

This is an amendment to 6.32.2 NMAC, Sections 1, 3, 4, 6, 7, 9, 10, 11, 12 and 16, effective 07/18/2023.

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

**6.32.2.3 STATUTORY AUTHORITY:** This regulation is adopted pursuant to Sections 9-24-8, 22-2-1, 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. [~~in the event that any provision of this regulation is deemed to be legally void, the remainder of the provisions of the regulation shall remain in full force and effect until otherwise repealed or expired.~~]  
[6.32.2.4 NMAC - Rp, 6.32.2.4 NMAC, 7/1/2018; A, 7/18/2023]

**6.32.2.6 OBJECTIVE:** This regulation provides requirements for developing and implementing bilingual multicultural education 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, 7/1/2018; A, 7/18/2023]

**6.32.2.7 DEFINITIONS:** [~~As used in the Bilingual Multicultural Education Act, Section 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. "district"** means a public school or any combination of public schools in a district;

**D. "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;

**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]

**6.32.2.9 PROGRAM GOALS:** [~~As stated in the Bilingual Multicultural Education Act, Section 22-23-1 NMSA 1978, the~~] The state's bilingual multicultural education program goals are [~~for all students, including English language 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/~~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 kindergarten through 12, 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 languages and cultures of ~~all~~ 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, modern classical and native languages, TESOL, or certified in Native American language and culture. 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, and staffing patterns.
- [6.32.2.10 NMAC - Rp, 6.32.2.10 NMAC, 7/1/2018; A, 7/18/2023]

**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 bilingual multicultural education program 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, bilingual multicultural education director, school principal, and a parent advisory committee 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, Sections 22-23A-1 through 22-23A-8 NMSA 1978; public schools providing a Native American language revitalization program, or other approved Native American bilingual multicultural education 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 bilingual multicultural education 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 ~~fortieth~~ 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]

**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) 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 New Mexico; and

(6) culturally and linguistically responsive instruction designed to develop cross-cultural skills.

**B.** Public schools providing a Native American language revitalization program, or other approved Native American bilingual multicultural education 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 [~~Article 23A~~];

(5) instruction in the history and cultures of New Mexico Native American tribes; and

(6) culturally and linguistically responsive instruction designed to develop cross-cultural skills.

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

(1) language arts in the home or heritage language - for funding purposes, time allotted for instruction in the home language [~~must~~] shall be equivalent to the time provided for English language arts and [~~must~~] shall be consecutive in nature (that is, not fragmented throughout the day);

(2) English language development - English language instruction to develop the English language proficiency of English language learners based on the student's English language proficiency level; instruction shall be distinct from content area instruction; and

(3) language acquisition in the home or heritage language – instruction to develop language proficiency based on the student's home or heritage language proficiency level; and

~~(3)~~ (4) depending on the time allotted for program:

(a) content area instruction in the home or heritage language of the program that utilizes the student's language, history, and culture; or

(b) fine arts instruction in the home or 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 bilingual multicultural education models in the public school:

(1) dual language immersion: 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]

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

~~A.~~ **A.** Based on program monitoring and review of the annual report, the department will determine whether the bilingual multicultural education program is compliant pursuant to Section 22-23-1 NMSA 1978 and 6.32.2 NMAC.

~~(4)~~ **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 bilingual multicultural education 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)~~ **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.

~~[(a)]~~ **(1)** Upon receipt of a notice of non-compliance from the department, the district shall develop a program improvement plan, with technical assistance 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 ~~[must]~~ 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.

~~[(b)]~~ **(2)** A district in the process of implementing a program improvement plan shall submit its annual report 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)]~~ **(3)** If upon review, after receipt of the annual report submitted by a district with a program improvement plan, the department determines that the district remains non-compliant; the department shall ~~[se]~~ 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]~~ 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.

~~[(d)]~~ **(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.

~~[(e)]~~ **(5)** A district may not apply for approval for a bilingual multicultural education program for the school year immediately following a discontinuation by the department.

~~[(f)]~~ **(6)** Districts providing a Native American language revitalization program, or other approved Native American bilingual multicultural education 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 Indian Education Act, Sections 22-23A-1 through 22-23A-8 NMSA 1978 and the Bilingual Multicultural Education Act, Section 22-23-1 NMSA 1978.

~~[(g)]~~ **(7)** All districts, regardless of any discontinuation by the department, shall submit the annual report 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; A, 7/18/2023]