

State-Tribal Collaboration Act Annual Report

July 31, 2018



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Education



The State of New Mexico
State-Tribal Collaboration Act
Annual Report
July 2018

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Governor

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Required Notice

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Introduction

The New Mexico Public Education Department (PED)—through its various divisions and bureaus—has been actively engaged with pueblos, tribes, nations, and the school districts serving American Indian students. The purpose of this report is to provide information required by the Indian Education Act and State-Tribal Collaboration Act to stakeholders involved with Indian education in New Mexico. The PED remains committed to ongoing collaboration and communication with the pueblos, tribes, nations, and urban Native American communities in New Mexico.

Statutory Requirement

The State-Tribal Collaboration Act is a regulatory requirement located at **Subsection C of Section 18.11.1 NMSA 1978** and requires that the PED issue this report. This section describes the laws and rules that apply to the State-Tribal Collaboration Act in relevant part as follows:

No later than July 31 of every year, a state agency shall submit a report to the Indian Affairs Department on the activities of the state agency pursuant to the State-Tribal Collaboration Act, and the Indian Affairs Department shall compile all such reports for submittal to the governor and to the legislature. The report shall include

- (1) the policy the state agency adopted pursuant to the State-Tribal Collaboration Act;
- (2) the names of, and contact information for, the individuals in the state agency who are responsible for developing and implementing programs of the state agency that directly affect American Indians or Alaska Natives;
- (3) the current and planned efforts of the state agency to implement the policy set forth in Subsection A of Section 3 of the State-Tribal Collaboration Act;
- (4) a certification by the state personnel office of the number of managers and employees of each state agency who have completed the training required by Subsection B of this section;
- (5) a description of current and planned programs and services provided to, or directly affecting, American Indians or Alaska Natives and the amount of funding for each program; and
- (6) the method the state agency established for notifying employees of the state agency of the provisions of the State-Tribal Collaboration Act.

The Policy the PED Adopted Pursuant to the State-Tribal Collaboration Act

On July 8, 2016, the PED approved and adopted its Collaboration and Communication Policy in compliance with the State-Tribal Collaboration Policy. Implementation of the policy requires a constant and ongoing government-to-government relationship between the tribes, pueblos, and nations of New Mexico and the PED. The many collaborative outreach activities with tribes and pueblos are a reflection of the PED's commitment to engage in meaningful dialogue that improves the opportunities for American Indian students to succeed both academically and culturally.



Tribal Liaison

Per the State-Tribal Collaboration Act, the PED Interim Assistant Secretary of Indian Education, De Alva Calabaza, is the Tribal Liaison for the agency in 2017–2018. The Tribal Liaison is defined in the PED Collaboration and Communication Policy as an individual designated by the agency to

- i. assist with developing and ensuring the culturally appropriate implementation of this policy;
- ii. serve as a contact person responsible for maintaining ongoing communication between the agency and affected tribes; and
- iii. ensure that training is provided to the agency staff.

Indian Education Advisory Council

Pursuant to the Indian Education Act, the PED Communication and Collaboration Policy also recognizes the role of the Indian Education Advisory Council in advising the Public Education Secretary and Assistant Secretary of Indian Education on implementation of the provision of the Indian Education Act. The sixteen-member council consists of: representatives of the Navajo, Apache, and Pueblo nations; urban areas including Albuquerque, Gallup, and Farmington; as well as representatives from the Bureau of Indian Education, a Head Start organization, and the general public—at least one of whom shall be non-tribal, but all of whom shall have knowledge of, and involvement in, the education of tribal students. The purpose of this duly-appointed group of individuals is to provide advice and recommendations on matters relative to agency policies, programs, and services.

Indian Education Advisory Council Members During 2017–2018	
Tribal Representation	Member
Navajo Nation	Vacant
Navajo Nation	Vacant
Navajo Nation	Dr. Pandora Mike
Navajo Nation	Dr. Pauletta White
Mescalero Apache Tribe	Berdine Largo
Jicarilla Apache Nation	Claudia Vigil-Munoz
Southern Pueblo	Patricia Sandoval
Southern Pueblo	Audrey Simplicio
Northern Pueblo	Jeremy Oyenque
Northern Pueblo	James Lujan
Urban Indians	Dr. Tiffany Lee—Albuquerque
Urban Indians	Lena Benally-Smith—Farmington
Urban Indians	Theresa Frazier—Gallup
Bureau of Indian Affairs—at large	Casey Sovo
Head Start—at large	Vacant
Non-Tribal—general public—at large	Dr. Sylvia Rodriguez
PEC Representative	James Conyers

PED Current and Planned Efforts

Every Student Succeeds Act

In December 2015, the Every Student Succeeds Act (ESSA) was adopted as the primary law governing K–12 education in the United States. ESSA requires each state to submit a plan that is aligned with the requirements of the new law. The New Mexico PED initiated formal consultation with tribal leaders, tribal administrators, and community members to gain tribal input into the New Mexico ESSA state plan. Over the course of two government-to-government meetings and one additional tribal consultation, tribal leaders were given the opportunity to learn more about ESSA; share concerns, priorities, and expectations with PED leaders; and help the PED set goals for increasing the success of our Native American students. Also, prior to the ESSA consultations, the Indian Education Division, in collaboration with the PED's Federal Programs Division, provided tribal leaders and tribal education department staff with a pre-ESSA workshop to help facilitate a meaningful discussion at the government-to-government meeting and Indian Education Summit. The feedback at the fall 2016 Government-to-Government meeting was facilitated by New Mexico First, a public policy organization that assists communities with important, impactful issues. The findings from the fall consultation were recorded in a final report issued by NM First, "Engaging our Communities for Excellence in Education" and distributed both locally and statewide. The report was additionally used to inform the PED's development of the state plan. In August 2017, the NM ESSA consolidated state plan, that continued to include tribal consultation for title programs, was adopted by the USDOE

ESSA created the opportunity for the PED to re-engage with tribal leaders and key stakeholders on major initiatives, while considering how to continuously refine educational systems and best support educators.

- **Tribal Consultation.** The Indian Education Division (IED) developed a process for ensuring meaningful tribal input at the local level to address the ESSA requirements for title programs, affirmation of tribal consultation, and general consultation.
- **Section 8538** requires that affected local educational agencies (LEAs) consult with Indian tribes, or those tribal organizations approved by the tribes, located in the area served by the LEA and prior to submitting a plan or application for programs covered by §8538. This requirement is designed to ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students. The consultation must be done in such time that provides the opportunity for appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to plans under programs covered by §8538.
- **Assessment.** The IED has created opportunities for tribal communities to develop assessment in heritage languages—through both State and Federal competitive funding.
- **Support the Lowest-Performing Schools.** The IED will
 - identified those schools at the bottom 5 percent of graduation rates and additionally those below 67 percent graduation rate through comprehensive school identification;
 - identified those schools with low-performing subgroups through targeted school identification; and
 - provided additional support for Native American student achievement through direct student services.
- **Excellent Educators for All.** The IED has worked in collaboration with Educator Quality Bureau to ensure that all students have access to highly effective and exemplary educators throughout the course of their academic careers via educator equity.
- **Cultural Competency Training.** The IED has created, and launched a pilot cultural competency training that provides support to school districts and New Mexico tribes in developing understanding of native culture and history and the importance of native languages; it has been designed for tribal and nontribal students and approved by New Mexico tribes.

Indian Education Division 2018 Collaborative Activities

The PED's IED has been engaged in the following conferences, workshops, information sessions, activities, and formal agreements to improve education achievement of and accountability for American Indian students in New Mexico. The IED has

- convened the 22 NM tribes/pueblos/nations, school districts, tribal education departments, educators, parents, and students at the fall and spring semi-annual government-to-government summits. During these, the PED and its bureaus provided hands-on trainings, including for policies and procedures on Impact Aid, Tribal Education Department support, NM social studies curriculum, program management, and technical assistance on tribal language and bilingual programs. An approximate 200 participants attended each of the government-to-government summits.
- partnered with the Regional Technical Assistance Center, South Central Comprehensive Center (SCCC—based at the University of Oklahoma), which identifies and provides technical assistance to tribes/pueblos and school districts through the NM PED-IED. The SCCC provides resources to school districts in Oklahoma, Arkansas, Louisiana, and New Mexico for the Common Core State Standards, assessment, culturally-relevant curriculum, and other areas of need identified through the respective state education agencies. The SCCC provided guidance throughout the fiscal year by identifying resources for assessment, culturally-relevant curriculum, and other areas of need through the respective state education agencies.
- convened required meetings of the Indian Education Advisory Council (IEAC). Members of the IEAC and the IED staff have adopted IEAC bylaws for a proposed advisement action-planning process for Indian education in New Mexico.
- met regularly with tribal and pueblo leadership throughout the year. The secretary and staff of IED meet with tribal and pueblo leaders semi-annually, in compliance with the government-to-government provisions of the Indian Education Act. Individual tribal/pueblo leadership meetings are additionally held to allow for presentation; discussion; and questions and answers related to Indian education funds, NM social studies curriculum, Impact Aid, language activities, the priorities of the IED, and other areas of concern and interest.
- convened trainings and technical assistance for schools and tribes participating in the Early Warning System for elementary, middle, and high schools.
- celebrated the New Mexico Indian Education Act 2003 – 2018. Stakeholders convened to celebrate 15 years of the enactment of the statute while recognizing the sponsors of the act Former State Representative Ray Begaye and Former State Senator Leonard Tsosie.



Training that Supports Communication, Collaboration, and Cultural Competency

State-tribal liaison meetings are conducted throughout the year, which allows for coordination across other agencies, such as the Indian Affairs and Cultural Affairs Departments.

Follow-up Meetings with Grant Recipients

The IED conducts meetings with tribes and pueblos to monitor the status of their grants' progress—including program reports on their expenditures and achievements. The IED staff provides technical assistance to ensure that programs produce and meet deadlines on an annual basis. The following are examples of programs offered to support the implementation of Indian Education Act funds:

Teaching Support Initiative

The Teaching Support Grant for \$400,000 was awarded to Teach for America for the 2017–2018 year with an option for renewal up to three additional years. Teach for America has identified the Native American Community Academy (NACA) in Albuquerque as a partner in recruiting, mentoring, and training teachers who teach American Indian students. Two proposals were received through a competitive Request for Proposal (RFP) process. A panel of reviewers was convened, proposals were evaluated, and a recommendation was made to the secretary of education.

Teach For America—New Mexico (TFA-NM) is a nonprofit organization with a regional office located in Gallup, New Mexico. Since 2001, Teach For America (TFA) has been committed to expanding educational opportunity for Native American students in New Mexico. TFA's mission is to help build a movement to end educational inequity in our state. Currently TFA reaches out to 15 communities; the forward outlook is to expand services to more communities. This year, over a 100 of our corps members taught on the Navajo Nation, Zuni Pueblo, and in other communities.

TFA-NM has established five priorities 1) providing an additional source of effective teachers, 2) advancing student achievement, 3) fostering culturally responsive pedagogy, 4) partnering with Native organizations and governments, and 5) building a sustainable alumni leadership pipeline.

In New Mexico, TFA-NM provided educational opportunities for Native American students in New Mexico. Educators who participated in this program learn hands-on through a comprehensive strengths-based, culturally relevant, and innovative teacher training and professional development model.

Strengthening Tribal Programs

The New Mexico Tribes and Pueblos received competitive grants ranging between \$1,500-\$60,000 dollars in support of strengthening tribal education programs and/or continue the support of revitalization, maintenance and sustainability of native languages. Nineteen of the Twenty-two tribes had an executed IGA in place for Strengthening Tribal Programs. These programs consisted of supporting Native Language teachers in both school- and community based programming, development of tribal language curriculum, collaboration with schools for truancy and attendance programs, and professional development opportunities.

School District Initiatives

New Mexico public school districts, namely the twenty-three (23) school districts and district-chartered or state-chartered schools that enroll a significant number of American Indian students received competitive grants ranging between \$5,000-\$60,000 to improve academic and cultural achievement opportunities in alignment with the requirements of the Indian Education Act. Programming consisted of supporting Native Language Classes, culture-based programming that included STEAM projects, attendance and truancy initiatives, tutoring for literacy and math for grades 5-8, and professional development opportunities. Twenty of the twenty-three school districts and four charters had an executed IGA in place for the School District Initiative.

Indian Education Curriculum Initiative (IECI) - Social Studies Curriculum: Native American History and Government

IED developed grades 9th-12th Social Studies curriculum that is inclusive of the history and culture of the state's twenty-three Tribes, Nations, and Pueblos, which can be incorporated into social studies classrooms across New Mexico. The first phase of the curriculum development focused on the secondary Social Studies content. A lead team member of eight from a respective tribe assisted to guide the IECI. IED held four curriculum summits with tribal leaders, teachers, and other educational stakeholders for input of Social Studies standards in fiscal year 2107-2018. IED curriculum lesson plans are comprised of lead writers, writers, and community advisors. Several community feedback sessions, writing institutes and professional development were held to receive input and guidance on draft lessons for finalizing unit plans to be offered prospective teachers for piloting in the fall 2018. The IECI teams have started the development of unit/lesson plans for middle school Social Studies curriculum.

College and Career Readiness

The College and Career Readiness Bureau (CCRB) within NMPED have spearheaded the effort to have school teams training in EWS by Johns Hopkins University (JHU) Everybody Graduates Center since 2014. In 2017, NMPED's Indian Education Division has partnered with CCRB and JHU to deliver more training to the 23 Native Serving Districts in New Mexico. In this partnership, IED and the team from JHU have trained over 60 people from these districts and included Tribal leaders and Tribal Education Directors. This collaboration has led to an increased culturally responsive Early Warning System training that better fits the districts that we work with. Three (3) schools have been selected to pilot the Early Warning System. The three schools are Los Alamos elementary school, Cuba middle school, and Taos High School,

Wonder on Wheels (WOW Mobile Bus) – Curriculum Project

IED has partnered with Museum of Indian Arts and Culture to develop and implement on the mobile WOW Curriculum. The project facilitated curriculum to ensure that WOW! delivered a curriculum that incorporated multiple perspectives into the exhibition development, illuminating and bringing to life the tribal values and philosophies that underpin the production, use and meaning of material culture. This mobile exhibition continues to travel to rural schools statewide, taking the museum to the students and community.

Urban – Self-Identity Project

Indian Education Division partnered with the Museum of Indian Arts & Culture and The Identity Project on the Urban Native Youth Summer Program. The project will support Native youth through programming that empowers individual voice and provides a link to the rich cultural and creative heritage of Native Americans. Selected school sites are in Santa Fe, Farmington and Albuquerque school districts. This project impacted 30 students that attended the selected schools.

Meetings with Stakeholders

The IED has met with numerous entities to confer on areas of mutual educational interests. They have met with the National Indian Education Association, the SCCC from Oklahoma, the Southwest Region of Indian Education Directors, the Council of Chief State School Officers, the College Board, the Indian Pueblo Cultural Center, Teach for America, National Center for Teacher Residency, John Hopkins University, the University of New Mexico (UNM), and the Institute of American Indian Arts to discuss current grants, new partnerships, and collaboration.

With the development, and in the initial phase, of the cultural competency training, the IED has offered professional development opportunities along with pilot modules in spring 2018 to teachers, administrators, tribal education departments, and tribal leaderships. The feedback and input has been received and taken into consideration for fall implementation. The IED will continue to partner and collaborate with the 22 NM Tribes in the ongoing training scheduled to be delivered to all public schools and school districts in NM.



Indian Education Programs—Funding

The New Mexico IED is responsible for the implementation of the New Mexico Indian Education Act (NMIEA). The division engages in cooperative relationships with education stakeholders in fostering parental and tribal involvement in educational initiatives that improve both the academic achievement and cultural awareness of students. The IED provides for the development and implementation of educational programs that positively affect the educational success of American Indian students by ensuring maintenance of Native languages, indigenous pedagogy, and culturally relevant learning environments in the academic culture of public education. The IED also collaborates with other PED divisions and bureaus that provide services to American Indian students and schools that serve large populations of American Indian students. These PED units include the Language and Culture Division, Priority Schools Bureau, College and Career Readiness Bureau, and the Policy, Innovation and Measurement Division.

American Indian students represent approximately 10 percent of the more than 330,000 students enrolled in New Mexico public schools, including representation from the state's 22 sovereign pueblos and tribes. In addition to providing technical assistance to the pueblos and tribes of New Mexico, the IED also provides assistance to 23 school districts and 6 charter schools that serve large populations of American Indian students.

The IED is staffed by one assistant secretary, one general manager, three education administrators, one executive assistant, and one program specialist.

PED Indian Education Initiatives

1. Supporting the Maintenance of Native Language and Native American English Learners

New Mexico tribes and pueblos are continuing to make progress toward ensuring the maintenance, revitalization, and sustainability of Native languages. New Mexico tribes and pueblos are building capacity and building the bridge between community- and school-based learning.

- The 22 tribes and pueblos continue to develop teacher certification programs, professional development opportunities, and curriculum development training, implementation, and assessment using the funding opportunity provided by the Tribal Language Grants administered by the IED.
- The IED collaborates regularly with the 22 tribes and pueblos and 23 school districts to initiate and maintain and increase student enrollment in language classes.
- With the 22 tribes/pueblos, schools, and Bureau of Indian Education, the IED conducted an inventory of all tribal heritage programs being offered through community- and school-based programs.

To support Native American English learners, the IED—in partnership with the SCCC, World-class Instructional Design and Assessment (WIDA), and other State agencies, such as those in Montana and Utah—organized the American Indian English Learner Research Alliance's (AIERA) inaugural conference, which they hosted at the Hotel Albuquerque, June 11–13, 2018. Over 100 people attended presentations and training on Federal regulations affecting English learners where they were provided State data on American Indian English learners. Through the AIERA partnership, the IED seeks to initiate research efforts aimed at identifying effective practices to better serve Native American English learners (Native language learning, English proficiency, and academic achievement).

2. School District Initiatives

New Mexico public school districts, namely those in the twenty-three (23) school districts and in the charter schools that enroll a significant number of American Indian students, developed local initiatives focused on improving academic and cultural achievement opportunities related to one of the following Indian Education Act focus areas that

- ensure equitable and culturally relevant learning environments, educational opportunities, and culturally relevant instructional material;
- ensure maintenance of Native language;
- provide for the study, development, and implementation of education systems that positively affect the educational success of American Indian students;
- encourage parental involvement;
- ensure that parents; tribal departments of education; community-based organizations; the USDOE; universities; and tribal, state, and local policy makers work together to find ways to improve educational opportunities for American Indian students; and
- develop collaborative partnerships with school districts, the Bureau of Indian Education, urban American Indian organizations, and tribal governments.

These initiatives impact approximately 34,000 students across 23 school districts and 6 charter schools.

3. Strengthening Tribal Programs

New Mexico's 22 tribes and pueblos are offered resources that support the strengthening of tribal education programs and/or continue the support of revitalization, maintenance, and sustainability of Native languages that focus on areas that include

- Increasing attendance and reducing truancy;
- Improving educational opportunities for American Indian students to keep them engaged in school and on a pathway to college and/or career success (e.g., academic enrichment programs; after-school, Saturday, and summer programs; project-based learning opportunities geared specifically toward American Indian students);
- Improving student outcomes by strengthening culturally responsive learning environments (e.g., culturally and linguistically responsive teaching, diversity and cultural sensitivity training);
- Supporting the maintenance of Native language;
- Addressing challenges that exist across schools and school systems (e.g., transition planning, reduction in student mobility, addressing academic gaps).

4. Teaching Support Initiative

The teaching support initiative focuses on implementing a teacher support program to enlist, train, and provide mentoring and resources to qualified applicants who are placed as teachers in New Mexico public schools with substantial American Indian student enrollment. This initiative provides teachers and prospective teachers a broad range of professional development opportunities that are culturally appropriate to teaching American Indian students. Stakeholders within each community are involved in the planning and the delivery of the services, with the intent of developing qualified teachers who are equipped to become effective teachers of Native American Indian students.

The Teaching Support Grant for \$400,000 was awarded to Teach for America (TFA) for the 2017–2018 year. TFA has recruited, mentored, and trained teachers who teach American Indian students, predominately in the Gallup-McKinley County schools, Central Consolidated schools, and Zuni Public schools.

A proposal was received through a competitive request for proposals (RFP) process in 2016, and TFA was awarded the grant for up to four program years. A panel of reviewers was convened, proposals were evaluated, and a recommendation was made to the secretary of education.

TFA-NM is a nonprofit organization with a regional office located in Gallup, New Mexico. Since 2001, TFA has been committed to expanding educational opportunity for Native American students in New Mexico. TFA's mission is to help build a movement to end educational inequity in our state. Currently, TFA reaches out to 21 communities; the forward outlook is to expand services to more communities. This year, over 100 TFA corps members taught on the Acoma/Laguna Pueblos, Navajo Nation, Zuni Pueblo, and in other communities. As a member of the Native Alliance Initiative, TFA-NM has established the five priorities of 1) providing an additional source of effective teachers, 2) advancing student achievement, 3) fostering culturally responsive pedagogy, 4) partnering with Native organizations and tribal governments, and 5) building a sustainable alumni leadership pipeline.

5. Raising Ambitious Indigenous Educators—RAINE

RAINE is a program housed within the NM PED Indian Education Division. This initiative was restructured in 2017 to address the issue of Native American teacher shortages in the 23 predominantly Native serving school districts dispersed across the state. The development of RAINE came from consultations with the IED in other states and existing teacher preparation programs, as well as interviews conducted with superintendents and staff from several of the 23 Native serving school districts. The development of the RAINE program is based on the recommendations from our stakeholders.

The restructured RAINE will be composed of several stages in which fellows and residents can enter. RAINE's purpose is to support potential and current educators in a variety of ways, based on their experience and level of education. The major components of RAINE are 1) a one-year clinical residency program, 2) direct placement into a classroom, 3) support of educators in the classroom via alternative licensure, 4) professional development, and 5) support provided by highly effective veteran teachers as mentors. As of this draft (April 2018), the IED team and RAINE program manager are seeking to partner with an organization to support the development of the teacher residency component, which will be based on best practices and research-based strategies. The residency will be designed around the specific need for Native educators with a high level of cultural competency and for culturally responsive teaching throughout the curriculum.

6. NM Indian Education Curriculum Initiative—IECI

The IED has made significant progress in developing the IECI, which is currently focused on reviewing and aligning existing Native American curricula to the 9–12 NM Social Studies Standards. To this end, the IED, in collaboration with a lead curriculum team that includes representatives from the NM tribes and pueblos, conducted two IECI summits whose focus was to review the 9–12 NM Social Studies Standards. Participants included tribal leaders and administrators, tribal historians, professors, teachers, non-profit organizations, and the National Park Services. At these conferences, a small work group, comprised of tribal administrators, classroom teachers, and other educators reviewed and then aligned Native history curricula and resources to those NM 9–12 standards. This curriculum will be brought to three PED bureaus—Educator Quality, Licensure, and Instructional Materials—to be integrated into the system, gain recognition and impact, and find resources to effect education statewide. Additionally, as new end-of-course exams are created, these lessons will be assessed through the 9–12 social studies end-of-course exams.

At the Teachers' Summit on June 20th, 2018, the IECI curriculum team inspired educators and administrators to go beyond their traditional teaching practices to include "an equitable and culturally relevant learning environment with educational opportunities and culturally relevant instructional materials for American Indian students' [and for ALL students] learning in New Mexico public schools" (*The Indian Education Act in New Mexico*), thus enriching students' learning experiences and further empowering their budding scholars.

The Culturally Relevant Social Studies and Language Arts Curriculum was informed by Native community feedback and written by Native and non-Native educators. This curriculum reflects the history, values, and perspectives of the Pueblo, Navajo, Mescalero Apache, and Jicarilla Apache Nations. New Mexico is the fourth state in the nation to fully enact the curriculum requirements of the Indian Education Act. There were 50 educators, 15 administrators, and 30 tribal stakeholders who participated in the launch of New Mexico's own and unique history.

Teachers of grades 9–12 had a unique opportunity to experience lessons from New Mexico's Culturally Relevant Social Studies and Language Arts Curriculum as the IED unveiled this new curriculum. The participants in this professional development opportunity engaged in

- lesson and unit plans infused with the history, values, and perspectives of the Pueblo, Navajo, Mescalero Apache, and Jicarilla Apache Nations;
- highly significant, culturally relevant lessons aligned to NM State Standards; and
- strategies for implementing and blending this culturally relevant curriculum into their students' learning experience.

7. College and Career Readiness

In order to increase academic achievement and the attendance and graduation rates, while decreasing the drop-out rate, the IED has identified college and career awareness as a focus area for the current and upcoming school years.

In a partnership with the IED, John Hopkins Applied Behavioral Awareness (ABA) Talent Development has developed a program that targets American Indian middle school students and provides a college and career Early Warning System (EWS) and additional support for a successful transition to high school, with the longer vision towards students' future opportunities.

The EWS is a school-based process that identifies, monitors, and provides supports for students who are at risk for dropping out. Of the Native serving middle schools across the state, 14 participated in the training and are planning to implement the EWS early intervention process to support Native student success. Tribal administrators are included in the support that students are provided and as part of the drop-out solution in the IED's EWS.

8. Aligning School Systems

A priority initiative for the IED has been identifying State and Bureau of Indian Education (BIE) public schools systems' congruence. Through tribal and community consultation, the IED has identified how and where systems align in the public schools that are operated by the State of New Mexico and those tribally controlled schools that are operated by the BIE. The IED has taken the following steps to understand how and where two educational systems align by

- including a BIE representative at meetings and government-to-government meetings to discuss the systems alignment initiative;
- including BIE support for transitions' guidance; and
- providing facilitation and notetaking at a data-sharing meeting between a school district, their tribal partners, a tribally controlled school system, and a BIE operated school.

Report from PED Divisions and Bureaus

Broadband Highlights

The PED's Information Technology Division (IT) collaborated with the Santa Fe Indian School to develop both a consortium of tribal entities and an RFP to bring broadband improvements to schools across New Mexico. The PED, Public School Facilities Authority (PSFA), Department of Information Technology (DoIT), and Education SuperHighway provided assistance for new fiber optics construction in the 2017–2018 E-rate funding cycle to public schools on tribal land and to non-BIE tribal schools. Most recently, the Jemez Pueblo Tribal Consortium's application for special construction for fiber was approved for \$3,883,002.21. This will bring fiber to the following seven tribal schools and libraries:

- Jemez Day School
- Jemez Pueblo Library
- San Diego Riverside Charter
- Santo Domingo Elementary School
- T'Siya Elementary and Middle Schools
- Walatowa Charter
- Zia Pueblo Library

Principal's Pursuing Excellence Highlights

The State is investing millions of dollars into Principals Pursuing Excellence (PPE) and welcoming 50 new principals to join the evidenced-based program that will help them improve their schools. PPE is part of the state's broader school turnaround efforts under ESSA. The PPE focuses on evidence-based programs proven to improve student outcomes: data-driven instruction, teacher observation, coaching and feedback, and developing a culture of achievement within the school community. Each participating principal receives both targeted professional development, as well as monthly on-site support from a PPE coach to support implementation.

PPE schools have doubled and even tripled academic growth rates while serving more students living in poverty, English learners (ELs), Native students, and students with disabilities. Dozens of PPE schools have increased their school grades from Ds and Fs to As and Bs, thus becoming models of excellence for other struggling schools statewide to emulate.

Educator Program Highlights

NIEA. New Mexico's new partnership with the National Indian Education Association (NIEA) focuses on efforts to recruit teachers to Native serving schools across the state. New Mexico will now have the opportunity to post all teaching positions on the NIEA's first-ever teacher job board. Additionally, NIEA will work to equip educators with the professional development opportunities, resources, and culturally responsive tools needed to support Native students.

Educator Preparation Program Scorecards. Over the past eight years, the PED has worked with the state's educators in multi-faceted efforts to improve teacher quality—from recruitment to professional development to evaluation to retention.

In June 2018 at the third annual New Mexico Teacher Summit, the PED addressed an audience of more than 1,300 New Mexico teachers from across the state and released the State's first-ever Educator Preparation Program Scorecards. This release comes 12 years after New Mexico's Legislative Finance Committee (LFC) first advocated for this type of effort, publishing reports in 2006 and a follow-up in 2012. And over the past three years, the New Mexico PED has held dozens of collaboration meetings with the Higher Education Department, colleges and universities, and, notably, teacher-leaders statewide to craft these scorecards on teacher preparation programs.

Safe and Healthy Schools Highlights

After school and summer enrichment. In an effort to close the achievement gap within and between schools, the Safe and Healthy Schools Bureau offered resources for afterschool and summer enrichment funding, with \$305,000.00 to fund afterschool and summer enrichment sites across the state that addressed literacy as their focus. These programs include up to four of the following components: 1) academic enrichment, 2) physical activity, 3) nutrition education, and 4) science, technology, engineering and math (STEM) and/or English language arts (ELA) initiatives and activities. Applicants will be able to apply, through a tiered-approach, for funding for from one to four of the components above. Geographic considerations in the provision of awards are considered, and priority is given to sites serving economically disadvantaged students.

Breakfast after the Bell. Nutrition is additionally an area of success. Approximately \$1.5 million dollars are appropriated annually from the State legislature for Breakfast after the Bell funding. This money allows tribal school food authorities to serve breakfast to elementary school aged children, increasing children's focus and academic gain.

PED Method Established for Notifying Employees of the State-Tribal Collaboration Act (STCA)

Agency Collaborations

Meetings were conducted with, and communications came to, the PED senior team, informing them of the IED initiatives and the STCA and requesting information on their activities with tribes and pueblos. The following staff members from the PED have been involved in the collaboration and contributions to this report:

Marian Rael Deputy Secretary Department of Finance	Debbie Montoya Deputy Secretary School Transformation	Greg Frostad Deputy Director Title I Bureau	Ashley Eden, Director Strategic Initiatives and Policy Divisions
Beth Gudbrandsen, PhD Chief Editor Constituent Services	Michael Chavez Deputy Director Student Nutrition	Seana Flanagan Director Educator Quality Division	Denise Koscielniak Director Federal Programs
Sam Ornelas Director Title I	John Chadwick IT Generalist IT Department	Mayra Valtierrez, Director Language and Culture Bureau	Lisa Chandler, Director Assessment & Accountability

Conclusion

In summary, the New Mexico PED is committed to actively engaging stakeholders in achieving increased academic proficiency, wellness, and cultural understanding for Native American students. The PED seeks to maximize the use of available resources, collaborate with stakeholders, create communication pathways, incorporate language and culture, expand academic options, involve parents, and build capacity to support our Native American students.

If we, as a state, wish to provide access to better academic and cultural achievement for our Native American students, it is essential that a collaborative model—that integrates New Mexico services across agencies, pueblos, tribes, nations, and school districts—remains the foundation from which we build our future.



Indian Education Act

22-23A-1. Short title.

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

History: Laws 2003, ch. 151, § 1; 2005, ch. 299, § 1.

22-23A-2. Purpose of act.

The purpose of the Indian Education Act is to:

- A. ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools;
- B. ensure maintenance of native languages;
- C. provide for the study, development and implementation of educational systems that positively affect the educational success of American Indian students;
- D. ensure that the department of education [public education department] partners with tribes to increase tribal involvement and control over schools and the education of students located in tribal communities;
- E. encourage cooperation among the educational leadership of Arizona, Utah, New Mexico and the Navajo Nation to address the unique issues of educating students in Navajo communities that arise due to the location of the Navajo Nation in those states;
- F. provide the means for a formal government-to-government relationship between the state and New Mexico tribes and the development of relationships with the education division of the bureau of Indian affairs and other entities that serve American Indian students;
- G. provide the means for a relationship between the state and urban American Indian community members to participate in initiatives and educational decisions related to American Indian students residing in urban areas;
- H. ensure that parents; tribal departments of education; community-based organizations; the department of education [public education department]; universities; and tribal, state and local policymakers work together to find ways to improve educational opportunities for American Indian students;
- I. ensure that tribes are notified of all curricula development for their approval and support;
- J. encourage an agreement regarding the alignment of the bureau of Indian affairs and state assessment programs so that comparable information is provided to parents and tribes; and
- K. encourage and foster parental involvement in the education of Indian students.

History: Laws 2003, ch. 151, § 2.

22-23A-3. Definitions.

As used in the Indian Education Act:

- A. "assistant secretary" means the assistant secretary for Indian education;
- B. "government-to-government" means the relationship between a New Mexico tribe and a state government;
- C. "indigenous" means native or tribal groups of the Americas that maintain a cultural identity separate from the surrounding dominant cultures;
- D. "tribal" means pertaining to urban Indians who are residents of New Mexico or to an Indian nation, tribe or pueblo located within New Mexico;
- E. "New Mexico tribe" means an Indian nation, tribe or pueblo located within New Mexico; and
- F. "urban Indian" means a member of a federally recognized tribe or an Alaskan native who lives in an off-reservation urban area and is a New Mexico resident.

History: Laws 2003, ch. 151, § 3; 2007, ch. 295, § 2; 2007, ch. 296, § 2.

22-23A-4. Rulemaking.

- A. The secretary shall ensure that the duties prescribed in the Indian Education Act are carried out and that each division within the department is collaborating to fulfill its responsibilities to tribal students.
- B. The secretary shall consult on proposed rules implementing the Indian Education Act with the Indian education advisory council and shall present rules for review and comment at the next semiannual government-to-government meeting pursuant to Section [22-23A-5](#) NMSA 1978.

History: Laws 2003, ch. 151, § 4; 2007, ch. 295, § 3; 2007, ch. 296, § 3.

22-23A-4.1. Post-secondary education.

The department shall collaborate and coordinate efforts with the higher education department and institutions of higher education, including tribal colleges and teacher education institutions and tribal education departments, to facilitate the successful and seamless transition of American Indian students into post-secondary education and training.

History: Laws 2007, ch. 295, § 1; 2007, ch. 296, § 1.

22-23A-5. Indian education division; created; assistant secretary; duties.

A. The "Indian education division" is created within the department. The secretary shall appoint an assistant secretary for Indian education, who shall direct the activities of the division and advise the secretary on development of policy regarding the education of tribal students. The assistant secretary shall also coordinate transition efforts for tribal students in public schools with the higher education department and work to expand appropriate Indian education for tribal students in preschool through grade twenty.

B. The assistant secretary shall coordinate with appropriate administrators and divisions to ensure that department administrators make implementation of the Indian Education Act a priority.

C. The secretary and the assistant secretary, in cooperation with the Indian education advisory council, shall collaborate with state and federal departments and agencies and tribal governments to identify ways such entities can assist the department in the implementation of the Indian Education Act.

D. The secretary and assistant secretary shall convene semiannual government-to-government meetings for the express purpose of receiving input on education of tribal students.

E. In accordance with the rules of the department and after consulting with the Indian education advisory council and determining the resources available within the department, the assistant secretary shall:

(1) provide assistance, including advice on allocation of resources, to school districts and tribes to improve services to meet the educational needs of tribal students based on current published indigenous best practices in education;

(2) provide assistance to school districts and New Mexico tribes in the planning, development, implementation and evaluation of curricula in native languages, culture and history designed for tribal and nontribal students as approved by New Mexico tribes;

(3) develop or select for implementation a challenging, sequential, culturally relevant curriculum to provide instruction to tribal students in pre-kindergarten through sixth grade to prepare them for pre-advanced placement and advanced placement coursework in grades seven through twelve;

(4) provide assistance to school districts, public post-secondary schools and New Mexico tribes to develop curricula and instructional materials in native languages, culture and history in conjunction and by contract with native language practitioners and tribal elders, unless the use of written language is expressly prohibited by the tribe;

(5) conduct indigenous research and evaluation for effective curricula for tribal students;

(6) collaborate with the department to provide distance learning for tribal students in public schools to the maximum limits of the department's abilities;

(7) establish, support and maintain an Indian education advisory council;

(8) enter into agreements with each New Mexico tribe or its authorized educational entity to share programmatic information and to coordinate technical assistance for public schools that serve tribal students;

(9) seek funds to establish and maintain an Indian education office in the northwest corner of the state or other geographical location to implement agreements with each New Mexico tribe or its authorized educational entity, monitor the progress of tribal students and coordinate technical assistance at the public pre-kindergarten to post-secondary schools that serve tribal students;

- (10) require school districts to obtain a signature of approval by the New Mexico tribal governments or their government designees residing within school district boundaries, verifying that the New Mexico tribes agree to Indian education policies and procedures pursuant to federal requirements;
- (11) seek funds to establish, develop and implement culturally relevant support services for the purposes of increasing the number of tribal teachers, administrators and principals and providing continued professional development for educational assistants, teachers and principals serving tribal students, in conjunction with the Indian education advisory council:
 - (a) recruitment and retention of highly qualified teachers and administrators;
 - (b) academic transition programs;
 - (c) academic financial support;
 - (d) teacher preparation;
 - (e) teacher induction; and
 - (f) professional development;
- (12) develop curricula to provide instruction in tribal history and government and develop plans to implement these subjects into history and government courses in school districts throughout the state;
- (13) ensure that native language bilingual programs are part of a school district's professional development plan, as provided in Section [22-10A-19.1 NMSA 1978](#); and
- (14) develop a plan to establish a post-secondary investment system for tribal students to which parents, tribes and the state may contribute.

History: Laws 2003, ch. 151, § 5; 2005, ch. 299, § 2; 2007, ch. 295, § 4; 2007, ch. 296, § 4.

22-23A-6. Advisory council.

A. The "Indian education advisory council" is created and shall advise the secretary and assistant secretary on implementation of the provisions of the Indian Education Act. The council consists of sixteen members as follows:

- (1) four representatives from the Navajo Nation;
- (2) two representatives, one from the Mescalero Apache Tribe and one from the Jicarilla Apache Nation;
- (3) four representatives, two from the southern pueblos and two from the northern pueblos;
- (4) three urban Indians representing urban areas, including Albuquerque, Gallup and Farmington; and
- (5) three at-large representatives, one from the federal bureau of Indian affairs, one from a head start organization and one from the general public, at least one of whom shall be nontribal, but all of whom shall have knowledge of and involvement in the education of tribal students.

B. Members shall be appointed by the secretary with input from New Mexico tribes and organizations involved in the education of tribal students for staggered terms so that the terms of the at-large members and of one-half of each of the tribal representatives end on December 31, 2009 and the terms of the remaining members end on December 31, 2011. Thereafter, appointments shall be for terms of four years. The terms of existing members shall expire on the effective date of this 2007 act.

C. A majority of the members of the Indian education advisory council constitutes a quorum. The advisory council shall elect a chair from its membership.

D. On a semiannual basis, representatives from all New Mexico tribes, members of the commission, the office of the governor, the Indian affairs department, the legislature, the secretary, the assistant secretary and the Indian education advisory council shall meet to assist in evaluating, consolidating and coordinating all activities relating to the education of tribal students.

E. Members of the Indian education advisory council may receive per diem and mileage as provided for nonsalaried public officers in the

Per Diem and Mileage Act [[10-8-1](#) to [10-8-8 NMSA 1978](#)].

History: Laws 2003, ch. 151, § 6; 2007, ch. 295, § 5; 2007, ch. 296, § 5.

22-23A-7. Report.

A. The Indian education division in collaboration with the education division of the federal bureau of Indian affairs and other entities that serve tribal students shall submit an annual statewide tribal education status report no later than November 15 to all New Mexico tribes. The division shall submit the report whether or not entities outside state government collaborate as requested.

B. A school district with tribal lands located within its boundaries shall provide a districtwide tribal education status report to all New Mexico tribes represented within the school district boundaries.

C. The status reports shall be written in a brief format and shall include the following information, through which public school performance is measured and reported to the tribes and disseminated at the semiannual government-to-government meetings held pursuant to Section 22-23A-5 NMSA 1978:

- (1) student achievement as measured by a statewide test approved by the department, with results disaggregated by ethnicity;
- (2) school safety;
- (3) the graduation rate;
- (4) attendance;
- (5) parent and community involvement;
- (6) educational programs targeting tribal students;
- (7) financial reports;
- (8) current status of federal Indian education policies and procedures;
- (9) school district initiatives to decrease the number of student dropouts and increase attendance;
- (10) public school use of variable school calendars;
- (11) school district consultations with district Indian education committees, school-site parent advisory councils and tribal, municipal and Indian organizations; and
- (12) indigenous research and evaluation measures and results for effective curricula for tribal students.

History: Laws 2003, ch. 151, § 7; 2007, ch. 295, § 6; 2007, ch. 296, § 6.

22-23A-8. Fund created.

A. The "Indian education fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations and income from investment of the fund. Money in the fund shall not revert. The fund shall be administered by the department, and money in the fund is appropriated to the department to distribute awards to support the Indian Education Act.

B. The department shall ensure that funds appropriated from the Indian education fund shall be used for the purposes stated in the Indian Education Act and shall not be used to correct for previous reductions of program services.

C. The department shall develop procedures and rules for the award of money from the fund. Disbursement of the fund shall be made by warrant of the department of finance and administration pursuant to vouchers signed by the secretary of public education.

History: Laws 2003, ch. 151, § 8; 2007, ch. 295, § 7; 2007, ch. 296, § 7.

ARTICLE 23

Bilingual Multicultural Education

22-23-1 Short title.

22-23-1.1 Legislative findings.

22-23-2 Definitions.

22-23-3 Repealed.

22-23-4 Department; powers; duties.

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

22-23-6 Bilingual multicultural education programs; eligibility for state financial support.

22-23-1. Short title. (2004)

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

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

The legislature finds that:

A. while state and federal combined funding for New Mexico's bilingual multicultural education programs was forty-one million dollars (\$41,000,000) in 2003, the funds do not directly support bilingual multicultural education program instruction;

B. the state's bilingual multicultural education program goals are for all students, including English Learners, to:

(1) become bilingual and biliterate in English and a second language, including Spanish, a Native American language, where a written form exists and there is tribal approval, or another language; and

(2) meet state academic content standards and benchmarks in all subject areas;

C. districts do not fully understand how to properly assess, place and monitor students in bilingual multicultural education programs so that the students may become academically successful;

D. because inaccurate reporting on student participation in bilingual multicultural education programs has a direct impact on state and federal funding, accountability measures are necessary to track bilingual multicultural education program funds;

E. the federal No Child Left Behind Act of 2001 does not preclude using state funds for bilingual multicultural education programs;

F. Article 12, Section 8 of the constitution of New Mexico recognizes the value of bilingualism as an educational tool;

G. professional development is needed for district employees, including teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents and financial officers in the areas of:

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

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

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

H. parents in conjunction with teachers and other district employees shall be empowered to decide what type of bilingual multicultural education program works best for their children and their community. Districts shall also provide parents with appropriate training in English or in the home or heritage language to help their children succeed in school;

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

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

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

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

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

- (2) providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and
- (3) teaching students to appreciate the value and beauty of different languages and cultures.

22-23-2. Definitions. (2004)

As used in the Bilingual Multicultural Education Act [22-23-1 NMSA 1978]:

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

22-23-3. Repealed.

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

- A. The department shall issue rules for the development and implementation of bilingual multicultural education programs.
- B. The department shall administer and enforce the provisions of the Bilingual Multicultural Education Act [22-23-1 NMSA 1978].
- C. The department shall assist school boards in developing and evaluating bilingual multicultural education programs.
- D. In the development, implementation and administration of the bilingual multicultural education programs, the department shall give preference to New Mexico residents who have received specialized training in bilingual education when hiring personnel.

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

- A. The school board may prepare and submit to the department a bilingual multicultural education program plan in accordance with rules issued by the department.
- B. At regular intervals, the school board and a parent advisory committee from the district shall review the goals and priorities of the plan and make appropriate recommendations to the department.
- C. Bilingual multicultural education programs shall be located in the district and delivered as part of the regular academic program. Involvement of students in a bilingual multicultural education program shall not have the effect of segregating students by ethnic group, color or national origin.
- D. Each district shall maintain academic achievement and language proficiency data and update the data annually to evaluate bilingual multicultural education program effectiveness and use of funds. The department shall annually compile and report this data to the appropriate interim legislative committee.
- E. Districts shall provide professional development to district employees, including teachers, teacher assistants, principals, bilingual directors or coordinators, associate superintendents, superintendents and financial officers in the areas of:
 - (1) research-based bilingual multicultural education programs and implications for instruction;

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

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

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

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

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

(1) provide for the educational needs of linguistically and culturally different students, including Native American children and other students who may wish to participate, in grades kindergarten through twelve, with priority to be given to programs in grades kindergarten through three, in a district;

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

(3) use two languages as mediums of instruction for any part or all of the curriculum of the grade levels within the program;

(4) use teachers who have specialized in elementary or secondary education and who have received specialized training in bilingual education conducted through the use of two languages. These teachers or other trained personnel shall administer language proficiency assessments in both English and in the home language until proficiency in each language is achieved;

(5) emphasize the history and cultures associated with the students' home or heritage language;

(6) establish a parent advisory committee, representative of the language and culture of the students, to assist and advise in the development, implementation and evaluation of the bilingual multicultural education program; and

(7) provide procedures to ensure that parental notification is given annually prior to bilingual multicultural education program placement.

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

New Mexico Bilingual Rule

TITLE 6 PRIMARY AND SECONDARY EDUCATION

CHAPTER 32 EDUCATIONAL STANDARDS - BILINGUAL MULTICULTURAL EDUCATION PART 2 GUIDELINES FOR IMPLEMENTING BILINGUAL MULTICULTURAL EDUCATION PROGRAMS

6.32.2.1 ISSUING AGENCY: Public Education Department

[6.32.2.1 NMAC - Rp, 6.32.2.1 NMAC, 11-30-05]

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, 11-30-05]

6.32.2.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Sections 22-2-1, 22-23-1 through 22-23-6, NMSA, 1978. [6.32.2.3 NMAC - Rp, 6.32.2.3 NMAC, 11-30-05]

6.32.2.4 DURATION: Permanent

[6.32.2.4 NMAC - Rp, 6.32.2.4 NMAC, 11-30-05]

6.32.2.5 EFFECTIVE DATE: November 30, 2005, unless a later date is cited at the end of a section. [6.32.2.5 NMAC - Rp, 6.32.2.5 NMAC, 11-30-05]

6.32.2.6 OBJECTIVE: This regulation provides requirements for developing and implementing Bilingual Multicultural and Language Revitalization programs (in accordance with Section 22-23-4, NMSA 1978 and Standards for Excellence, Subsection B of 6.30.2.11 NMAC and supports the state of New Mexico's long-standing policy in furthering bilingual multicultural education.

[6.32.2.6 NMAC - Rp, 6.32.2.6 NMAC, 11-30-05]

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

A. "bilingual multicultural education program" means a program using two languages, including English and the home or heritage language, as a medium of instruction in the teaching and learning process;

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

C. "department" means the public education department;

D. "district" means a public school or any combination of public schools in a district;

E. "English language learner" means a student whose first or heritage language is not English and who is unable to read, write, speak or understand

English at a level comparable to grade-level English proficient peers and native English speakers;

F. "heritage language" means a language other than English that is inherited from a family, tribe, community or country of origin;

G. "home language" means a language other than English that is the primary or heritage language spoken at home or in the community;

H. "school board" means a local school board; and

I. "standardized curriculum" means a district curriculum that is aligned with the state academic content standards, benchmarks and performance standards.

[6.32.2.7 NMAC - Rp, 6.32.2.7 NMAC, 11-30-05]

6.32.2.8 DEPARTMENT DUTIES: The department shall be responsible for carrying out the powers and duties as provided in the Bilingual Multicultural Education Act, Sections 22-23-1 through 22-23-6 NMSA 1978. [6.32.2.8 NMAC - N, 11-30-05]

6.32.2.9 PROGRAM GOALS: The state's bilingual multicultural education program goals are for **all** students, including English Learners, 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/domains of listening, speaking, and comprehension; and

B. Meet state academic content standards and benchmarks in all subject areas. [6.32.2.9 NMAC - N, 11-30-05]

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

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

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

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

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

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

F. provide personnel endorsed in bilingual education, TESOL, or certified in Native American language and culture. [6.32.2.10 NMAC - Rp, 6.32.2.8 NMAC, 11-30-05]

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.

B. The initial application shall include:

- (1) projected number of students to be served; and
- (2) signatures of superintendent, bilingual education/title III coordinator, and school principal.

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

- (1) annual measurable achievement objectives (AMAOs) for English and home language;
- (2) instructional plan; and
- (3) actual number of students to be served. [6.32.2.11 NMAC – Rp, 6.32.2.13 NMAC, 11-30-05]

6.32.2.12 PROGRAM ELEMENT— INSTRUCTION:

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

- (1) instruction to attain language proficiency and literacy skills in two languages, one of which is English;
- (2) sheltered content instruction;
- (3) standardized curriculum that is aligned with the state academic content standards, benchmarks and performance standards; and
- (4) instruction in the history and cultures of New Mexico.

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

- (1) instruction to attain language proficiency and literacy skills in English and a Native American language (where tribal language is written); for Native American languages that are oral only, the literacy component shall be measured only in the skill areas/domains of listening, speaking and comprehension;
- (2) sheltered content instruction;
- (3) standardized curriculum that is aligned with the state academic content standards, benchmarks and performance standards;
- (4) instruction in the history and cultures of New Mexico Native American tribes and
- (5) public schools providing a Native American heritage language revitalization program (or other approved bilingual education model) shall obtain appropriate approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children.

C. The following content areas shall be included in all programs:

- (1) language arts in the home or heritage language; for funding purposes, time allotted for instruction in the home language must be equivalent to the time provided for English language arts and must be consecutive in nature (that is, not fragmented throughout the day);
- (2) modifications of instruction in the English language arts that address the developmental, linguistic and academic needs of students; and
- (3) depending on the program model:
 - (a) content area instruction in two languages that utilizes the student's language, history, and/or culture; and/or
 - (b) fine arts instruction in two languages that utilizes the student's language, history, culture, and the arts traditions of his/her community.

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

- (1) dual language immersion: designed to develop:
 - (a) high academic achievement in two languages;
 - (b) additive bilingual and biliterate proficiency; and
 - (c) cross-cultural skills development.
- (2) enrichment: designed to further develop the home language of fully English proficient students and to teach the cultures of the state;

- (3) heritage language: designed to support and revitalize a student's native language and culture through oral and/or written language instruction; Native American language programs require approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children;
- (4) maintenance: designed to develop and maintain proficiency and literacy in the primary or home language while developing a student's literacy and oral skills in English;
- (5) transitional: designed to transfer students from home language instruction with gradual transition to an all-English curriculum. [6.32.2.12 NMAC - Rp, 6.32.2.10 NMAC, 11-30-05]

6.32.2.13 PROGRAM ELEMENT - PROFESSIONAL DEVELOPMENT:

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

- (1) research-based bilingual/multicultural and/or language revitalization programs and implications for instruction;
- (2) best practices of English as a second language (ESL); English language development (ELD) and bilingual/multicultural and/or language revitalization programs; and
- (3) principles of language acquisition.

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

[6.32.2.13 NMAC – Rp, 6.32.2.12 NMAC, 11-30-05]

6.32.2.14 PROGRAM ELEMENT – ASSESSMENT:

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

B. Public school districts shall comply with federal assessment requirements, including Titles I and III of the Elementary and Secondary Education

Act of 1965 (20 U.S.C. 6301 et seq.) as amended and office for civil rights requirements.

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

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

[6.32.2.14 NMAC – Rp, 6.32.2.11 NMAC, 11-30-05]

6.32.2.15 EVALUATION:

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

- (1) Districts shall submit to the department an annual progress report.
- (2) Reports shall be submitted by September 30th of the following year.
- (3) The report shall include:

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

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

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

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

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

[6.32.2.15 NMAC – Rp, 6.32.2.14 NMAC, 11-30-05]

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

A. after the first year (SY 2005-06), districts will report baseline data;

B. after the second year, districts shall submit a progress report, by school, indicating how schools met annual measurable achievement objectives from year one to year two; if data shows improvement, the public school district may continue the program as previously outlined in the initial or modified application;

C. after two consecutive years of the school's failing to make progress toward meeting AMAOs, the department shall:

(1) notify the public school district that the school has not demonstrated reasonable progress;

(2) assist the school in the development of an improvement plan; and

(3) provide technical assistance to the school and district.

D. After four consecutive years of the school's failure to make progress toward meeting AMAOs, the department shall:

(1) require the school to modify the curriculum, program, and method of instruction; or

(2) the program shall be redesigned, modified, or discontinued by the department. [6.32.2.16 NMAC – Rp, 6.32.2.15 NMAC, 11-30-05]

HISTORY OF 6.32.2 NMAC:

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

HISTORY OF REPEALED MATERIAL: 6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Programs, repealed effective 07-01-03; 6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Education Programs, repealed effective 11

Glossary of Acronyms

AASTEC	Albuquerque Area Southwest Tribal Epidemiology Center
ACCESS for ELLs	State-mandated English language proficiency assessment for EL students only
ACT	American College Testing
AIERA	American Indian English Learner Research Alliance
ALD4ALL	The Academic Language Development for All in New Mexico project
AMAO	Annual Measurable Achievement Objective
AP	Advanced Placement
APR	Annual Performance Report
BAR	Budget Adjustment Requests
BIE	Bureau of Indian Education
BMEB	Bilingual Multicultural Education Bureau
BMEP	Bilingual Multicultural Education Program
CCSD	Central Consolidated Schools
CCSS	Common Core State Standards
CDC	Centers for Disease Control and Prevention
CESDP	Center for Educational Study for Diverse Populations
CLD	Culturally linguistically diverse
CSD	Charter School Division
CSPR	Consolidated State Performance Report
CYFD	New Mexico Children, Youth and Family Department
DEAP Dzil	Dit Looi School of Empowerment, Action, and Perseverance
DLeNM	Dual Language Education of New Mexico
DOH	Department of Health
DoIT	Department of Information Technology
EL	English learners
ELA	English language arts
EPICS	Education for Parents of Indian Children with Special Needs
ESEA	Elementary and Secondary Education Act
ESHE	Exemplary Sexual Health Education
FAFSA	Free Application for Federal Student Aid
FEP	Fluent English proficient
FRA	Free and Reduced Lunch Application
GMCS	Gallup-McKinley County Schools
GRADS	Graduation Reality and Dual-role Skills
HSD	Human Services Department

IEAC	Indian Education Advisory Council
IED	Indian Education Division
IPP	Indian Policies and Procedures
IT	Information Technologies
LEA	Local education agency
LEP	Limited English proficient
LGBT	Lesbian, gay, bisexual, and transgender
LOTE	Language other than English
MoA	Memorandum of Agreement
MoU	Memorandum of Understanding
NACA	Native American Community Academy
NAEHCY	National Association for the Education of Homeless Children and Youth
NALCC	Native American Language and Culture Certificate
NIEA	National Indian Education Association
NISN	NACA-Inspired Schools Network
NMABE	New Mexico Association for Bilingual Education
NNDODE	Navajo Nation Department of Diné Education
NNMC	Northern New Mexico College
PARCC	Partnership for Assessment of Readiness for College and Careers
PED	New Mexico Public Education Department
PSAT	Preliminary Scholastic Assessment Test or Preliminary Scholastic Aptitude Test
SAT	Scholastic Assessment Test or Scholastic Aptitude Test
SBA	Standards-based assessment
SCCC	South Central Comprehensive Center
SEA	State Education Agency
SHEI	School Health Education Institute
STARS	Student Accountability Reporting System
STCA	State-Tribal Collaboration Act
TESR	Tribal Education Status Report
TFA	Teach for America
UNM	University of New Mexico
USDOE	US Department of Education
WIDA	A 37-state consortium of which New Mexico is a member. WIDA develops and publishes NM's English language proficiency assessments (ACCESS for ELLs) and standards.
YDR	Youth at disproportionate risk
YRBS	Youth Risk Behavior Survey
YRP	Youth Resiliency Project
YRRS	Youth Risk and Resiliency Survey