that teachers, Native American language and culture teachers, teacher assistants, instructional support personnel, principals, bilingual directors or coordinators, associate superintendents, superintendents, other instructional personnel, and financial officers have participated in the districts PD plan for the program;
  - (5) 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; and
  - (6) districts providing a Native American language revitalization program, or other approved Native American BME model, shall provide the APR submitted to the department to tribal councils or other appropriate tribal entities with authority to make education decisions on behalf of Native American children.
- B.** The department shall compile and analyze the data submitted by public school districts and shall report annually to the appropriate interim legislative committee.

## BMEP APR

In accordance with state law and regulation, districts are required to submit a report to the LCD by September 30<sup>th</sup> of each year. The report for evaluation of program effectiveness includes:

1. 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);
2. participants' academic achievement;
3. a current analysis of assessment results by school and by model(s);
4. academic and language proficiency results
5. goals for the BMEP
6. participation in the PD plan
7. an expenditure report from the general ledger on use of funds for the program.



In addition to this regular effectiveness and expenditure reporting, districts may be monitored for appropriateness of expenditures to ensure program funding alignment. The district APR will be the indicator to determine the success of the program and need for program renewal and/or modification. The data from these reports become part of the BMEP APR to NM state legislature.

The purpose of the BMEP APR is to comply with state statute, inform stakeholders regarding the LCD's efforts, and share how these efforts are connected to PED's current initiatives. The report provides longitudinal data regarding student demographics, academic and language achievement, finances, and recommendations, as well as a summary of findings. All BMEP APR's may be found in the [LCD Website](#).

## BMEP Renewal

### **6.32.2.16 PROGRAM RENEWAL:**

Based on program monitoring and review of the APR, the department will determine whether the BMEP is compliant pursuant to Section 22-23-1 NMSA 1978 and 6.32.2 NMAC.

- A.** If the department determines that a program is compliant, the public school district may continue the program as authorized in the approved application; districts providing a Native American language revitalization program, or other approved Native American BME model, shall notify tribal councils or other appropriate tribal entities with authority to make educational decisions on behalf of Native American children of compliance and program continuation.
- B.** If the department determines that a program is not compliant, the department shall notify the district of such non-compliance, including specific areas of non-compliance.
  - (1)** Upon receipt of a notice of non-compliance from the department, the district shall develop a program improvement plan, with TA from the department, to address the non-compliance. This plan shall include provisions to adjust the curriculum, program components or method of instruction, as necessary. The plan shall be submitted to the department within 30 days, or, with prior written approval of the department, additional time not to exceed 90 days, from 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.
  - (2)** A district in the process of implementing a program improvement plan shall submit its APR to the department and will be evaluated by the department for compliance based on the standards articulated in 6.32.2.15 NMAC, and not solely on the basis of whether they have fully implemented and complied with the program improvement plan.
  - (3)** If upon review, after receipt of the APR 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 shall report the results of this evaluation and any revisions to the original program improvement plan to the department within 30 days, or, with prior written approval of the department, additional time not to exceed 90 days, of receipt of the notice of non-compliance.
  - (4)** 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.
  - (5)** A district may not apply for approval for a BMEP for the school year immediately following a discontinuation by the department.
  - (6)** Districts providing a Native American language revitalization program, or other approved Native American BME model, shall notify tribal councils or other appropriate tribal entities with authority to make educational decisions on behalf of Native American children of non-compliance and provide evidence of tribal consultation in the development of a program improvement plan in accordance with the IE Act, Sections 22-23A-1 through 22-23A-8 NMSA 1978 and the BME Act, Section 22-23-1 NMSA 1978.
  - (7)** All districts, regardless of any discontinuation by the department, shall submit the APR to the department, for any year in which the district has provided assurances to the department.



## Accountability

**Program effectiveness.** According to regulation, program renewal for BMEPs is based on program effectiveness, as determined by program evaluation requirements. Thus, the information provided on the *District BMEP APR*, submitted to the LCD, serve as the primary indicator for making decisions affecting BMEPs.

Currently, 6.32.2.16 NMAC, as cited above, states the requirements for program renewal are directly tied to accountability requirements for Language Instruction Education Programs (LIEPs) supported with federal supplemental Title III subgrants to districts. As a result, program renewal is largely geared toward English LA and proficiency to meet federal Title III requirements for ELs. Program renewal requirements do not explicitly name the effectiveness of home/heritage (target) language instruction, though data analysis and reporting of assessment results is required and addressed in the program evaluation section of regulation.

Given the passage of the ESSA in December 2015, changes to BME regulation are necessary in order to ensure that regulatory program renewal requirements are aligned to the state's established statutory findings (22.23.1.1 NMSA) and regulatory goals for BMEPs (6.32.2.9 NMAC). For the integrity of our state's BMEPs, it is essential that regulations, policies, and practices ensure that students and families receive high-quality programs and effective instruction through all program options, including BMEPs.

Per statutory and regulatory program goals, districts must ensure that students participating in its BMEPs

- become bilingual/biliterate in English and a second language; and
- meet state academic content standards and benchmarks in all subject areas.

Per regulation regarding program renewal (6.32.2.16D NMAC), the PED has the authority to require that schools modify curriculum, program, and methods of instruction when state funded BMEPs do not meet statutory and regulatory goals and/or specifically do not meet or make adequate progress (meet proficiency and/or growth targets) towards language and academic proficiency. If actions taken do not significantly improve the BMEP so that it meets statutory and regulatory goals, the PED also has the authority to redesign, modify, and/or discontinue the state funded BMEP. This includes disapproval of BMEP applications that do not meet the program eligibility requirements and/or do not prioritize student participation according to regulation.

Thus, districts/schools receiving state funding for its BMEPs must comply with all statutory and regulatory requirements and must be prepared to present documentation and relevant evidentiary support, as demonstrated through verifiable data, substantiating program effectiveness to ensure that program renewal is warranted. The lack of evidence demonstrating program effectiveness and/or compliance with all applicable requirements may be considered in any decision-making and actions taken by the PED regarding state funded BMEPs.

## BMEP Technical Assistance and Focused Monitoring (TAFM) Process

The LCD conducts district/school onsite review to evaluate program effectiveness of BMEPs at the local level by gathering data to assist, inform, and partner with districts to improve and/or strengthen program implementation and instructional practice. Please see [Tool 9: BMEP Monitoring Checklist](#).

The TAFM process allows districts to support schools in developing a continuous improvement cycle to ensure that all students participating in a BMEP:

1. become bilingual and biliterate in English and a language other than English; and
2. meet state academic content standards and benchmarks in all subject areas.

Information about the quality of the program is collected through the following data sources:

1. District/school data from NOVA
2. Student ELP data (ACCESS for ELLs©) and home/heritage language
3. Funding applications
4. Program director and principal interviews [Tool 10: Bilingual Director and Principal Interview Questions](#)
5. District APR
6. If applicable, documented concerns of parents, community, and others—including OCR complaints. See [Tool 11: Parent of Student in BMEP Interview Questions \(English\)](#) & [Tool 12: Parent of Student in BMEP Interview Questions \(Spanish\)](#)

**Note:**

- Districts/schools may be selected for visits/reviews in consecutive years.
- Districts/schools have the option of requesting TA.
- A staggered TAFM review schedule may be used with districts that have 15 or more schools.
- The LCD has the authority to conduct unannounced visits to validate program effectiveness at any time for districts/schools in corrective action status.

### TAFM Process Stages: Prior, During, and After

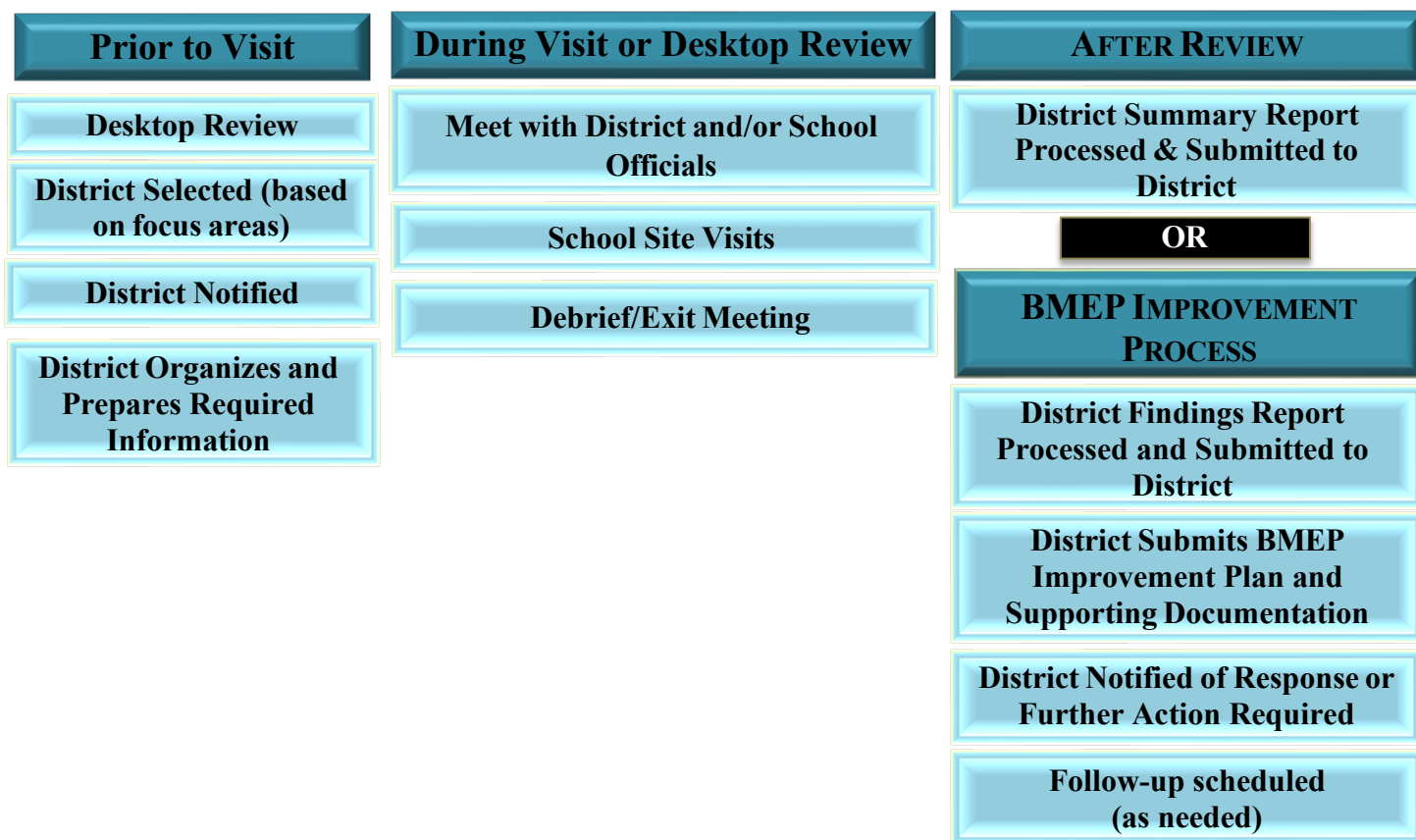
FOUR INDICATORS FOR SELECTING DISTRICTS FOR REVIEW	
Student Demographic Information	Student Performance Data
<ul style="list-style-type: none"> <li>• Percentage of K–3 students in the BMEP</li> <li>• Percentage of EL and FEP students in the district/schools</li> <li>• Percentage of FEP students in the state’s BMEP</li> </ul>	<ul style="list-style-type: none"> <li>• Academic achievement data for students in the BMEPs</li> <li>• Number of students receiving testing accommodations and waivers in the BMEPs</li> <li>• EL and FEP student performance data in the BMEPs</li> <li>• Language proficiency data</li> </ul>
Program Information	Other Documented Concerns
<ul style="list-style-type: none"> <li>• Staffing: Number of endorsed teachers</li> <li>• District expenditure reports</li> </ul>	<ul style="list-style-type: none"> <li>• Parent, community concerns &amp; Other requests</li> <li>• OCR findings</li> </ul>

CONTINUOUS IMPROVEMENT TAFM
PRIOR TO VISIT OR DESKTOP REVIEW
<b>LCD desktop review of district data.</b>
<b>LCD selects district for visit (based on focus areas) and notifies district before onsite review.</b>
<b>Districts selected for a BMEP onsite review must prepare:</b> <ul style="list-style-type: none"> <li>• Verification that BMEP has identified, prioritized, and served K-3 and ELs</li> <li>• Home/heritage language proficiency data and analysis (Avant etc.)</li> <li>• ELP data (ACCESS for ELLs©) and analysis</li> <li>• Academic proficiency data (MSSA, ASR, Short cycle, etc.) assessment data and analysis</li> <li>• PAC documentation</li> <li>• BME program models and instructional time</li> <li>• PD documentation &amp; Evidence that PD is effective</li> <li>• Standardized curriculum and instructional used in BMEPs</li> <li>• BMEP teacher licensure and endorsements</li> <li>• If applicable, documented concerns of parents, community and other, including complaints from the OCR</li> <li>• Evidence of local-level BMEP program evaluation</li> </ul>



<b>CONTINUOUS IMPROVEMENT TAFM</b>	
<b>DURING VISIT OR DESKTOP REVIEW</b>	
Entry meeting with district and/or school officials	
School Site Visits can include interviews, classroom observations, and documentation review	
Exit meeting (de-briefing) with district and/or school officials	
<b>AFTER VISIT OR DESKTOP REVIEW</b>	
LCD processes and sends district its summary and/or findings report	
If required, based on findings, the district submits BMEP improvement plan	
LCD notifies district of response or further action required and Follow-up scheduled (as needed)	

## CONTINUOUS IMPROVEMENT TAFM PROCESS MAP



### Compliance with State Statute and Regulation

The guidance provided to districts in this manual about the requirements of state statute and regulation is meant to support district staff with state law and ensure that students receive the highest quality of education possible through their BMEP.

### How to Use the Tools

The following section includes various tools that districts may use when monitoring their BMEPs. The tools are posted as additional resources on the [LCD Website](#).

## Tool 1: BME Act, NMSA 1978

22S23S1	Short title
22S23S1.1	Legislative findings
22S23S2	Definitions
22S23S3	Repealed
22S23S4	Department; powers; duties
22S23S5	BMEP plan; evaluation
22S23S6	BMEP; eligibility for state financial support
22S23S1	Short title (2004)

Chapter 22, Article 23 NMSA 1978 may be cited as the “BME Act”

### **22"23"1.1 Legislative Findings (2004)**

The legislature finds that:

- A.** while state and federal combined funding for the NM BMEPs it was forty-one million dollars (\$41,000,000) in 2003, the funds do not directly support BMEP instruction;
- B.** the state's BMEP goals are for all students, including ELLs, 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 BMEPs so that the students may become academically successful;
- D.** because inaccurate reporting on student participation in BMEPs has a direct impact on state and federal funding, accountability measures are necessary to track BMEP funds;
- E.** the federal ESSA of 2001 does not preclude using state funds for BMEPs;
- F.** Article 12, Section 8 of the constitution of NM recognizes the value of bilingualism as an educational tool;
- G.** PD 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 BMEPs and implications for instruction;
  - (2) best practices of ESL, ELD and BMEPs; 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 BMEP works best for their children and their community. Districts shall also provide parents with appropriate training in English or in the home/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 BMEPs for students in grades K-3 before funding BMEPs at higher grade levels;
- J.** a standardized curriculum, including instructional materials with scope and sequence, is necessary to ensure that the BMEP is consistent and building on the language skills the students have previously learned. The instructional materials for Native American BMEPs 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 IE Act.

**[22"23A"1 NMSA 1978]; and**

**L.** the BME Act [22S23S1 NMSA 1978] will ensure equal education opportunities for students in NM. Cognitive and affective development of the students is encouraged by:

- (1)** using the cultural and linguistic backgrounds of the students in a BMEP;
- (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 BME Act [22S23S1 NMSA 1978]:

- A.** "BMEP" means a program using two languages, including English and the home/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/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.** "ELL" 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 BMEPs.
- B.** The department shall administer and enforce the provisions of the BME Act [22S23S1 NMSA 1978].
- C.** The department shall assist school boards in developing and evaluating BMEPs.
- D.** In the development, implementation and administration of the BMEPs, the department shall give preference to NM residents who have received specialized training in bilingual education when hiring personnel.

**22"23"5. BMEP plan; evaluation. (2004)**

- A.** The school board may prepare and submit to the department a BMEP 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.** BMEPs shall be located in the district and delivered as part of the regular academic program. Involvement of students in a BMEP 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 BMEP effectiveness and use of funds. The department shall annually compile and report this data to the appropriate interim legislative committee.

- E. Districts shall provide PD 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 BMEPs and implications for instruction;
  - (2) best practices of English and a second Language, ELD and BMEPs; and
  - (3) classroom assessments that support academic and language development.
- F. BMEPs shall be part of the district's PD plan. Bilingual educators, including teachers, teacher assistants, instructional support personnel, principals and program administrators, shall participate in PD and training.

**22"23"6. BMEPs; eligibility for state financial support. (2004)**

- A. To be eligible for state financial support, each BMEP 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 K-12, with priority to be given to programs in grades K-3, in a district;
  - (2) fund programs for culturally and linguistically different students in the state in grades K-3 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 the entire 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/heritage language;
  - (6) establish a PAC, representative of the language and culture of the students, to assist and advise in the development, implementation and evaluation of the BMEP; and
  - (7) provide procedures to ensure that parental notification is given annually prior to BMEP placement.
- B. Each BMEP shall meet each requirement of Subsection A of this section and be approved by the department to be eligible for state financial support.

## Tool 2: History of Laws and Provisions That Support BMEPs

HISTORY OF LAWS AND PROVISIONS THAT SUPPORT BMEPS	
1911	Constitutional provisions stipulate that NM must maintain a bilingual citizenry.
1912	The NM State Department of Education (SDE) hires two school supervisors; one is Hispanic and is responsible for supervising rural schools.
1915	Senator A. Sena from San Miguel County introduces a mandate to implement bilingual education in Spanish and English in all school districts that enroll 50 percent or more Hispanic students.
1919	Governor Larrazolo recommends a law to the legislature for all teachers in rural schools where students speak Spanish to have bilingual skills (this law was revoked in 1923).
1923	<b>Meyer v. Nebraska:</b> The 1919 Nebraska statute claiming that “no person, individually or as a teacher, shall, in any private denominational, parochial, or public school, teach any subject to any person in any language other than the English language” is overturned. The US Supreme Court ruled that the state’s ability to impose such restrictions “upon the people” was in violation of the Fourteenth Amendment to the US Constitution and overstepped the state’s role. The Meyer decision led to the reversal of Bartels v. State of Iowa, which included three other cases in the suit, dealing with English only statutes.
1941	Senate Bill 3 passes. Spanish shall be taught in all public schools in grades 5–8, in schools having three or four teachers and/or with 90 students or more (this mandate was revoked in 1963).
1943	Senate Bill 129 passes. It establishes a position of supervisor of Spanish in the DOE to improve instruction in that language in the public schools.
1963	The SDE receives a grant from the Ford Foundation to implement an SLA and Social Studies Program taught in Spanish in Pecos.
1964	<b>Civil Rights Act, Title VI:</b> Congress passes the historic Civil Rights bill that prohibits discrimination based on race, color, or national origin. Title VI of the Act states, “No person shall, on the grounds of race, color, or national origin, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving federal financing assistance.”
1968	<b>Bilingual Education Act:</b> The Elementary and Secondary Education Act (ESEA) of 1965 is amended to include Title VII—The Bilingual Education Act. This program establishes federal policy recognizing bilingual education as a viable method of education for economically disadvantaged, language minority students; allocates funds for innovative programs; and recognizes the unique educational disadvantages faced by non-English speaking students.
1969	The First Bilingual Education Law in the Nation NM Senate Bill 270 passes. It ensures that the language and culture of the children of the state are maintained and enrichen the curriculum.
1971	NM House Bill 270 adds \$100,000 funding with priority for K–3 to develop competence in English and in speaking two languages. Qualifying students are those with the greatest limitations in English.
1973	<b>State BME Law—First in the Nation.</b> Senate Bill 421 passes. \$700,000 is appropriated for bilingual education for elementary students.
1975	<b>Teaching Endorsement for ESL is Developed—First in the Nation.</b> SDE endorsement is approved for teaching ESL.
1978	<b>BME Endorsement Approved—First in the Nation.</b> SDE endorsement in BME is approved—again, a first for New Mexico.
1980	SDE develops the Four Skills Examination in Spanish to assess teachers who are seeking endorsement in bilingual education.
1986	SDE licensure for Navajo language is approved.
1987	Expansion of BMEPs to the twelfth grade is approved, with a phase in from 1988 to 1991.
1989	NM State Legislature adopts House Joint Memorial 16—English Plus Declaration in NM, supporting language rights in the US and providing opportunities to learn English and develop proficiency in a second

HISTORY OF LAWS AND PROVISIONS THAT SUPPORT BMEPS	
	or multiple languages.
1990	Pueblo Language Endorsement—First in the Nation. SDE establishes Pueblo language endorsement—again, a first for NM.
1992	State Board of Education approves CITE initiative: Competency in two languages—one of which is English—for all students in NM schools.
1994	House Bill 224 appropriates \$89,250 to the SDE for the purpose of creating a new position in the department, developing a new bilingual proficiency exam, and funding three part-time coordinators for university immersion institutes.
1997	SDE pilots’ two-way DLI programs in five public schools in Albuquerque, Las Cruces, and Gadsden.
1999	The NM State Legislature appropriates funding for pilot schools to implement DLI programs. Ten new schools begin to implement two-way DLI.
2001	<b>The SDE approves NM <i>Standards for Excellence</i> (6.30.2 NMAC)</b> , which sets expectations for proficiency in English, an understanding of other cultures, and competence in at least one language, in addition to English for <u>all</u> students in the schools of the state.
2002	<b>NALC certification—First in the Nation:</b> The NM state legislature passes the NALC certification for teachers—again, a first for NM. The SDE reviews and approves a new state <i>BME Regulation</i> (6.32.2 NMAC), which extends services to <u>all students</u> in NM public schools.
2003	HB 212 passes. Instruction in a second language is required in addition to English for <u>all</u> students, grades 1–8.
2004	<b>The NM State Legislature has a busy session:</b> passes Senate Bill 471a, the BME Act of 2004, the second BME Law in NM. Amends the BME Act of 1973. Passes House Bill 2 for the General Appropriations Act of 2004 requires PED to evaluate the effectiveness and use of funds in BMEPs. Passes House Memorial 3 for this memorial requires an audit of BMEPs. Passes House Joint Memorial 18 for the <i>Feasibility of Testing Students in the Home Languages</i> passes and is implemented.
2005	The NM State Legislature appropriates \$100,000 to the PED to develop three new forms for <i>Prueba de Español Para la Certificación Bilingüe</i> (Spanish language proficiency test for teachers seeking an endorsement in BME). <i>The BME Regulation</i> is revised to correspond with the <i>BME Act of 2004</i> . The new regulation is approved by the secretary of education in November.
2006	Governor Bill Richardson issues an official proclamation declaring NM a multicultural state. Ten bilingual schools are recognized during the legislative session for exemplary programs serving the needs of ELLs.
2007	The PED renews the memorandum of understanding (MoU) with the government of Spain. 20 bilingual schools are recognized during the legislative session for exemplary programs serving the needs of ELLs.
2008	During the legislative session, 27 schools in 12 districts are honored for their ELL’s stellar language and academic performance. The NM Association for Bilingual Education recognizes representatives Ben Lujan, Speaker of the House; Rick Miera; and Regis Pecos for their advocacy of and support for BME in the state. The Navajo Language Assessment Advisory Committee pilots a Navajo language proficiency assessment in six school districts.
2009	NM becomes the 23 <sup>rd</sup> member of the national WIDA Consortia. The TESOL endorsement rule is revised, requiring coursework in addition to the test. NMPED, in partnership with Office of Education and Accountability and the Center for the Education and Study of Diverse Populations, hosts the EL Summit. The Office of the Governor hosts the Hispanic, Indian, and African American Education Summits.
2010	<b>The Hispanic Education Act is passed—first in the nation:</b> NM state legislature passes the <i>Hispanic Education Act</i> . Governor Richardson initiates <i>Graduate New Mexico!</i> The goal of his initiative is to graduate and present diplomas to 10,000 high school dropouts by fall 2011. ACCESS for ELLs© is administered for the first time in NM schools. Thirty-five bilingual schools in 14 districts receive



HISTORY OF LAWS AND PROVISIONS THAT SUPPORT BMEPS	
	recognition during the legislative session for serving the needs of ELLs through exemplary programs.
2014	<b>The NM state legislature passes the <i>New Mexico Diploma of Excellence; State Seal for Bilingual and Biliterate (SSBB)</i> graduates.</b> NM follows four other states in instituting this recognition of biliteracy and bilingualism in its graduates. Governor Martinez signs HB330 into law, and it becomes NM State Statute 22S2S9.1. Local school boards may choose to elect the seal process into their policies, and local high schools may implement the seal process. 6.29.5 NMAC updates the ELD standards regulation to adopt the 2012 WIDA Amplification of these criteria. This modernization is undertaken to ensure that NM's standards correspond to the NMCS. Additionally, the rule amendment adds new sections regarding the EL identification process and the state's EL exit criteria.
2015	6.32.2 NMAC is added to correspond to 22S2S9.1 NMSA and department regulation regarding the implementation of the New Mexico SSBB.
2016	6.29.5 NMAC updates the ELD standards regulation. The rule amendment clarifies the EL identification process, monitoring for academic progress, and includes the department approved NM Language Usage Survey.
2017	6.29.15 NMAC SLA standards is added to support the goals of the BME Act and 6.32.2 NMAC which are for all students, including ELs, to become bilingual and biliterate in English and a second language and meet state academic content standards and benchmarks in all subject areas. 6.29.16 NMAC SLD standards regulation is added to adopt the 2013 WIDA SLD standards.
2023	NM Instructional Scope for SLA is developed. NMIS SLA is a tool designed to provide guidance and support to assure that all students have access to grade-level content combined with the use of impactful instructional strategies. The tool is a strategy for assuring a guaranteed, viable and equitable curriculum across the state, while at the same time capitalizing on the leadership and expertise of educators at the local level.

## **Tool 3: New Mexico BME Regulation**

### **TITLE 6 PRIMARY AND SECONDARY EDUCATION**

#### **CHAPTER 32 EDUCATIONAL STANDARDS - BME**

##### **PART 2 GUIDELINES FOR IMPLEMENTING BMEP**

**6.32.2.1 ISSUING AGENCY:** Public Education Department, hereafter the department. [6.32.2.1 NMAC - Rp, 6.32.2.1 NMAC, 7/1/2018; A, 7/18/2023].

**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 9-24-8, 22-2-2, and 22-23-1 through 22-23-6 NMSA 1978. [6.32.2.3 NMAC - Rp, 6.32.2.3 NMAC, 7/1/2018; A, 7/18/2023]

**6.32.2.4 DURATION:** Permanent. [6.32.2.4 NMAC - Rp, 6.32.2.4 NMAC, 7/1/2018; A, 7/18/2023]

**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 BME and language revitalization programs and supports the long-standing policy in furthering BME. [6.32.2.6 NMAC - Rp, 6.32.2.6 NMAC, 7/1/2018; A, 7/18/2023]

#### **6.32.2.7 DEFINITIONS:**

- A.** "BMEP" means a program using two languages, including English and the home/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/heritage language, inherited from the student's family, tribe or country of origin, is a language other than English;
- C.** "district" means a public school or any combination of public schools in a district;
- D.** "ELL" 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;
- E.** "heritage language" means a language other than English that is inherited from a family, tribe, community or country of origin;
- F.** "home language" means a language other than English that is the primary or heritage language spoken at home or in the community;
- G.** "school board" means a local school board; and
- H.** "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; A, 7/18/2023]

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

**6.32.2.9 PROGRAM GOALS:** The state's BMEP goals are to:

- A. 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 or domains of listening, speaking, and comprehension; and
- B. meet state academic content standards and benchmarks in all subject areas. [6.32.2.9 NMAC - Rp, 6.32.2.9 NMAC, 7/1/2018; A, 7/18/2023]

**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 K-12, with priority to be given to programs in grades K-3, 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 K-3, 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 the curriculum of the grade levels within the program;
- D. establish a PAC, representative of the languages and cultures of the students in the program, 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, MCNL, TESOL, or certified in NALC. 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, PD, and staffing patterns. [6.32.2.10 NMAC - Rp, 6.32.2.10 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 BMEP shall be eligible pursuant to Section 22-23-1 NMSA 1978 and 6.32.2 NMAC.
- B. The initial application shall include:
  - (1) projected number of students to be served;
  - (2) assurances that district and school personnel are knowledgeable of the requirements to comply with Section 22-23-1 NMSA 1978 and 6.32.2 NMAC; signatures of school board president, superintendent, BME director, school principal, and a PAC representative who shall not be employed by the district or school;
  - (3) a program plan;
  - (4) a resource allocation plan that supports program implementation;
  - (5) evidence of prior tribal consultation in program planning in accordance with the Indian Education Act 22-23A-1 through 22-23A-8 NMSA 1978; public schools providing a Native American language revitalization program, or other approved Native American BME model, shall obtain approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children; and
  - (6) districts providing a Native American language revitalization program, or other approved Native American BME model, shall provide notification of approval and the application approved by the department to tribal councils or other appropriate tribal entities with authority to make education decisions on behalf of Native American children.

- C. The department shall review initial applications for approval. Districts with approved applications shall submit by the 40<sup>th</sup> day of the target school year the following:
- (1) instructional plan; and
  - (2) actual number of students to be served. [6.32.2.11 NMAC - Rp, 6.32.2.11 NMAC, 7/1/2018]

**6.32.2.12 PROGRAM ELEMENT - INSTRUCTION:**

- A. Public schools providing an approved BME program shall include:
- (1) instruction to attain language proficiency and literacy skills in two languages, one of which is English;
  - (2) instruction to attain academic achievement in two languages, one of which is English;
  - (3) sheltered content instruction;
  - (4) standardized curriculum, including instructional materials with scope and sequence, that is aligned with the state academic content standards, benchmarks and performance standards;
  - (5) instruction in the history and cultures of NM; and
  - (6) CLR instruction designed to develop cross-cultural skills.
- B. Public schools providing a Native American language revitalization program, or other approved Native American BME model, shall obtain approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children. An approved 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 or domains of listening, speaking and comprehension;
  - (2) instruction to attain academic achievement in English and a Native American language;
  - (3) sheltered content instruction;
  - (4) standardized curriculum, including instructional materials with scope and sequence, that is aligned with the state academic content standards, benchmarks and performance standards, unless otherwise agreed to in writing by the department in accordance with the IE Act Article 23A;
  - (5) instruction in the history and cultures of NM Native American tribes; and
  - (6) CLR instruction designed to develop cross-cultural skills.
- C. The following content areas shall be included as appropriate:
- (1) language arts in the home/heritage language - for funding purposes, time allotted for instruction in the home language shall be equivalent to the time provided for ELA and shall be consecutive in nature (that is, not fragmented throughout the day);
  - (2) ELD - English language instruction to develop the ELP of ELLs based on the student's ELP level; instruction shall be distinct from content area instruction; and
  - (3) LA in the home/heritage language – instruction to develop language proficiency based on the student's home/heritage language proficiency level; and
  - (4) depending on the time allotted for program:
    - a) content area instruction in the home/heritage language of the program that utilizes the student's language, history, and culture; or
    - b) fine arts instruction in the home/heritage language of the program that utilizes the student's language, history, culture, and the arts traditions of the student's community.
- D. All programs shall implement one or more of the following BME models in the public school:
- (1) DLI: designed to develop proficiency in two languages;
  - (2) enrichment: designed to further develop the home language, as defined in Subsection G of Section 22-23-2 NMSA 1978, of fully English proficient students;

- (3) heritage language: designed to support and revitalize a student's heritage language and culture through oral and written communication; for Native American languages that are oral only, the literacy component shall be measured only in the skill areas or domains of listening, speaking and comprehension;
- (4) maintenance: designed to develop and maintain proficiency and literacy in the home language while developing a student's literacy and oral skills in English; and
- (5) transitional: designed to develop skills in the home language and culture while developing continued skills and proficiency in English. [6.32.2.12 NMAC - Rp, 6.32.2.12 NMAC, 7/1/2018; A, 7/18/2023]

**6.32.2.13 PROGRAM ELEMENT - PROFESSIONAL DEVELOPMENT:** Districts shall provide PD to employees.

- A. Public school districts shall provide PD to teachers, Native American language and culture teachers, teacher assistants, instructional support personnel, principals, bilingual directors or coordinators, associate superintendents, superintendents, other instructional personnel, and financial officers in the areas of:
  - (1) research-based BME, language revitalization programs and implications for instruction;
  - (2) best practices of ESL; ELD, BME and language revitalization programs;
  - (3) classroom assessments that support academic and language development;
  - (4) principles of first and SLA, including language revitalization, differentiated language instruction and sheltered content instruction; and
  - (5) effective practices of program implementation and program evaluation.
- B. BME or language revitalization programs shall be part of the district's PD plan as required in Subsection E of Section 22-23-5 NMSA 1978. [6.32.2.13 NMAC - Rp, 6.32.2.13 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/heritage language annually until proficiency in each language is achieved; public schools providing a Native American language revitalization program, or other approved Native American BME model, shall obtain approval for language proficiency assessments from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children; for Native American languages that are oral only, the literacy component shall be measured only in the skill areas or domains of listening, speaking, and comprehension.
- B. Public school districts shall comply with federal assessment requirements.
- C. Students enrolled in this program shall participate in the NMSBA program.
- D. In those grades that students do not participate in the NMSBA, the public school district shall develop and implement an assessment and evaluation program. [6.32.2.14 NMAC - Rp, 6.32.2.14 NMAC, 7/1/2018]

**6.32.2.15 PROGRAM EVALUATION:**

- A. BMEPs 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 APR submitted to the department by September 30 of the following school year. The APR shall include the following, by school and by model(s):
  - (1) 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/heritage language) and academic achievement;

- (2) a current analysis of language and academic assessment results demonstrating that participating students have made measurably significant growth toward meeting the state targets for language and academic proficiency;
  - (3) specific and measurable goals for the following school year, based on Paragraph (2) of Subsection A of 6.32.2.15 NMAC;
  - (4) verification that teachers, Native American language and culture teachers, teacher assistants, instructional support personnel, principals, bilingual directors or coordinators, associate superintendents, superintendents, other instructional personnel, and financial officers have participated in the districts PD plan for the program;
  - (5) 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; and
  - (6) districts providing a Native American language revitalization program, or other approved Native American BME model, shall provide the APR submitted to the department to tribal councils or other appropriate tribal entities with authority to make education decisions on behalf of Native American children.
- B. The department shall compile and analyze the data submitted by public school districts and shall report annually to the appropriate interim legislative committee.[6.32.2.15 NMAC - Rp, 6.32.2.15 NMAC, 7/1/2018]

#### **6.32.2.16 PROGRAM RENEWAL:**

- A. Based on program monitoring and review of the APR, the department will determine whether the BMEP is compliant pursuant to Section 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; districts providing a Native American language revitalization program, or other approved Native American BME model, shall notify tribal councils or other appropriate tribal entities with authority to make educational decisions on behalf of Native American children of compliance and program continuation.
  - (2) If the department determines that a program is not compliant, the department shall notify the district of such non-compliance, including specific areas of non-compliance.
    - a) Upon receipt of a notice of non-compliance from the department, the district shall develop a program improvement plan, with TA from the department, to address the noncompliance. This plan shall include provisions to adjust the curriculum, program components or method of instruction, as necessary. The plan must be submitted to the department within 30 days, or, with prior written approval of the department, additional time not to exceed 90 days, from receipt by the district of the notice of noncompliance. 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 APR to the department and will be evaluated by the department for compliance based on the standards articulated in 6.32.2.15 NMAC, and not solely on the basis of whether they have fully implemented and complied with the program improvement plan.
    - c) If upon review, after receipt of the APR 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 30 days, or, with prior written approval of the department, additional time not to exceed 90 days, of receipt of the notice of non-compliance.



- d) 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.
- e) A district may not apply for approval for a BMEP for the school year immediately following a discontinuation by the department.
- f) Districts providing a Native American language revitalization program, or other approved Native American BME model, shall notify tribal councils or other appropriate tribal entities with authority to make educational decisions on behalf of Native American children of noncompliance and provide evidence of tribal consultation in the development of a program improvement plan in accordance with the IE Act, Sections 22-23A-1 through 22-23A-8 NMSA 1978 and the BME Act, Section 22-23-1 NMSA 1978.
- g) All districts, regardless of any discontinuation by the department, shall submit the APR to the department, for any year in which the district has provided assurances to the department. [6.32.2.16 NMAC - Rp, 6.32.2.16 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 BME 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 7/1/2003; 6.32.2 NMAC, Guidelines for Implementing BMEPs, repealed effective 11/30/2005; 6.32.2 NMAC, Guidelines for Implementing BMEPs, filed 11/30/2005 was repealed and replaced by Guidelines for Implementing BMEPs effective 7/1/2018.

## Tool 4: Sample BMEP Parent Notification Letter (English)

School Name, Address, Contact Information & Date:

Dear Parent:

This letter is to inform you that (insert school name) offers a Bilingual Multicultural Education Program (BMEP). The program's goals are for all students to become bilingual and biliterate in English and a second language and to meet state academic content standards and benchmarks in all subject areas.

The cognitive and affective development of students in the program is encouraged by using the cultural and linguistic backgrounds of the students, providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner, and teaching students to appreciate the value and beauty of different languages and cultures. Your son/daughter (insert student's name) has been placed in the school's BMEP. The following BMEP model(s) is used in the program:

[ ] **Dual Language**—is designed to develop high academic achievement in two languages, additive bilingual and biliterate proficiency, and cross-cultural skills development as prescribed by NMAC 6.32.2.12 (D)(1). This BMEP model includes students classified as initial fluent English proficient, ELs, and RFEP. The ELs who are served in this model receive one hour of language arts in insert home/heritage (target) language, one hour of ESL/ELD, and one hour of insert content area in insert home/heritage (target) language. Fluent English proficient students who are served in this model receive one hour of language arts in insert home/heritage (target) language, one hour of insert content area in insert home/heritage (target) language, and an additional one hour of insert content area in insert home/heritage (target) language.

[ ] **Maintenance**—is 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 as prescribed by NMAC 6.32.2.12 (D)(4). This BMEP model exclusively serves ELs. Students served in this model receive one hour of language arts in insert home/heritage (target) language, one hour of ESL/ELD and one hour of insert content area in insert home/heritage (target) language.

[ ] **Enrichment**—is designed to further develop the home language of fully English proficient students and to teach the cultures of the state as prescribed by NMAC 6.32.2.12 (D)(2). This BMEP model exclusively serves students classified as IFEP and RFEP. Students served in this model receive one hour of language arts in insert home/heritage (target) language and one hour of insert content area in insert home/heritage (target) language.

[ ] **Heritage**—is designed to support and revitalize a student's native language and culture through oral and/or written language instruction as prescribed by NMAC 6.32.2.12 (D)(3). ELs served in this model receive one hour of language arts in insert home/heritage (target) language, one hour of ESL/ELD and one hour of insert content area in insert home/heritage (target) language. Fluent English Proficient students in this model receive one hour of language arts in insert home/heritage (target) language, one hour of insert content area in insert home/heritage (target) language, and an additional one hour of insert content area in insert home/heritage (target) language.

[ ] **Transitional**—is designed to transfer students from home language instruction with gradual transition to an all-English curriculum as prescribed by NMAC 6.32.2.12 (D)(5). This BMEP model exclusively serves ELs. Students served in this model receive one hour of language arts in insert home/heritage (target) language, one hour of ESL/ELD, and one hour of insert content area in insert home/heritage (target) language.

Parents with children participating in the school’s BMEP are encouraged to participate in the BMEP PAC. Please consider attending our first BMEP PAC meeting scheduled for insert date. Parent participation in the development, implementation, and evaluation of the program is valued and important, as we consider what BMEP works best for your children and the community.

We highly recommend that your child participate in, and receive the benefits from, this program. However, you have the right to decline your child’s participation in/opt your child out of the BMEP. If you have questions, you are encouraged to call or visit our office.

Sincerely,

Insert signature here

Insert BME director name here  
BME Director

## Tool 5: Sample BMEP Parent Notification Letter (Spanish)

Insertar Nombre de la escuela, dirección, información de contacto, y Fecha:

Estimado padre:

Esta carta es para informarle que nombre de la escuela ofrece un programa educación bilingüe multicultural (*BMEP por sus siglas de inglés*). Los objetivos del programa son que todos los estudiantes sean bilingües y biculturales en inglés y una segunda lengua y cumplir con los estándares de contenido académico del estado en todas las materias.

El desarrollo cognitivo y afectivo de los estudiantes en el programa se fomenta mediante el uso de los antecedentes culturales y lingüísticos de los estudiantes, proporcionando a los estudiantes la oportunidad de ampliar sus capacidades y potencialidades conceptuales y lingüísticas de una manera exitosa y positiva, y enseñar a los estudiantes a apreciar el valor y la belleza de las diferentes lenguas y culturas. Su hijo/hija nombre del estudiante ha sido colocado en el programa de BME de la escuela. El siguiente modelo de BMEP se utiliza en el programa:

[] **Lenguaje Dual**—Diseñado para desarrollar un alto rendimiento académico en dos idiomas, el dominio bilingüe y bilingües aditivo y el desarrollo de habilidades entre las culturas NMAC 6.32.2.12 (D)(1). Este modelo incluye estudiantes clasificados como inicialmente con fluidez en inglés, reclasificados con fluidez en inglés, aprendices de inglés. Los estudiantes aprendices de inglés en este modelo recibirán una hora de artes del lenguaje en lenguaje de casa/patrimonio, una hora de Inglés como un desarrollo de inglés como segundo idioma y una hora de área de contenido en lenguaje de casa/patrimonio lingüístico (objetivo). Los estudiantes con fluidez en inglés en este modelo reciben una hora de artes del lenguaje en lenguaje de casa/patrimonio, una hora de área de contenido inserto en lenguaje de casa/patrimonio el lenguaje, y una hora de área de contenido en lenguaje de casa/patrimonio.

[] **Mantenimiento**—Diseñado para desarrollar y mantener la competencia y la alfabetización en la lengua materna o del hogar, mientras que el desarrollo de la alfabetización de un estudiante y las habilidades orales en inglés NMAC 6.32.2.12 (D)(4). Este modelo sirve exclusivamente a estudiantes aprendices de inglés. Los estudiantes atendidos en este modelo recibirán una hora de artes del lenguaje en lenguaje de casa/patrimonio, una hora de inglés como segundo idioma y una hora de área de contenido en lenguaje de casa/patrimonio.

[] **Enriquecimiento**—Diseñado para desarrollar aún más el idioma del hogar de estudiantes con dominio completo del inglés y enseñar las culturas del estado NMAC 6.32.2.12 (d)(2). Este modelo sirve exclusivamente a estudiantes clasificados como inicialmente con fluidez en inglés y reclasificados con fluidez en inglés. Los estudiantes atendidos en este modelo recibirán una hora de artes del lenguaje en lenguaje de casa/patrimonio y una hora de área de contenido en lenguaje de casa/patrimonio.

[] **Herencia**—Diseñado para apoyar y revitalizar la lengua y la cultura nativa del estudiante a través de la enseñanza del idioma oral y/o escrito NMAC 6.32.2.12 (d)(3). Los estudiantes de inglés en este modelo recibirán una hora de artes del lenguaje en lenguaje de casa/patrimonio, una hora de Inglés como segundo idioma y una hora de área de contenido en lenguaje de casa/patrimonio. Los estudiantes inicialmente con fluidez en inglés en este modelo reciben una hora de artes del lenguaje en lenguaje de casa/patrimonio, una hora de área de contenido en lenguaje de casa/patrimonio, y una segunda hora de área de contenido lenguaje de casa/patrimonio.

[] **Transición**—Diseñado para transferir estudiantes de la enseñanza de idiomas a casa con transición gradual a un plan de estudios de todoSInglés NMAC 6.32.2.12 (D)(5). Este modelo sirve exclusivamente a estudiantes aprendices de inglés. Los estudiantes atendidos en este modelo recibirán una hora de artes del lenguaje en lenguaje de casa/patrimonio, una hora de inglés como un segundo idioma y una hora de área de contenido lenguaje de casa/patrimonio.

Se anima a los padres con niños que participan en el programa de la escuela a participar en el comité asesor de padres BME (BMEP PAC por sus siglas en inglés). Por favor, considere asistir a nuestra primera reunión de PAC programada para insertar la fecha. La participación de los padres en el desarrollo, implementación y evaluación del programa es valorado e importante ya que consideremos lo que funciona mejor para sus hijos y la comunidad.

Es muy recomendable que su hijo participe en, y reciba los beneficios de este programa. Sin embargo, usted tiene el derecho de rechazar la participación de su hijo/hija en del programa. Si tiene alguna pregunta, se le recomienda que llame o visite nuestra oficina.

Sinceramente,

Signature

Name of the director

Director de Educación Multicultural Bilingüe

## Tool 6: PD Framework

### NMAC 6.65.2.1–6.65.2.10 TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 65 SCHOOL PERSONNEL—EDUCATOR PREPARATION PART 2 PD FRAMEWORK

**6.65.2.1 ISSUING AGENCY:** Public Education Department [6.65.2.1 NMAC S N, 06S30S06]

**6.65.2.2 SCOPE:** The NM PD framework establishes statewide standards for all PD that impacts licensed staff in NM public schools. [6.65.2.2 NMAC S N, 06S30S06]

**6.65.2.3 SATUTORY AUTHORITY:** Section 22S2S2 NMSA 1978, 22S2S2S8 NMSA 1978, 22S10AS19 NMSA 1978, and 22S10AS19.1 NMSA 1978. [6.65.2.3 NMAC S N, 06S30S06]

**6.65.2.3 DURATION:** Permanent [6.65.2.4 NMAC S N, 06S30S06]

**6.65.2.5 EFFECTIVE DATE:** June 30, 2006, unless a later date is cited at the end of a section. [6.65.2.5 NMAC S N, 06S30S06]

**6.65.2.6 OBJECTIVE:** The rule establishes criteria for all PD programs delivered by the PED, all statewide PD providers, charter schools, public school districts that apply for PD funds, or who are awarded funding by the PED or by the legislature. The criteria in this rule also establishes standards for an evaluation component that will be used by the PED in accessing charter school, and school district PD plans. The rule creates standards for developing PD activities for schools that improve teachers' knowledge of the subjects they teach and the ability to teach those subjects to all of their students; are an integral part of the public school and school district plans for improving student achievement; provide teachers, school administrators and instructional support providers with the strategies, support, knowledge and skills to help all students meet the NM academic content standards; are high quality, sustained, intensive and focused on the classroom; are developed and evaluated regularly with extensive participation of school employees and parents. [6.65.2.6 NMAC S N, 06S30S06]

#### 6.25.2.7 DEFINITIONS:

- A. "Alignment" is the degree to which program components match purposes and evaluation criteria.
- B. "Collaboration" is the act of working positively and productively with others to meet a common goal or purpose.
- C. "Data" is information from a variety of sources gathered for a purpose. For example, data related to student learning might include student work examples, scripted or videotaped observations, student achievement scores, and/or teacher-generated assessments. Data related to teacher performance might include observations; instructional artifacts; and/or student, peer or parent evaluations. The terms data and evidence are often used interchangeably.
- D. "Developmental levels" means descriptors of development for students and teachers.
  - (1) Developmental levels for students are descriptors of how they develop (cognitively, socially and in other ways) during their formative years in pre kS12 education.
  - (2) Developmental levels for teachers are descriptors of how they develop across the continuum of their careers. In NM, the career continuum for teachers include three levels of development: the level 1 "provisional teacher" (the initial five years of a teaching career where the teacher demonstrates initial mastery of effective teaching); the level 2 "professional teacher" (at least three years of classroom teaching experience during which a teacher demonstrates expert practice); and the level 3 "master teacher" (at least six years of experience where the teacher demonstrates exemplary practice).
- C. "Differentiated" means the intentional application of multiple modes of instruction or assessment in order to meet the needs of all members of a group. The NM teacher competencies are differentiated across levels of



years of experience and teacher development: level 1 (provisional teacher); level 2 (professional teacher); and level 3 (master teacher).

- D. "Diversity" means variety among individuals. Diversity includes: variations in socio-economic status, race, developmental level, ethnicity, gender, language, learning styles, culture, abilities, age, interests, and/or personality.
- E. "Job-embedded" are activities included as part of the responsibilities of the teacher's workday.
- F. "Leadership" means the work of members of all levels of educational systems who engage in, collaborate in, and/or guide continuous instructional improvement for the benefit of the entire system.
- G. "PD" means a systemic process by which educators increase knowledge, skills, and abilities to meet professional and organizational goals that build capacity within the individual, organization, and education system for the purpose of ensuring success for all students.
- H. "PD plan" means a plan specifically designed to identify goals, activities and measurable objectives that will support continuous learning related to professional knowledge, skills, and abilities.
  - (1) The district PD plan is a component of the comprehensive educational plan for student success that supports academic learning for all students.
  - (2) The individual teacher's PD plan is part of the performance evaluation system requirements. The teacher's PD plan is a collaborative enterprise involving the teacher and principal in establishing a yearly plan for PL goals, activities, and measurable objectives based on the nine NM teacher competencies.
- I. "PD program" means an organized set of PD experiences for an education system that will support instructional learning in an identified area of improvement.
- J. "Research based" are results from proven, rigorous educational research methodologies.
- K. "Staff development" means organized PL activities. The terms "PD and staff development" are used interchangeably by the national staff development council as well as in this rule.
- L. "Student success" means attainment of knowledge, skills and attributes that will prepare and nurture individuals to become productive, engaged citizens in a democratic society.
- M. "Sustained" means an effort or activity maintained in a coherent, planned manner over time.
- N. "Systematic" means something that is characterized by order and planning.
- O. "Systemic" means related to an entire system: in this case, an educational organization that is made up of individual but interdependent components united by a common purpose, action plan, and accountability.
- P. "Training" means a subset of PD. Training includes specialized, often prescribed instruction and practice that help an individual become proficient in a skill or set of skills.
- Q. "Standards for staff development" means criteria and expectations that provide direction for designing a PD experience that ensures educators acquire the necessary knowledge and skills.
- R. "Framework for PD" means a document that establishes the context, processes and content relative to PD by way of a statewide definition and belief statements of PD, guidelines for the effective designing, implementation, and evaluating of PD initiatives at the district and school building-level, establishing the criteria for school districts to apply for PD funds, and to provide information regarding PD providers and other resources. [6.65.2.7 NMAC S N, 06S30S06]

**6.65.2.8 REQUIREMENTS FOR PROGRAM DESIGN AND IMPLEMENTATION:** District and charter school PD programs shall meet the highest standards for PD. NM has adopted the national staff development council standards for staff development as requirements for designing, implementing, and evaluating PD programs. All statewide, PED, charter school and public school district PD programs and activities shall align with the following standards and shall articulate:

A. context standards which:

- (1) improve the learning of all students by organizing adults into learning communities whose goals are aligned with those of the school district;
- (2) require skillful school and district leaders who guide continuous instructional improvement;

- (3) require resources to support adult learning and collaboration;
  - B. process standards which:**
    - (1) improve the learning of all students by using disaggregated student data to determine adult learning priorities, monitor progress, and help sustain continuous improvement;
    - (2) use multiple sources of information to guide improvement and demonstrate its impact;
    - (3) prepare educators to apply research to decision making;
    - (4) use learning strategies appropriate to the intended goal;
    - (5) apply knowledge about human learning and change;
    - (6) provide educators with the knowledge and skills to collaborate;
  - C. content standards which:**
    - (1) improve the learning of all students by preparing educators to understand and appreciate all students;
    - (2) create safe orderly and supportive environments, and hold high expectations for their academic achievement;
    - (3) deepen educators' content knowledge;
    - (4) provide them with research-based instructional strategies to assist students in meeting, rigorous academic standards and prepare them to use various types of classroom assessments appropriately;
    - (5) provide educators with knowledge and skills to involve families and other stakeholders appropriately.
- [6.65.2.8 NMAC S N, 06S30S06]

#### **6.65.2.9 REQUIREMENTS FOR PROGRAM EVALUATION:**

- A.** All statewide, PED, charter school and public school district PD programs shall be evaluated at least every three years to determine the effectiveness of the program based on evidence of improved educator practice and student learning.
- B.** Levels of program evaluation shall include evidence of:
  - (1) participant response;
  - (2) participant learning;
  - (3) organizational change and support;
  - (4) participant use of knowledge and skills; and
  - (5) student learning. [6.65.2.9 NMAC S N, 06S30S06]

**6.65.2.10 REQUIREMENTS FOR PD FUNDING:** Schools, school districts or independent programs or agencies that apply for or are awarded state or federal funding to support PD programs or activities must demonstrate alignment between the proposed programs and the NM PD framework. Funding proposals shall explicitly address all of the following questions:

- A. Context:**
  - (1) how are the resources (time, leadership, personnel, budget considerations) structured to support the plan?
  - (2) how are roles of leaders and participants defined and goals determined?
  - (3) how are data related to student learning to be used to determine goals and assess outcomes?
  - (4) how is collaboration among administrators and teachers embedded in the PD process?
- B. Content:**
  - (1) what should participants know and be able to do?
  - (2) is the content clearly connected to workplace requirements and clearly articulated goals?
  - (3) are appropriate adult learning strategies used that will support program effectiveness?
  - (4) is there a range of learning opportunities that address areas of need, diversity, skills, and refinement?
  - (5) how are data related to student learning to be used to determine goals and assessment outcomes?
  - (6) how is collaboration among administrators and teachers embedded in the PD process? [6.65.2.10 NMAC S N, 06S30S06]

**HISTORY OF 6.65.2 NMAC: [RESERVED]**

## Tool 7: District BMEPS' Self Appraisal Checklist In NOVA

Self Appraisal Checklist—State Data Reporting in NOVA <sup>5</sup>		
<b>CHECKLIST FOR IDENTIFYING STATE FUNDED BMEP</b>	<b>Yes</b>	<b>No</b>
The district has entered bilingual education program (BEP) code(s) in <i>Programs Code</i>	<input type="checkbox"/>	<input type="checkbox"/>
The district has entered BEP code(s) in <i>Participation Info Code</i>	<input type="checkbox"/>	<input type="checkbox"/>
The district has entered BEP code(s) in <i>Course Instructor</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>CHECKLIST FOR REPORTING NUMBER OF STUDENTS AND PROGRAM HOURS IN BMEP</b>	<b>Yes</b>	<b>No</b>
The district has verified that the number of students reported as participating in BEP at each school site matches the projected numbers on the approved application within +/-10%	<input type="checkbox"/>	<input type="checkbox"/>
The district has verified program participation <i>Numbers</i> with the individual school site principals	<input type="checkbox"/>	<input type="checkbox"/>
The district has verified program participation <i>Hours</i> with the individual school site principals	<input type="checkbox"/>	<input type="checkbox"/>
The district has reported the number of students in BEPs at each school site in the district	<input type="checkbox"/>	<input type="checkbox"/>
The district has reported the number of BEP hours per student at each school site in the district	<input type="checkbox"/>	<input type="checkbox"/>
<b>CHECKLIST FOR REPORTING COURSE INSTRUCTORS IN BMEP</b>	<b>Yes</b>	<b>No</b>
The district has verified course instructors serving in BEPs with the individual school site principals	<input type="checkbox"/>	<input type="checkbox"/>
The district has verified whether the students reported as participating in BEPs at each school site have been matched to the correct course instructor	<input type="checkbox"/>	<input type="checkbox"/>
The district has reported an “8” in the 5 <sup>th</sup> digit of the course code, when applicable, to denote that a bilingual endorsement is required because it is part of state funded BEP	<input type="checkbox"/>	<input type="checkbox"/>
<b>CHECKLIST FOR REPORTING COURSES IN BMEP</b>	<b>Yes</b>	<b>No</b>
The district has verified that BEP courses are reported with the correct course codes with the individual school site principals	<input type="checkbox"/>	<input type="checkbox"/>
The district has verified that BEP courses are reported with correct course codes at the secondary level	<input type="checkbox"/>	<input type="checkbox"/>
The district has verified that BEP courses at the elementary level are reported with one course code only	<input type="checkbox"/>	<input type="checkbox"/>

<sup>5</sup> **Note:** District BME directors and NOVA coordinators are accountable for the accuracy of data submitted on state funded BMEPs within NOVA

## Tool 8: BMEP Onsite Documentation Review

BMEP ONSITE DOCUMENTATION REVIEW FORM <sup>6</sup>		
District:	School:	Principal:
Date:	Superintendent:	Bilingual Director:
<b>DISTRICTS SELECTED FOR A BMEP ONSITE REVIEW MUST SUBMIT AND/OR PROVIDE:</b>		
Item		Notes
<input type="checkbox"/>	Verification that BMEP has identified, prioritized, and served K–3 and EL students	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	Home/heritage language proficiency data and analysis	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	English language proficiency data (ACCESS for ELLS®) and analysis	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	Academic proficiency data (e.g., PARCC, Istation, short-cycle tests), assessment data, and analysis	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	PAC documentation	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	BMEP models and instructional time	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	PD documentation	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	Evidence that PD is effective	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	Standardized curriculum and instruction used in BMEPs	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	Verification of BMEP teachers' licensure and endorsements	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	If applicable, documented concerns of parents, community, and others including OCR complaints	<a href="#">Click here to enter text.</a>
<input type="checkbox"/>	Evidence of local level BMEP evaluation	<a href="#">Click here to enter text.</a>

<sup>6</sup> **Note:** Have this form completed and available for onsite reviews. This onsite document review can be completed in word and printed out in grayscale to conserve on ink.

## Tool 9: BMEP Monitoring Checklist

### BMEP Monitoring Checklist Form

District:	School:	Principal:							
Date:	Superintendent:	Bilingual Director:							
<b>I. Program Goals</b>									
<b>Item</b>					<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1. BMEP goals and instruction are driven by the district/school WebEPSS.					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The program is clearly articulated from district to school site to classroom.					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>II. Program Eligibility</b>									
<b>Item</b>				<b>Evidence</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
1. The school provides for the educational needs of linguistically and culturally different students, including Native American children and other students who wish to participate. The program serves students in K–12, with priority given to students and programs in K–3.				Click here to enter text.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Students in grades K–3 are given priority.					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The number of students who participate in categories A, B, C, and other (below):									
Category A: Monolingual in a language other than English (ELs) Entering Level (ACCESS for ELLs)				Enter EL Counts					
Category B: Partial Proficiency of English (ELs) Beginning, Developing, Expanding levels (ACCESS for ELLs)				Beginning: Enter EL Counts	Developing: Enter EL Counts	Expanding: Enter EL Counts			
Category C: FEP students are eligible to participate in one or two-hour programs. FEP students can also participate in three-hour DLI programs. Number of students in Bridging and Reaching levels (ACCESS for ELLs).				Bridging: Enter EL Counts	Reaching: Enter EL Counts				
Other students who may wish to participate. These students meet the following criteria: 1. FEP status and/or Home Language Survey = English; 2. parent approval is given in writing; and 3. funds are still available after first meeting the needs of EL students.				Click here to enter other EL counts					
4. The home, heritage, or target language(s) used as language of instruction. Below check those languages that apply. <b>Note:</b> Spanish as a foreign language and/or world language is not funded by the State.									
<input type="checkbox"/>	ASL (American Sign Language)	<input type="checkbox"/>	English	<input type="checkbox"/>	Keres	<input type="checkbox"/>	Tewa	<input type="checkbox"/>	Towa
<input type="checkbox"/>	Diné (Navajo)	<input type="checkbox"/>	Jicarilla (Apache)	<input type="checkbox"/>	Spanish	<input type="checkbox"/>	Tiwa	<input type="checkbox"/>	Zuni
5. What are the procedures to ensure that parental notification is given annually prior to program placement?				Click here to provide process.					
6. PAC minutes and evidence of PAC membership are available.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. The teacher delivering the program is appropriately endorsed.				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

III. Program Instruction						
Item	Evidence	1	2	3	4	5
8. The number (#) of observed students in the program corresponds with the # of students in the approved application and NOVA.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Curriculum is aligned with NM content standards and benchmarks. (e.g., English language instructional strategies; MCNL).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. There is evidence that curriculum is organized and sequential— scope & sequence		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. There is agreement between the approved program and the program observed at the school, specifically relating to the time factors.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. The language arts instruction in the home language is delivered through a full immersion approach.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. The ESL/ELD instruction is delivered through a full immersion approach (translation is avoided).	<a href="#">Click here to enter text.</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Student culture is valued and acknowledged in the classroom environment.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Instructional resources are available to support the program(s) (e.g., library, computer lab).	<a href="#">Click here to enter text.</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IV. Program PD						
Item	Evidence	1	2	3	4	5
16. There is evidence that PD activities involve all district personnel.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. There is evidence that PD activities address BME and EL needs.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. There are clearly defined steps taken by the district to recruit effective staff for its BMEP.	<a href="#">Click here to provide process.</a>					
19. A clearly defined process to identify the PD needs of staff is in place.	<a href="#">Click here to provide process.</a>					
20. Feedback is solicited from all BMEP staff, administration, PAC, and other stakeholders.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. The district provides PD for all teachers and the instructional staff to ensure that BMEP staff is trained.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. PD for BMEP teachers and staff is regular and appropriate to support bilingual programs.	<a href="#">Click here to provide recent PD dates.</a>					
23. PD follow-up and feedback are delivered regularly.	<a href="#">Click here to Provide Schedule.</a>					
24. The district ensures and provides that teachers participate in the PD opportunities necessary for improving their effectiveness in the BMEP?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. There is a process in place to evaluate and measure change in teacher knowledge and skill resulting from the PD.	<a href="#">Click here to provide process.</a>					
26. The district measures the effect that the PD has on student performance. Provide that process and tools of evaluation.	<a href="#">Click here to provide process and tools.</a>					
V. Program Assessment						
Item		1	2	3	4	5
27. Longitudinal data on student academic and language proficiency is available at the school and in the classroom.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. There is evidence that the program utilizes short-cycle assessments to inform instruction (e.g., running records, Texas Primary Reading Inventory—TPRI)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Evidence of data analysis and disaggregation by subgroups is available.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



30. The district/school has a systematic plan to evaluate program effectiveness and student progress in the languages of instruction.		<a href="#">Click here to provide process.</a>				
31. Student language proficiency (English/home language), home language survey, and parent notification records are up-to-date and available.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>VI. Program Evaluation</b>						
<b>Item</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
32. Information collection practices support a valid and objective appraisal of program success.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. Observational information includes NMTEACH observation protocols as well as a review of records.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
34. The appropriate data is maintained so that the success of district programs can be measured in terms of student performance.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Longitudinal data is used for evaluation, which includes comparing data for ELs, RFEPs, and IFEPs in the standard instructional program over time.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. The data is organized and accessible, enabling district/school/ teachers to evaluate student performance outcomes over time and to follow the performance of students after they have exited from EL status.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37. In the following list of indicators, check the data used for evaluating BMEPs.						
<input type="checkbox"/>	Attendance and mobility rates	<input type="checkbox"/>	Retention in grade			
<input type="checkbox"/>	Enrollment rates in PreK, magnet, and other programs	<input type="checkbox"/>	Scores on annual ELP assessment (ACCESS for ELLs)			
<input type="checkbox"/>	Extracurricular programs' participation rates	<input type="checkbox"/>	Scores on state and local assessments			
<input type="checkbox"/>	Grades in content courses	<input type="checkbox"/>	Special education and related services participation rates			
<input type="checkbox"/>	Graduation and drop-out rates	<input type="checkbox"/>	Additional indicators of college and career readiness			
<b>Item</b>		<b>Evidence</b>				
38. There is staff charged with researching the available options.		<a href="#">Click here to provide staff.</a>				
39. The evaluation process is structured so that the district can determine if the program is effective and is then able to identify and address areas that require improvement. Provide a timeline.		<a href="#">Click here to provide Timeline.</a>				
40. There is a process for designing and implementing programmatic changes in response to concerns identified through the evaluation process.		<a href="#">Click here to provide process.</a>				
41. There is a process in place to account for information from stake- holders and persons responsible for implementing recommended changes.		<a href="#">Click here to provide process.</a>				

## Tool 10: Bilingual Director and Principal Interview Questions

BMEP Director and Principal Interview Questions											
District:			School:			Principal:					
Date:			Superintendent:			Bilingual Director:					
I. BMEP GOALS											
Interview Questions						Responses					
What are the BMEP goals and instruction that are driven by the district/school WebEPSS?						Click here to enter text.					
How is the program clearly articulated from district to school site, to the classroom?						Click here to enter text.					
II. BMEP ELIGIBILITY											
How does the school provide for the educational needs of linguistically and culturally different students, including Native American and other students wanting to participate in K–12, with priority given to programs and students in grades K– 3?						Click here to enter text.					
What grades are given priority?						Click here to enter text.					
How many students participate in categories A, B, C, and other as listed below.											
Category A: EL students who are monolingual in a language other than English and who are at the Entering level (as determined by ACCESS for ELLs©).						Click to text here enter					
Category B: EL students with partial proficiency in English at the Beginning, Developing, and Expanding levels (as determined by ACCESS for ELLs).						Beginning: Enter EL Counts		Developing: Enter EL Counts		Expanding: Enter EL Counts	
Category C: FEP students who are eligible to participate in one or two-hour programs and can participate in three-hour DLI programs. They learn at the Bridging and Reaching levels (as determined by ACCESS for ELLs).						Bridging: Enter EL Counts		Reaching: Enter EL Counts			
Other students who may wish to participate. These students meet the criteria: 1. FEP status and/or Home Language Survey = English; 2. parent approval is given in writing; and 3. funds are still available after first meeting the needs of EL students.						Click to text here enter					
What home, heritage, or target language(s) are used as language of instruction?											
American Sign Language (ASL)		English		Keres		Tewa		Towa			
Diné (Navajo)		Jicarilla (Apache)		Spanish		Tiwa		Zuni			
Are PAC agendas, minutes, and list of members available?						Click here to enter text.					
What are the procedures to ensure that parental notification is given annually prior to program placement?						Click here to enter text.					
Is the teacher delivering the program appropriately endorsed?						Click here to enter text.					
III. BMEP Instruction											
Does the number of observed students in the program correspond with the number of students in the approved application and NOVA?						Click here to enter text.					
Is district curriculum aligned with NM content standards and benchmarks (ELD instructional strategies, ELA, MCNL, and other content areas)?						Click here to enter text.					

Is there evidence that curriculum is organized and sequential (scope and sequence)?	<a href="#">Click here to enter text.</a>
Is there agreement between the approved program and the program observed at the school, specifically relating to time allotted to instruction?	<a href="#">Click here to enter text.</a>
Is the language arts instruction in the home language delivered through a full immersion approach?	<a href="#">Click here to enter text.</a>
Is the ESL/ELD instruction delivered through a full immersion approach (i.e., translation is avoided)?	<a href="#">Click here to enter text.</a>
Is student culture valued and acknowledged in the classroom environment?	<a href="#">Click here to enter text.</a>
Are instructional resources available to support the program(s), e.g., library, computer lab?	<a href="#">Click here to enter text.</a>
<b>IV. BMEP Professional Development (PD)</b>	
Can you provide evidence that PD activities involve all district personnel?	<a href="#">Click here to enter text.</a>
Is there a clearly defined process to identify the PD needs of the staff?	<a href="#">Click here to enter text.</a>
Can you provide evidence that PD activities address BME?	<a href="#">Click here to enter text.</a>
How does the district ensure that teachers participate in the PD opportunities necessary for improving their effectiveness with ELs?	<a href="#">Click here to enter text.</a>
Does the district provide PD for all teachers and other instructional staff to ensure that staff is trained in the EL program and/or service?	<a href="#">Click here to enter text.</a>
When was the last PD for teachers and staff to support ELs?	<a href="#">Click here to enter text.</a>
How is feedback from PD sessions solicited and from whom?	<a href="#">Click here to enter text.</a>
How often are PD follow-up and feedback opportunities provided?	<a href="#">Click here to enter text.</a>
What is the process to evaluate/measure change in teacher knowledge and skill resulting from the PD?	<a href="#">Click here to enter text.</a>
How does the district measure if the PD is resulting in the desired change in student performance?	<a href="#">Click here to enter text.</a>
<b>V. BMEP Assessment</b>	
Is longitudinal data on student academic and language proficiency available at the school and in the classroom?	<a href="#">Click here to enter text.</a>
Can you provide evidence that the program utilizes short-cycle assessments to drive instruction (e.g., running records, etc.)?	<a href="#">Click here to enter text.</a>
Can you provide evidence of data analysis and disaggregation by subgroups?	<a href="#">Click here to enter text.</a>
Can you provide current student language proficiency records (English/home language), home language survey, and parent notification?	<a href="#">Click here to enter text.</a>
What is the district's/school's systematic plan to evaluate program effectiveness and student progress in the languages of instruction?	<a href="#">Click here to enter text.</a>
<b>VI. BMEP Evaluation</b>	
How do information collection practices support a valid and objective appraisal of program success?	<a href="#">Click here to enter text.</a>
In what ways is observational information—such as the NMTEACH observation protocol and a review of records—used to improve instruction?	<a href="#">Click here to enter text.</a>

What data is maintained, so the success of district programs can be measured in terms of student performance?	Click here to enter text.
How is the longitudinal data of ELs, RFEPs, and IFEPs used for evaluation of the standard instructional program over time?	Click here to enter text.
How is the data organized and made accessible to district/schools/ teachers, so student performance outcomes can be evaluated over time? Additionally, how is the performance of students, after they have exited from EL status?	Click here to enter text.
In the following list, check the data used for evaluating BMEPs:	
Attendance and mobility rates	Retention in grade
College readiness programs participation, such as Avid	Scores on annual English proficiency assessment (ACCESS for ELLs)
Enrollment rates in PreK, magnet, and other programs	Scores on state and local assessments
Extracurricular programs participation rates	Special education and related services participation rates
Grades in content courses	Suspension rates
Graduation and drop-out rates	Additional indicators of college and career readiness
Who is charged with researching the available options?	Click here to enter text.
How is the evaluation process structured so that the district can determine if the program is effective, so areas requiring improvement can be identified and addressed? Provide a timeline for the evaluation process.	Click here to enter text.
What is the established process for designing and implementing programmatic changes in response to concerns identified through the evaluation process?	Click here to enter text.
How does this process take into account information provided by stakeholders and persons responsible for implementing recommended changes?	Click here to enter text.
What are the clearly defined steps taken by the district to recruit effective staff for its BMEP?	Click here to enter text.

## Tool 11: Parent of Student in BMEP Interview Questions (English)

BMEP PARENT INTERVIEW QUESTIONS <sup>7</sup>					
District Name		Click here to enter text.			
School Name		Click here to enter text.			
Classes	Click here to enter text.	Grades	Click here to enter text.	# of students	Click here to enter text.
Questions				Responses	
What BMEP models are utilized at your child's school?				Click here to enter text.	
What are the program goals for your child?				Click here to enter text.	
Does the school/teacher have systems in place that give you an overview of the curriculum (regarding content and language)?				Click here to enter text.	
Do you have a copy of the curriculum so you know when various concepts, topics, and skills are going to be taught and in what language?				Click here to enter text.	
How do you know that the program your child is enrolled in is meeting his/her academic and language needs?				Click here to enter text.	
How does your child's teacher communicate your child's academic progress across the content areas and languages?				Click here to enter text.	
In terms of curriculum and instruction, what does this school do best? What does it need to improve?				Click here to enter text.	
(a) How does the school involve parents in making decisions about the bilingual education program in which students participate? (b) Are opportunities or activities provided for you and your family to get more involved with your child's learning?				Click here to enter text.	
(a) Do you participate on the BMEP PAC? (b) How does the school involve parents in making decisions about the BMEP in which their students participate?				Click here to enter text.	
Strengths:				Click here to enter text.	
Areas for Improvement/Next Steps:				Click here to enter text.	

<sup>7</sup> **Note:** Not for use when evaluating school personnel.

## Tool 12: Parent of Student in BMEP Interview Questions (Spanish)

BMEP PARENT INTERVIEW QUESTIONS—SPANISH <sup>8</sup>					
District Name	Click here to enter text.				
School Name	Click here to enter text.				
Classes	Click here to enter text.	Grades	Click here to enter text.	# of Students	Click here to enter text.
Preguntas				Respuestas	
¿Qué modelos de programa de educación bilingüe se utilizan en la escuela de su hijo?				Click here to enter text.	
¿Cuáles son las metas del programa en el cual su hijo/a participa?				Click here to enter text.	
¿Tiene la escuela/maestra sistemas existentes que le dan una visión general del plan de estudios (en relación con el contenido y el idioma)?				Click here to enter text.	
¿Sabe cuándo se están enseñando o cuándo se enseñaran distintos conceptos, temas y destrezas y en qué idioma?				Click here to enter text.	
¿Cómo sabe que este programa específico satisface las necesidades académicas y lingüísticas de su hijo?				Click here to enter text.	
¿De qué manera se comunica el maestro de su hija/o sobre su progreso académico a través de las áreas de contenido e idiomas?				Click here to enter text.	
En términos de currículo e instrucción, ¿qué es lo que mejor hace esta escuela? ¿Qué necesita mejorar?				Click here to enter text.	
(a) ¿Cómo involucrar la escuela a los padres en la toma de decisiones sobre el programa de educación bilingüe en el que participan los estudiantes? (b) ¿Hay oportunidades o actividades proporcionadas a los padres y familiares para involucrarse más con el aprendizaje de su hijo/a?				Click here to enter text.	
(a) ¿Participa usted en el consejo asesor de padres designado para el programa de educación bilingüe? (b) ¿De qué manera involucra la escuela a los padres en la toma de decisiones sobre el programa de educación bilingüe en el que participan los estudiantes?				Click here to enter text.	
Strengths: Click here to enter text.					
Areas for Improvement/Next Steps: Click here to enter text.					

<sup>8</sup> **Note:** Not for use when evaluating school personnel.

## Glossary of Terms & Acronyms

This glossary of terms and acronyms includes terms used, not only in this manual, but in the all manuals located on the [LCD website](#).

Terms/Acronyms	Interpretation
ACCESS for ELLs©	State-wide, standards-based, criterion-referenced English language proficiency (ELP) assessment designed to annually measure K–12 English language learners’ social and academic proficiency in English.
Alternate ACCESS	The annual large-print ELP assessment is administered individually to students in grades 1-12 who are identified as ELs with the most significant cognitive disabilities. This assessment is paper based.
Asylee	Asylees are individuals who, on their own, travel to the United States and subsequently apply for or receive a grant of asylum. Asylees do not enter the United States as refugees. They may enter as students, tourists, on business, or with “undocumented” status. U.S. Department of Health and Human Services [HHS], n.d.a
BAR	Budget Adjustment Request. Requests for net increases and decreases to the budget that may include increases due to new grant funds and decreases due to the need to reduce appropriations to keep spending within available revenues—BARs must be approved by designated authority prior to posting as a budget adjustment.
Bicultural	Identifying with the cultures of two different cultural groups—to be bicultural is not necessarily the same as being bilingual, and vice versa.
Bilingualism	Refers to the ability to command two languages existing on a continuum of language skills.
Biliteracy	The ability to effectively communicate or understand thoughts and ideas through two language systems and vocabularies, using both written symbols (Hargett, 1998).
BMEAC	Refers to the BME Advisory Council that has been created in the BME Act to advise the Secretary and NMPED staff on the effective implementation of the BME Act.
BMEB	The Bilingual Multicultural Education Bureau of the NMPED that worked to ensure the implementation of the provisions of the State’s Bilingual Multicultural Education Act (2004) and Title III, English Language Acquisition of the ESEA. Please see LCD.
BMEPs	Bilingual Multicultural Education Programs that provide instruction in, and the study of, English and the home/heritage language of the student. It may also include the delivery of the content areas in the home/heritage language and English, and it incorporates the cultural heritage of the child into specific aspects of the curriculum.
CCSS	Means Common Core State Standards. The state-led effort to develop the Common Core State Standards was launched in 2009 by state leaders— including governors and state commissioners of education from 48 states, two territories, and the District of Columbia— through their membership in the National Governors Association Center for Best Practices (NGA Center) and the Council of Chief State School Officers (CCSSO).
CLD	CLD students who are of a different cultural background than dominant United States culture and who may have inherited a home/heritage language other than English from their family, tribe, or country of origin.
Content Areas	All subject matter areas of the school’s curriculum, as defined in the NM Standards for Excellence, 6.29.1-11 NMAC, Content Standards and Benchmarks. It especially refers to the core content areas— language arts, math, science and social studies.



Terms/Acronyms	Interpretation
Culture	Deep patterns of values, beliefs, practices and traditions that have been compiled and normalized over a period of time, setting the standard for what is normal and expected (Muhammad & Hollie, 2012). This socially acquired knowledge may be learned and is shared among individuals in the home, community, and/or institutions.
DFA	Department of Finance Administration
DHEW	Department of Health, Education, and Welfare
District	A unit for administration of a public-school system often comprising several towns within a state—excluding state charter schools (each its own district).
DTC	A district or charter test coordinator who is a licensed school instructor, counselor, student success advisor, or administrator in a school district, charter school, state educational institution, or bureau of Indian education school (BIE) designated by the district superintendent, charter administrator, or governing authority of a state educational institution or BIE school with the overall responsibility for distributing and administering standardized tests, training school personnel in test security matters, etc.
DLI	Dual Language Immersion. A BMEP model designed to develop proficiency in two languages.
DOE	the US Department of Education. This is the agency of the federal government that establishes policy for and administers and coordinates most federal assistance to education. It assists the president in executing his education policies for the nation and in implementing education laws enacted by Congress.
EEOA	the Equal Educational Opportunities Act of 1974. It is a US federal law that prohibits discrimination against faculty, staff, and students—including racial segregation of students—and requires school districts to take action to overcome barriers to students' equal participation.
EL	English learners. These are students whose home/heritage language influence is not English, and who are unable to speak, read, write, and understand English at a level comparable to their grade-level English proficient peers, as determined by objective measures of proficiency. The term <i>EL</i> replaces <i>ELL</i> .
ELD	English Language Development and refers to instruction designed specifically for ELs to further develop their listening, speaking, reading, and writing skills to achieve ELP.
ELD Standards	State-adopted ELD standards under <a href="#">6.29.5 NMAC</a> .
ELL	English Language Learner. See EL above.
ELP	English language proficiency.
ELA	English Language Acquisition. See Title III and LIEP
Enrichment	A BMEP model designed to further develop the home language of fully English proficient students.
EPSS	Educational Plan for Student Success—a long-range plan for improvement that is developed by individual schools and districts
ESEA	The Elementary and Secondary Education Act of 1965 (ESEA). The act is an extensive federal statute that funds primary and secondary education. It also emphasizes equal access to education and establishes high standards and accountability. In addition, it aims to shorten the achievement gaps between students by providing each child with fair and equal opportunities to achieve an exceptional education. As mandated in the act, the funds are authorized for professional development, instructional materials, resources to support educational programs, and parental involvement promotion.

<b>Terms/Acronyms</b>	<b>Interpretation</b>
ESL	English as a Second Language. It is an educational approach in which EL students are provided explicit instruction in the use of the English language. Instruction is based on a targeted curriculum that focuses on English language learning (not subject matter content). ESL is traditionally taught as a separate course for ELs only.
ESSA	Every Student Succeeds Act (ESSA) reauthorizes the ESEA of 1965 and was signed into law by President Obama December 10, 2015. ESSA will replace the No Child Left Behind Act of 2001. The transition to full implementation of ESSA will take place over SYs 2015–2016 and 2016–2017, with full implementation expected in SY 2017–2018.
FEP	Fluent English Proficient. See IFEP and/or RFEP.
Formal Education	Formal Education is education that is institutionalized, intentional and planned through public organizations and recognized private bodies and – in their totality – constitute the formal education system of a country. Formal education programs are thus recognized as such by the relevant national education authorities or equivalent authorities, e.g., any other institution in cooperation with the national or sub-national education authorities. Formal education consists mostly of initial education. Vocational education, special needs education and some parts of adult education are often recognized as being part of the formal education system. (Unesco Institute for Statistics, 2012).
Heritage Language	A BMEP model designed to support and revitalize a student’s heritage language and culture through oral and written communication; for Native American languages that are oral only, the literacy component shall be measured only in the skill areas or domains of listening, speaking and comprehension.
Heritage Language	The language other than English that is inherited from a family, tribe, community, or country of origin—whether the student is proficient in the language.
Heritage Speaker	A student whose first (dominant) language is English and home/heritage language(s) include both English and a language(s) other than English. Heritage speakers may be initially classified as either IFEP or EL as a result of the language screening.
Home Language	A language other than English that is the primary or heritage language spoken at home or in the community
IEP	Individualized Education Program as required by the Individuals with Disabilities Education Act. An IEP is a legal document that spells out a child’s learning needs, the services and accommodations the school will provide, and how progress will be measured.
IFEP	Initial Fluent English Proficient, formerly known as “never ELL”. May refer to a student whose language usage survey indicated that there is no influence of languages other than English in the student’s home (Native English speaker) OR it may refer to a student who scored proficient on the English language proficiency screener (WIDA Screener for Kindergarten or WIDA Screener for Grades 1-12).
Immigrant Children & Youth	Individuals who are aged 3 through 21, were not born in any U.S. state (including District of Columbia and the Commonwealth of Puerto Rico) and have not been attending one or more schools in any one or more states for more than three full academic years.
L1	Home or Primary Language is the language, other than English, spoken at home. The following terms are interchangeable: first language (L1), native language, primary language, mother tongue and/or home language. May include heritage language.
L2	Second Language is used in several ways and can refer to the second language learned. (Harris & Hodges, R.E., 1995).
Language Acquisition	The process of acquiring a language.

<b>Terms/Acronyms</b>	<b>Interpretation</b>
Language Majority	A person or language community that is associated with the dominant language of the country.
Language Proficiency	Measure of how well an individual can speak, read, write, and comprehend a language comparable to the standard expected for native speakers of the language. Language proficiency is composed of oral (listening and speaking) and written (reading and writing) components, as well as academic and non-academic language and comprehension of said language. The methods and assessments used for measuring language proficiency are varied. Language proficiency is an agreed-upon construct dependent on tribes, communities, and/or institutions.
LCD	Language and Culture Division of the NMPED that works to, meet federal obligations to ELs by providing policy and guidance on EL programs, leverage Title III Subgrants to maximize positive outcomes for ELs and Immigrant students, implement state-funded BMEPs, provide effective World Language instruction, provide guidance on the Seal of Bilingualism-Biliteracy on the NM Diploma of Excellence, and implement Culturally and Linguistically Responsive Instruction.
LEA	Local Education Agency. Synonymous with a local school system—usually a local school district or a state charter school—indicating that a public board of education or other public authority maintains administrative control of the public schools in a city or county.
LEP	Limited English Proficient is the term previously used by the federal government to identify those students who have insufficient English to succeed in English-only classrooms. The term English learner (EL) replaces LEP.
LIEP	Language Instruction Educational Programs and refers to instructional programs that assists ELs and immigrant students to attain English language 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.
LOTE	A Language Other Than English
LUS	Language Usage Survey—a survey designed to identify LOTEs in a student’s background to determine if language screening is necessary, as federally required.
Maintenance	A BMEP model designed to develop and maintain proficiency and literacy in the home language while developing a student’s literacy and oral skills in English.
MCNL Endorsement	Means the modern, classical, and Native language endorsement available to licensed New Mexico teachers
Multilingualism	Refers to the ability to command three or more languages existing on a continuum of language skills.
NALC Certificate	Native American language and culture certificate available to tribally approved proficient speakers of the tribe’s language and/or licensed NM teachers
Native English speaker	A student whose first and home language is English OR a student whose first (dominant) language is English and home/heritage language(s) include both English and language(s) other than English. <i>See related: home/heritage language, heritage speaker.</i>
Native Language	See home language and L1.
NCLB	The No Child Left Behind Act. This act authorized several federal education programs that are administered by the states. The law was a reauthorization of the ESEA. Under the 2002 law, states were required to test students in reading and math in grades 3–8 and once in high school. This law required data disaggregation by sub-groups, including ELs and Students with Disabilities for the first time since the ESEA was enacted in 1965.

Terms/Acronyms	Interpretation
Newcomer	Newcomers refers to any foreign-born students and their families who have recently arrived in the United States. Throughout our country's history, people from around the world have immigrated to the United States to start a new life, bringing their customs, religions, and languages with them. The United States is, to a great extent, a nation of immigrants. Newcomers play an important role in weaving our nation's social and economic fabric, and U.S. schools play an important role in helping newcomers adapt and contribute as they integrate into American society. (USDE EL Toolkit, 2017).
NMAC	New Mexico Administrative Code
NMPED	New Mexico Public Education Department
NMSBA	New Mexico Standards-Based Assessment
NOVA	The new state reporting system used by LEAs to report data to the NMPED.
OBMS	Operating Budget Management System. This is the required on-line system for data entry of accounting and budgeting information to be used by New Mexico public and charter school districts using the Uniform Chart of Accounts (UCOA).
OCR	The USDE Office for Civil Rights has responsibility for enforcing Title VI of the Civil Rights Act of 1964.
OELA	The USDE Office of English Language Acquisition provides national leadership to help ensure that English learners and immigrant students attain English proficiency and achieve academic success.
Opt Out	A parent's right to refuse particular services or program participation. A parent CANNOT refuse or opt out of EL status or the ACCESS for ELLs <sup>®</sup> ELP assessment conducted annually.
PAC	A Parent Advisory Committee, required by BME statute (NMSA 22-23) and regulation (6.32.2 NMAC), is a group of parents' representative of the language and cultural of the students to assist and advise in the development, implementation, and evaluation of the program.
Parent	Parent, foster parent, or legal guardian.
PD	Professional Development. It is the continuous process of acquiring new knowledge and skills that relate to one's profession, job responsibilities, or work environment.
PED	Public Education Department, also NMPED
Refugee	A refugee is a person who has fled his or her country of origin because of past persecution or a fear of future persecution based upon race, religion, nationality, political opinion, or membership in a particular social group. (U.S. Citizenship and Immigration Services, 2015).
RFEP	Reclassified Fluent English Proficient, formerly known as <i>exited ELL</i> . It refers to a student who has reached proficiency in the annual ELP assessment and is thus no longer classified as an EL.
RfR	Request for Reimbursement. An RfR is a method of cost reimbursement where districts, state charter schools, fiscal agents, etc. are reimbursed through the NMPED for allowable expenses charged to a certain program/fund and that do not exceed the limitations of their approved budgets for that program/fund.
SAT	Student Assistance Team. It is a school-based group of people whose purpose is to provide additional support to students who are experiencing academic or behavioral difficulties that are preventing them from benefiting from general education, because they are either performing below or above expectations.

Terms/Acronyms	Interpretation
SBAC	Formally the State Bilingual Advisory Council; currently the BMEAC. It was an ad hoc group that advised the NMPED through the LCD on all matters pertaining to bilingual multicultural education.
School Board	A local school board means the locally elected, policy-setting body of a school district. Its members serve four-year terms and can be re-elected indefinitely.
SEA	State Education Agency. It is the state-level government agency within each state responsible for providing information, resources, and TA on educational matters to schools and residents.
SEG	State Equalization and Guarantee which is also known as the NM public school funding formula. This applied school funding formula determines an equitable distribution of funds that are allocated state-wide in order to equalize educational opportunity for all children in NM.
SGTs	School Growth Targets and refers to the state academic proficiency annual targets based on student performance on standards-based assessments.
SHARE	Statewide Human Resources, Accounting, and Reporting System. It is the employee platform for managing processes and procedures related to human resources, accounting, and finances.
SharePoint®	The NMPED's electronic database platform for completing and submitting applications and annual reporting.
Sheltered Instruction	This approach integrates the development of ELP and the acquisition of grade-level academic content area knowledge and academic skills.
SPED	Special Education as part of the Individuals with Disabilities Education Act.
Standardized Curriculum	District curriculum that is aligned with the state academic content standards, benchmarks, and performance standards
SY	School Year. The abbreviation is used when discussing specific school years.
TA	A licensed school instructor, counselor, student success advisor, administrator, or instructional support provider in a school district, charter school, state educational institution, or BIE education school with the responsibility of <i>administering tests</i> under the guidelines outlined in 6.10.7 NMAC
TAFM	Technical Assistance and Focused Monitoring. This is the approach of the LCD to support district/state charters conduct required self-monitoring to evaluate whether their EL Program, use of Title III Funding, and BMEP are producing results.
TESOL Endorsement	Teachers of English to Speakers of Other Languages is an endorsement given to elementary- and secondary-licensed teachers qualified to teach ESL classes.
Title I	Title I is supplemental federal funding provided to local school districts to improve the academic achievement of disadvantaged students. It is part of the Elementary and Secondary Education Act first passed in 1965.
Title II	Title II is supplemental federal funding provided to local school districts to improve educator quality and for teacher development (PD).
Title III	Title III is supplemental federal funding provided through formula-based subgrants for eligible districts/state charters to assist in increasing the ELP and academic achievement of its current ELs.
Title III-Immigrant	Competitive subgrants used to enhance instructional opportunities for districts experiencing significant increases in immigrant children and youth
Title VI	Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance.

<b>Terms/Acronyms</b>	<b>Interpretation</b>
Transitional	A BMEP model designed to develop skills in the home language and culture while developing continued skills and proficiency in English.
Two-Way, BMEPs	See dual language immersion.
Tydings Amendment	The statutory authority for the period for obligating and expending carryover funds is the <i>Tydings Amendment</i> , section 412(b) of the General Education Provisions Act (GEPA), 20 U.S.C. 1225(b).
WIDA Screener (K-12)	The department approved ELP screening tests used in the EL identification process.
WIDA	A multi-state consortium that has developed a proprietary ELD standards framework for language learning, aligned assessments, resources, and provides professional development opportunities that support educators of language learners.



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