

The BMEA and Hispanic Education Act After Martinez/Yazzie

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Session Objectives

- Better understand the relationship between *Martinez/Yazzie v. New Mexico*, the BMEA and the HEA
- Know the purposes of the BMEA and the HEA
- Learn what Boards of Education can do to improve their bilingual and multicultural programs under the BMEA and HEA
- Become familiar with pending legislation related to the BMEA and the HEA



NM Constitution

Education Clause. "A uniform system of free public schools *sufficient* for the education of, and open to, all the children of school age in the state shall be established and maintained." N.M. Const. art. XII, § 1.

Spanish-speaking Clause. "The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the state...." N.M. Const. art. XII, § 8.

Perfect Equality. "Children of Spanish descent in the state of New Mexico . . . shall forever enjoy perfect equality with other children in all public schools and educational institutions of the state, and the legislature shall provide penalties for the violation of this section. N.M. Const. art. XII, § 10.

**CONSTITUTION
OF THE
STATE OF NEW MEXICO**

ADOPTED JANUARY 21,
1911

PREAMBLE

We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do ordain and establish this constitution.

ARTICLE I

Name and Boundaries

The name of this state is New Mexico, and its boundaries are as follows:



Plaintiffs' Martinez Claims



Plaintiffs' Yazzie Claims

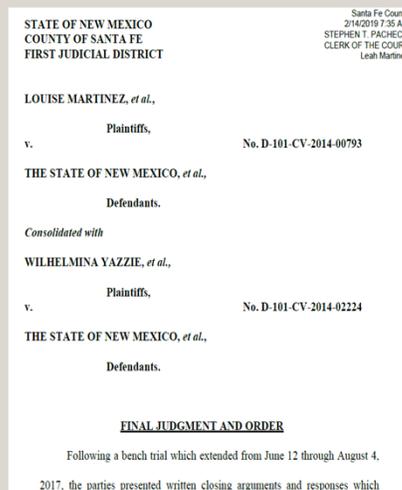


Martinez/Yazzie v. State of New Mexico

"An injunction is hereby issued enjoining the Defendants to take immediate steps, by **no later than April 15, 2019**, to ensure that New Mexico schools have the resources necessary to give at-risk students the opportunity to obtain a uniform and sufficient education that prepares them for college and career."

Judge Sarah Singleton

Final Judgment, February 14, 2019



Martinez/Yazzie v. New Mexico Key Findings on BMEA and HEA

- ❑ FOF 392. In 2015, less than 50 percent of the state's ELL students were enrolled in BMEPs.
- ❑ FOF 368. The State provides little guidance on how districts can incorporate multicultural education into the curriculum.
- ❑ FOF 389. Dr. Pelayo testified that she knew of no effort by the State to calculate the cost to districts to ensure fidelity to all of the components regarding staffing of ELL programs.
- ❑ FOF 769. Since 2011, the year many of the State's reforms began, student performance has declined, including the performance of low-income students in reading and math.
- ❑ FOF 874. Four percent (4%) of New Mexico's 4th grade ELL students who took the NAEP test scored at or above proficient in reading. . .



The BMEA and HEA

The Bilingual Multicultural Education Act (BMEA), NMSA 1978 § 22-23-1

- ❑ Purpose: (1) for all students to become bilingual and biliterate in English and a second language. . . and (2) meet state academic content standards and benchmarks

The Hispanic Education Act (HEA), NMSA 1978, § 22-23B-1

- ❑ Purpose: (1) close the achievement gap and increase graduation rates of Hispanic Students; (2) encourage parental involvement; (3) provide mechanisms for the educational institutions, community, and government actors to work together to improve opportunities



Bilingual Multicultural Education Act (BMEA), Key Definitions

- (A). "**Bilingual Multicultural Education Program**" uses two languages, including English and the home/heritage language, for instruction...
- (B). "**Culturally and linguistically different**" students who are of a different cultural background than mainstream US culture and whose home/heritage language is a language other than English;
- (C). "**English language learner**" student whose first or heritage language is not English and is unable to read, write, speak or understand English;
- (E). "**Home language**" language other than English that is the primary or heritage language spoken at home or in the community;

NMSA 1978, § 22-23-2



District/Board Responsibilities under the BMEA

- A school board MAY prepare and submit to the PED a BME program plan
- At regular intervals, a school board and a parent advisory committee shall review the plan's goals and priorities and make recommendations to PED
- Deliver BME program as part of the regular academic program
- Maintain academic achievement and language proficiency data and update data annually to evaluate BME program's effectiveness



District/Board Responsibilities under the BMEA (cont.)

- ❑ Provide professional development to employees in the areas:
- ❑ Research-based BME programs
- ❑ Best practices of English as a second language, English language development, and BME programs
- ❑ Classroom assessments that support academic and language development
- ❑ Include BME programs in the school's professional development plan



BMEA - Legislative Findings

- (D). ...**accountability measures are necessary to track bilingual multicultural education program funds;**
- (H). **Parents** in conjunction with teachers and other district employees **shall be empowered to decide** what type of [BME] 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;

NMSA 1978, § 22-23-1.1



BMEA - Legislative Findings (cont.)

(J). Standardized curriculum, including instructional materials with **scope and sequence**, is necessary to ensure that the [BME] program is consistent and building on the language skills the students have previously learned. The **instructional materials for Native American** [BME] 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**.

NMSA 1978, § 22-23-1.1



BMEA - Legislative Findings (cont.)

- (L) The [BMEA] 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 [BME] 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.

NMSA 1978, § 22-23-1.1



BMEA - PED Powers and Duties

- ❑ **Issue rules** for the development and implementation of [BME] programs.
- ❑ **Administer and enforce** the provisions of the [BMEA].
- ❑ **Assist school boards...in developing and evaluating [BME] programs.**
- ❑ In the development, implementation and administration of the [BME] programs, the department **shall give preference to New Mexico residents who have received specialized training in bilingual education when hiring personnel.**

NMSA 1978, § 22-23-4



BMEA - Program Plan and Evaluation

- (A) A school board **may** prepare and submit to the department a [BME] **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) [BME] programs **shall be delivered as part of the regular academic program.** Involvement of students in a [BME] program **shall not have the effect of segregating students** by ethnic group, color or national origin.
- (D) Each district or charter school **shall maintain academic achievement and language proficiency data and update the data annually to evaluate [BME] program effectiveness and use of funds.**

NMSA 1978, § 22-23-5



BMEA - Eligibility for State Financial Support

- (A) To be eligible for state financial support, each [BME] program shall:
- (1) **provide for the educational needs of linguistically and culturally different students;**
 - (2) **fund programs for culturally and linguistically different students in the state in grades kindergarten through three ...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;**

NMSA 1978, § 22-23-6



BMEA - Eligibility of State Financial Support

- (4) **use teachers who have specialized in elementary or secondary education and who have received specialized training in bilingual education;**
- (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 BMEP; and
- (7) **provide procedures to ensure that parental notification is given annually prior to [BME] program placement.**

NMSA 1978, § 22-23-6



SLIDO.com

- Using your personal technology device
- Login to www.slido.com
- Enter event code: WG01
- Question: Choose all items of a BME program that your Board/District is currently implementing (w/ fidelity).



Choose all items of a BME Program that your Board/District is Currently Implementing (w/ fidelity).

- A. Prepare and submit a bilingual multicultural education (BME) program plan
- B. Regularly review plan goals and priorities with community
- C. Deliver BME program as part of the regular academic program
- D. Maintain achievement and proficiency data
- E. Provide Professional Development on language for employees
- F. Ensure that BME program is included in the District's professional development plan



Board Responsibilities under the HEA

- ❑ Provide equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for Hispanic students
- ❑ Recruit parents on site-based and school district committees that represent the ethnic diversity of the community



Hispanic education liaison

- A. The "Hispanic education liaison" is created in the department.
- B. The **liaison shall**:
 - (1) focus on issues related to Hispanic education and advise the secretary;
 - (2) advise the department and the commission on the five-year strategic plan;
 - (3) **assist and be assisted by other staff in the department to improve elementary, secondary and post-secondary educational outcomes for Hispanic students;**
 - (4) **serve as a resource to enable school districts and charter schools to provide equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials;**
 - (5) support and consult with the Hispanic education advisory council; and
 - (6) **support school districts and charter schools to recruit parents on site-based and school district committees that represent community's diversity.**

NMSA 1978, § 22-23B-4



HEA statewide status report

B. The **status report shall include** the following information, by school district, by charter school and statewide, which may be compiled from data otherwise required to be submitted to the department:

- (1) Hispanic student achievement at all grades;
- (2) attendance for all grades;
- (3) the graduation rates for Hispanic students; and
- (4) the number and type of bilingual and multicultural programs in each school district and charter school.

NMSA 1978, § 22-23B-6



Proposed Legislation

- Amend Bilingual Multicultural Education Act, Indian Education Act, Hispanic Education Act**
- Establish Assistant Secretary for BMEA and HEA
- Provide funding and accountability mechanisms
- Make implementation mandatory
- Create a statutory state bilingual advisory council
- Create a statutory multicultural education commission
- Include a student needs assessment under IEA
- Increase funding for higher education



Proposed Legislation

- Increase teacher salaries
- Increase professional development days to 10
- Increase parent/teacher conference days to 3
- Prohibit instructional time for professional development or parent/teacher conference
- Teacher pipeline
- Expand Pre-K
- Extended learning time
- Evidence-based literacy instruction



Proposed Legislation

- Social services at schools
- Community schools
- Funding formula
- Increase funding for instructional material, transportation and technology
- Increase REC's capacity



Questions?

WG

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