

State-Tribal Collaboration Act Annual Report

July 31, 2017



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NM PED
Public Education Department
Public Education Department



The State of New Mexico
State-Tribal Collaboration Act
Annual Report
July 2017

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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 18.11.1NMSA 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 Assistant Secretary of Indian Education, Latifah Phillips, is the Tribal Liaison for the agency in 2016–2017. 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 2016–2017	
Member	Tribal Representation
Cynthia Aragon	Navajo Nation
Dr. Florinda Jackson	Navajo Nation
Dr. Pandora Mike	Navajo Nation
Pauletta White	Navajo Nation
Vacant	Mescalero Apache Tribe
Claudia Vigil-Munoz	Jicarilla Apache Nation
Gilbert Sanchez	Southern Pueblo
Audrey Simplicio	Southern Pueblo
Paula Gutierrez	Northern Pueblo
James Lujan	Northern Pueblo
Vernon Lujan	Northern Pueblo
Dr. Tiffany Lee—Albuquerque	Urban Indians
Lena Benally-Smith—Farmington	Urban Indians
Theresa Frazier—Gallup	Urban Indians
Casey Sovo	Bureau of Indian Affairs—at large
Vacant	Head Start—at large
Dr. Sylvia Rodriguez	Non-Tribal—general public—at large
James Conyers	PEC Representative



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 Public Education Department (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.

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. The feedback resulted in the following provisions and was included in the New Mexico ESSA plan that was submitted for federal review.

- **Tribal Consultation.** The Indian Education Division (IED) developed a process for ensuring meaningful tribal input at the local level to address Impact Aid, ESSA requirements for title programs, and general consultation. The resulting report was entitled *Government-to-government meeting: Community meetings, summarizing the tribal government session and community feedback*.
- **Assessment.** The IED will create 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
 - identify those schools at the bottom 5 percent of graduation rates and additionally those below 67 percent graduation rate through comprehensive school identification;
 - identify those schools with low-performing subgroups through targeted school identification; and
 - provide additional support for Native American student achievement through direct student services.
- **Excellent Educators for All.** The IED will ensure that all students have access to highly effective and exemplary educators throughout the course of their academic careers via educator equity.



Indian Education Division 2016 Collaborative Activities

The PED's Indian Education Division (IED) has been engaged in the following conferences, workshops, information sessions, activities, and formal agreements to improve education achievement 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. The PED and its bureaus provided hands-on trainings including for literacy programs, program management, technical assistance on tribal language programs, and bilingual programs. An average 250 participants attended both 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.
- convened required meetings of the Indian Education Advisory Council (IEAC). Members of the IEAC and the IED staff have developed a strategic plan with proposed action planning 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 every year, 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, impact aid, language activities, the priority areas of the IED, and other areas of concern and interest.
- developed the State-Tribal Collaboration Report by July 31st of each year, per the State-Tribal Collaboration Act (STCA) and in collaboration with the various bureaus and divisions of the PED. The report outlines how the various programs and funds from the PED are directed and utilized by the school districts, tribes, and pueblos for the education of American Indian students in the state.
- convened language workshops in partnership with the PED's Bilingual Multicultural Education Bureau (BMEB), providing information and explanation of bilingual education funds and programs, as well as Indian education language funds. Tribal/pueblo and school district language staff were brought together to coordinate language programs and services. Two sessions have been held to provide information on the differences and similarities between the IED and the BMEB, including curriculum; tribal certification; state licensure; funding requirements; and implementation, assessment, and oral history modalities.



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

Meetings have been held with tribes and pueblos to monitor the status of their grant(s)' progress—including reports on their expenditures and achievement of their work scope(s). There will be 22 school district grant recipients, 22 tribal/pueblo language programs, the Institute of American Indian Arts, and Teach for America (TFA) providing updates on their programs.

Meetings with Stakeholders

The IED has met with numerous entities to confer on our mutual educational interests. The IED has 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, Northern New Mexico College, the University of New Mexico (UNM), and the Institute of American Indian Arts to discuss current grants, new partnerships, and collaboration.

IED's Tribal Visits	
Tribe/Pueblo	Most Recent Dates of Visits
Acoma	April 28 & Jun 19, 2017
Cochiti	March 20, 2017
Isleta	October 27, 2015
Jemez	December 12, 2016 & June 1, 2017
Jicarilla	April 17, 2017
Kewa (Santo Domingo)	May 9, 2017
Laguna	September 13, 2017
Mescalero	N/A
Nambé	N/A
Navajo Nation	April 5 & June 29, 2017
Ohkay Owingeh	February 10, 2017
Picuris	August 10, 2016
Pojoaque	June 2, 2017
San Felipe	N/A
San Ildefonso	January 23, 2017
Sandia	N/A
Santa Ana	N/A
Santa Clara	November 7, 2016
Taos	November 9, 2016
Tesuque	N/A
Zia	March 20, 2017
Zuni	April 28, 2017

Indian Education Programs—Funding

The New Mexico Indian Education Division (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 which serve large populations of American Indian students such as the BMEB, Priority Schools Bureau, College and Career Bureau, and the Policy 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 administrative assistant.

Eight 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, curriculum development training, and implementation to include 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 or increase student enrollment in language classes.
- The IED provided regional listening and feedback session to tribal language teachers and language committees to develop a plan of support for the 2017–2018 School Year.
- The IED partnered with the Santa Fe Indian School to explore the development of Professional Learning Communities for Native American language teachers across the state.

To support Native American English learners, the IED—in partnership with the BMEB, 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 (AIERA) inaugural conference hosted at the Pueblo of Laguna, July 27–28, 2016. Over 150 persons attended presentations and training on federal regulations affecting English learners and were provided state data on American Indian English learners. Through the AIERA partnership, the IED seeks to initiate research efforts aimed at identifying affective practices to better serve Native American English learners (Native language learning, English proficiency, and academic achievement).

2. School District Initiatives

New Mexico public school district personnel, 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 US Department of Education; 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. Leadership Development

The IED aims to support the recruitment, development, and capacity building of school leaders to reshape low-performing schools and establish new schools designed for American Indian student success. The IED supported a fellowship program model for aspiring school leaders, current administrators, and instructional leaders who wish to lead and turn schools around. Candidates received preparation to pass administrative licensure and certificate requirements from the New Mexico PED. The initiative is structured to

- identify and recruit at least five new school leaders per year to serve in schools designed for American Indian student success;
- design curricula and school models for five new or turnaround schools, including a focus on English language arts and math achievement, as well as language and culture.
- collaborate with tribes and local education agencies (LEAs) for the recruitment and development of highly effective and culturally responsive administrators to serve as administrators within schools designed for American Indian student success.

4. Teaching Support Initiative

The teaching support initiative focuses on implementing a teacher support program to enlist, train, and support qualified applicants to be placed as teachers in New Mexico public schools with substantial American Indian student enrollment. This initiative provided teachers and prospective teachers a broad range of professional developmental opportunities that are culturally appropriate in 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.

Teach for America—New Mexico (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 of their 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 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 tribal governments, and 5) building a sustainable alumni leadership pipeline.



5. NM Indian Education Curriculum Initiative

The IED has made significant progress in developing the Indian Education Curriculum Initiative, which is currently focused on reviewing and aligning existing Native American curricula with the 9–12 NM Social Studies Standards. In collaboration with a lead curriculum team that includes representatives from the NM tribes and pueblos, the IED conducted two Indian Education Curriculum Initiative (IECI) Summits 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. A small work group comprised of tribal administrators, classroom teachers, and other educators met to review and align Native history curricula and resources to those 9–12 standards.

6. 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, the Institute of American Indian Arts has developed a program that targets American Indian middle school students and provides college and career awareness, college preparation, and support for a successful transition to high school, with the longer vision towards their future possibilities.

Additionally, the IED partnered with the federal technical assistance agency, Center for Secondary School Success, to conduct Early Warning System (EWS) training for middle schools that serve Native American students, including BIE schools that feed into district public high schools. The EWS is a school-based process that identifies, provides supports for, and monitors students who are at risk of 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. The IED's Early Warning Initiative includes tribal administrators as part of the solution for supporting students.

7. Indigenous Action Research and Reports

The IED has supported Indigenous action research in order to identify best practices that results in improved academic and wellness outcomes for Native American students. For the action research pilot professional development opportunity, three teachers were selected to conduct action research in the areas of culturally relevant literacy activities, community and school-based health and wellness, and project-based learning with multi-age students. The findings were presented to the IEAC sub-committee and will be posted on the IED website to serve as a resource for other teachers of Native American students.

8. Aligning School Systems

A priority initiative for the IED has been identifying state and BIE public schools systems' congruence. Through tribal and community consultation, the division identified how and where systems align in the public schools that are operated by the State of New Mexico and those operated by the Bureau of Indian Education (BIE) and tribally controlled. The division has taken the following steps to make progress in understanding the alignment of the systems in which our students learn by

- including a BIE representative at the Spring 2016 Government-to-Government meeting to discuss the systems alignment initiative;
- including BIE middle schools in the EWS college and career initiative; 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 E-rate funding cycle to public schools on tribal land and to non-BIE tribal schools. Most recently, the Jemez Pueblo Tribal Consortium application for special construction for fiber was approved for \$3,883,002.21. This will bring fiber to the following schools and libraries:

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

Bilingual Multicultural Education Bureau Highlights

The PED's BMEB works to ensure the implementation of the provisions of the state Bilingual Multicultural Education Act (2004) and Title III, English Language Acquisition (ESEA 2009).

State Seal of Bilingualism

New Mexico regulation respects tribal sovereignty by ensuring peoples of nations, tribes, and pueblos can develop the methods and processes for determining proficiency in their respective languages. In 2014, New Mexico became the fifth state to adopt a state-level seal of bilingualism and biliteracy; students who graduate high school with a cognate in their language are awarded a seal on their transcripts to acknowledge that accomplishment. The PED's BMEB led the work to develop regulation from statute, provide in-person and online training supports, develop a guidance handbook, and create a dedicated webpage to provide support for implementing the state seal.

To date, 20 districts and three charter schools in New Mexico have adopted the state seal into board policy, including 10 districts that serve a significant number of Native American students. Additionally, there are now 26 states that have adopted a state-level seal.

Family Engagement Toolkit—Update and Revision

- The PED has partnered with the Center for Educational Study for Diverse Populations to revise and update the family engagement toolkit to reflect more recent agency policy changes and to support current initiatives (the toolkit will also be available online).
- The toolkit focuses on using a culturally and linguistically responsive approach to engaging parents and family to support all students, including Native American students.
- Once the update is completed (summer 2017), the PED can provide updated district and school resources to support parents and families in ways that are culturally and linguistically responsive.

Professional Learning and Technical Assistance

- The Academic Language Development for All in New Mexico (ALD4ALL) Project (the three-year, \$ 1.2 million Kellogg Grant, from 2013–2016) supported the academic language development of culturally and linguistically diverse students, including English learners. Through the project, schools that were effectively serving culturally and linguistically diverse and English learners in their bilingual multicultural education programs were identified. Their best practices were determined and shared with national and state audiences. Participating schools were provided ongoing, job-embedded, teacher and administrator professional development training. They were additionally provided the resources to build the capacity of educator leadership to address the needs and academic language development of culturally and linguistically diverse students, including Native American students in New Mexico.
- In 2016–2017, the PED’s BMEB has continued to build on this work and has conducted professional learning sessions focused on academic language development.
 - Through its partnership with the WIDA Consortium (who develops NM’s English language proficiency assessments and standards), BMEB delivered a two-day workshop in Gallup, NM on October 18 and 19, 2016: *English language development (ELD) standards-based lesson planning for English learners (ELs)*.
 - Training was provided on identifying English learners using the New Mexico Language Usage Survey. This training was held three times in New Mexico during 2016: at Pojoaque Valley Schools on December 2, in Los Lunas on December 13, and in Bloomfield on December 15. The PED’s IED and BMEB joined resources and efforts to provide the first state-wide training workshop for district, pueblo, tribal leaders, and educators aimed at the identification of English learners.
 - In collaboration with the Department of Diné Education, the BMEB offered a language immersion program for instructors interested in obtaining a Native American language and culture (NALC) certificate.
 - The workshop, *Serving English learners: What every district, school, and teacher should know*, was held in Albuquerque on April 28, 2017 as part of the annual conference hosted by the New Mexico Association for Bilingual Education.
 - A full-day session on understanding civil rights protection for English learners was held in Albuquerque on May 10, 2017.
- The PED hosted the first Culturally and Linguistically Responsive Instruction (CLRI) Conference in Albuquerque, May 2015. More than 300 participants attended.

- New Mexico is leading the nation in providing innovative state-level support to meet needs of its Native American students and English learners by providing professional development to the educators and leaders that serve them. In 2015–2016, the PED’s BMEB expanded the effort from a statewide conference to professional learning opportunity for teams of educators interested in transforming their schools into culturally and linguistically responsive learning environments that better engage students (including Native American students and English learners) for learning. This year, the BMEB conducted professional learning sessions that built on a series of professional learning sessions and focused on culturally and linguistically responsive instruction. These sessions included
 - the Central Consolidated School District Administrators' Training held in Shiprock on October 4, 2016
 - the government-to-government summit in collaboration with the IED, held in Farmington on November 15, 2016
 - *Supporting English learners through cultural and linguistic responsive pedagogy* held in Albuquerque on February 4, 2017
 - the presentation on Native American language programs for the IEAC, held in Albuquerque on April 1, 2017
 - English language development instruction professional learning, held in Albuquerque on April 27, 2017
 - *NMTEACH Evaluation with a focus on culturally and linguistically responsive instruction*, held in Albuquerque on April 28, 2017.

Federal Programs

The Results Driven Accountability (RDA) program supports New Mexico’s State Systemic Improvement Plan (SSIP). It is a collaborative effort of the Federal Programs Division (Title I and Special Education Bureaus) with support from the PED’s Literacy and Priority Schools Bureaus, Education for Parents of Indian Children with Special Needs (EPICS), and Regional Education Cooperatives 5, 6, and 7 to improve the reading achievement of students with disabilities, students considered at risk, and those economically disadvantaged in low-performing schools.

RDA personnel were busy during the 2016–2017 School Year. The RDA professional development project provided \$750,000 to 25 elementary schools to support academic achievement in 13 of the state’s 23 districts with significant Native American student populations. The RDA also provided professional development and technical assistance to the 25 schools in the areas of academic interventions, data-driven instruction, Response to Intervention, effective leadership, behavioral supports, and family engagement. The RDA contracts with Education for Parents of Indian Children with Special Needs (EPICS) to support school improvement across the state, and project personnel presented to families at the annual EPICS conference.

The RDA selects elementary schools with overall C, D, or F grades and D or F grades in lowest quartile achievement to participate in the program. In 2016, RDA schools experienced more growth than the state average in reading and math—not only for all students, but also for students with disabilities, as measured by the PARCC assessment. RDA schools also outscored the state average in reading for all students and in reading and math for students with disabilities. Notably, RDA schools had smaller achievement gaps in both reading and math between all students and those with disabilities than did the state schools on average.

In the school year 2016–2017, RDA worked with the following schools:

- 1) Aztec Municipal School
 - a. Lydia Rippey Elementary
- 2) Bernalillo Public Schools
 - a. Blanco Elementary School *
 - b. Central Primary *
- 3) Bloomfield School District
 - a. Blanco Elementary

- b. Central Primary *
- 4) Dulce Independent Schools
 - a. Dulce Elementary School *
- 5) Española Public Schools
 - a. Alcalde Elementary School
 - b. San Juan Elementary School
- 6) Farmington Municipal School
 - a. McCormick Elementary School *
- 7) Gallup-McKinley County School
 - a. Jefferson Elementary School
 - b. Tohatchi Elementary School *
 - c. Lincoln Elementary School *
 - d. Thoreau Elementary School *
- 8) Magdalena Municipal School District
 - a. Magdalena Elementary *
- 9) Pojoaque Valley School District
 - a. Pablo Roybal Elementary School
- 10) Santa Fe Public School
 - a. Chaparral Elementary
 - b. Kearny Elementary
 - c. Salazar Elementary
 - d. Nava Elementary
- 11) Taos Municipal Schools
 - a. Ranchos de Taos Elementary *
 - b. Enos Garcia Elementary *
- 12) Tularosa Municipal School
 - a. Tularosa Elementary School *
 - b. Tularosa Intermediate School
- 13) Zuni Public School District
 - a. Shiwi Ts'Ana Elementary School *

* denotes school with a large Native American student population

RDA schools and communities are provided with technical assistance and professional development on instructional strategies to improve the instruction for all students and to support connections between families and schools. Trainings have been provided to school communities on data-based instruction, developing capacity and sustainability of improvement efforts, literacy resources for families and students, effective collaboration, and advocacy to improve literacy.

Nutrition Updates Highlights

Seamless Summer

The PED provides nutritious, free meals to students after the regular school year ends. This summer, 25 percent of New Mexico's Seamless Summer sites are located in BIE schools, districts, and charters that serve a large Native American population.

Free Breakfast

The PED partnered with the BIE in utilizing the Native American Student Information System (NASIS) to increase state-level matches for students attending BIE schools in New Mexico.

- 35 BIE School Food Authorities (SFAs) are participating in the Community Eligibility Provision, which means all students are eating breakfast and lunch for free.
- 12 SFAs will be participating in the Seamless Summer Feeding Program.
- The PED continues to partner with the BIE in utilizing NASIS to increase student-level matches for students attending BIE schools in New Mexico.

Principals Pursuing Excellence (PPE) Highlights

PPE is a two-year program aimed at leveraging the expertise of New Mexico’s educational leaders to support and empower New Mexico’s school leaders, as they work to dramatically improve student achievement in their schools. PPE is focused on building leadership capacity in New Mexico’s schools and districts and providing multilayered professional development and mentorship to school leaders.

Success for schools that continue to embrace reform and provide new opportunities for students

- 84 low-performing schools, historically with Fs and Ds, have embraced reform and created a network of schools doubling and tripling state growth rates. In total, these schools serve approximately 19,000 students, equivalent to the third largest district in the state.
- 83 percent of students in PPE schools are economically disadvantaged vs 71 percent statewide.
- 23 percent of students in PPE schools are Native American vs 11 percent statewide.
- 16 percent of students in PPE schools are English language learners vs 12 percent statewide.
- PPE schools increased math proficiency by 4.24 percent vs state average math increases of 2.5 percent.
- PPE schools increased English language arts (ELA) proficiency by 4.87 percent vs state average ELA increases of 1.3 percent.

A copy of the PED’s Collaboration and Communication Policy can be found at: http://ped.state.nm.us/ped/IED_index.html

2015–2016 Progress in School Grades with PPE in the Schools					
5/22/2017		2015		2016	
District	School Name	Grade	PPE	Grade	PPE
Albuquerque	Los Puentes Charter	F		F	PPE 4
Albuquerque	Polk MS	D	PPE 3*	C	PPE 3
Aztec	Lydia Rippey ES	D		B	PPE 4
Aztec	Park Avenue ES	C		B	PPE 4
Bloomfield	Bloomfield Early Childhood Center	C	PPE 3	A	PPE 3
Bloomfield	Mesa Alta Junior HS	F	PPE 3	F	PPE 3
Central	Kirtland Central HS	C		B	PPE 4
Central	Kirtland MS	D		C	PPE 4
Central	Newcomb MS	F		F	PPE 4
Central	Shiprock HS	C		C	PPE 4
Central	Tse Bit Ai MS	F		F	PPE 4
Cuba	Cuba ES	F	PPE 3	C	PPE 3
Farmington	Apache ES	A		D	PPE 4

Farmington	Bluffview ES	B	PPE 3	C	PPE 3
Farmington	Country Club ES	A	PPE 3	A	PPE 3
Farmington	Farmington HS	C		B	PPE 4
Farmington	McCormick ES	A	PPE 3	B	PPE 3
Farmington	McKinley ES	A	PPE 3	B	PPE 3
Farmington	Mesa Verde ES	A	PPE 3	A	PPE 4
Farmington	Mesa View MS	D	PPE 3	B	PPE 3
Farmington	Piedra Vista HS	A		A	PPE 4
Farmington	Rocinante Alternative HS	B		C	PPE 4
Gallup-McKinley	Crownpoint HS	C		C	PPE 4
Gallup-McKinley	Gallup HS	C		C	PPE 3
Gallup-McKinley	Gallup MS	C		B	PPE 4
Gallup-McKinley	Indian Hills ES	A	PPE 3	A	PPE 3
Gallup-McKinley	Jefferson ES (Gallup-McKinley)	D	PPE 3	C	PPE 3
Gallup-McKinley	Navajo Pine HS	C	PPE 3	C	PPE 3
Gallup-McKinley	Red Rock ES	C		B	PPE 4
Gallup-McKinley	Thoreau MS	F		D	PPE 4
Gallup-McKinley	Tobe Turpen ES	C	PPE 3	C	PPE 3
Los Lunas	Ann Parish ES	D	PPE 3	C	PPE 3
Los Lunas	Desert View ES	F	PPE 3	C	PPE 3
Los Lunas	Valencia MS	F		D	PPE 4
Peñasco	Peñasco HS	C	PPE 2	C	PPE 4
Peñasco	Peñasco MS	D	PPE 2	B	PPE 4
Santa Fe	Kearny ES	F	PPE 3	D	PPE 3
Zuni	Zuni MS	D	PPE 3	F	PPE 3

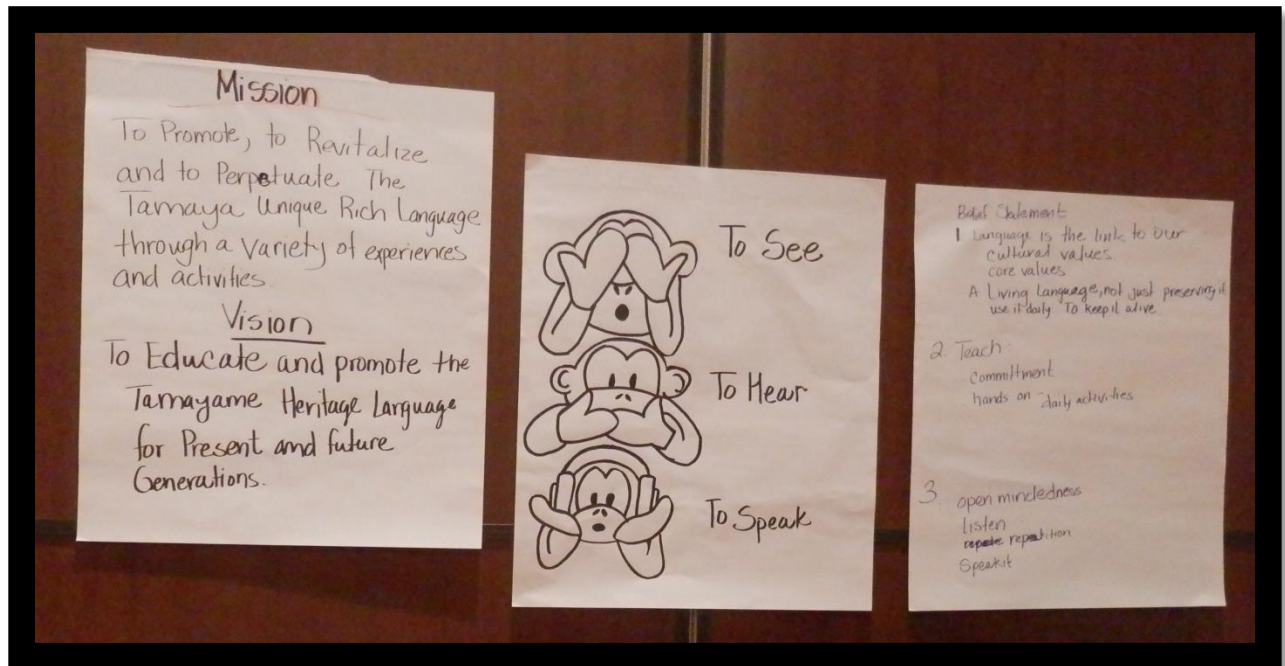
* The number after *PPE* represents ...

Reports

By July 31 of each year, the New Mexico PED and IED are charged with developing and submitting the State-Tribal Collaboration Report to the Indian Affairs Department. This report includes activities in which the PED is engaged—with tribes and pueblos, as well as with school districts—related to the education of American Indian students. Furthermore, the IED, in compliance with the Indian Education Act, is developing the Tribal Education Status Report (TESR), due November 15 each year. The TESR reports on the following:

- **Achievement**—student achievement, as measured by a statewide test that has been approved by the PED, with results disaggregated by ethnicity
- **Attendance**—school district initiatives to decrease the number of student dropouts and increase attendance
- **Calendar**—public school use of variable school calendars
- **Collaboration**—school districts' consultation with district Indian education committees; school-site parent advisory councils; and tribal, municipal, and Indian organizations
- **Educational programs**—targeting American Indian students

- **Financial reports**—impact aid, revenues, with expenditures excluded
- **Graduation rate**—rates for tribes, pueblos, and nations
- **Participation**—parent and community involvement
- **Policies and procedures**—current status of federal Indian education policies and procedures
- **Research**—indigenous research regarding evaluation measures and results for effective curricula for tribal students
- **School safety**

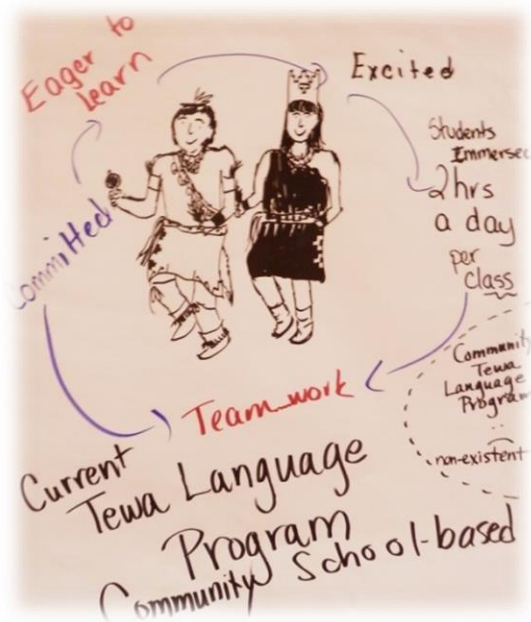


PED Method Established for Notifying Employees of the State-Tribal Collaboration Act (STCA)

Agency Collaborations

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

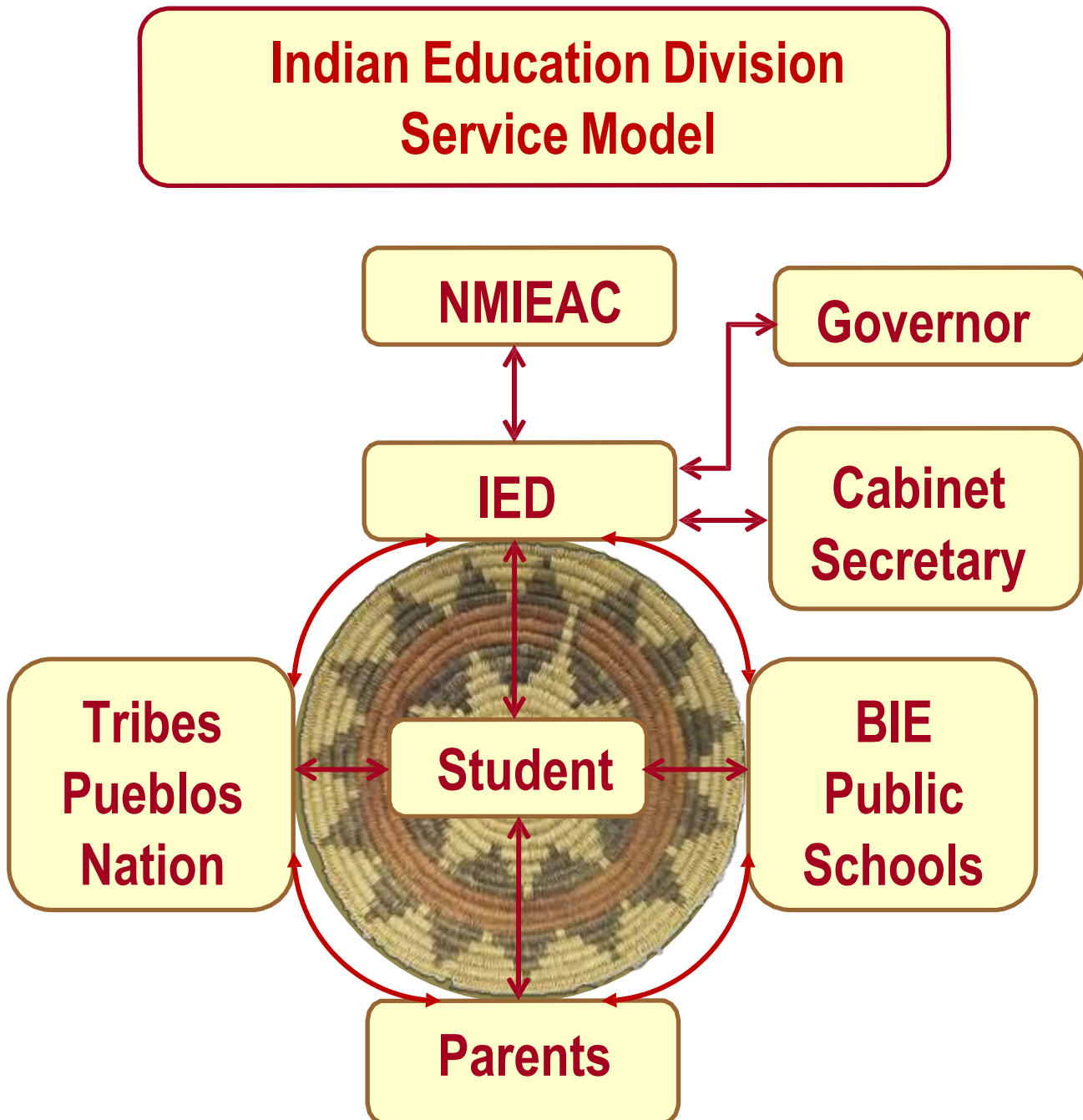
Paul Aguilar Deputy Secretary Department of Finance	Debbie Montoya Director Student Achievement & School Turnaround	Greg Frostad Deputy Director Title I Bureau	Ashley Eden Director Strategic Initiatives Policy Division
Beth Gudbrandsen, PhD Chief Editor Constituent Services	Michael Chavez Deputy Director Student Nutrition	Amanda Aragon Director Strategic Outreach	Denise Koscielniak Director Federal Programs
Sam Ornelas Director Title I	John Chadwick IT Generalist IT Department	Icela Pelayo, PhD Director BMEB	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—which integrates New Mexico services across agencies, pueblos, tribes, nations, and school districts—remains the foundation from which we build our future.



Appendices

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.

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
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
USDOE	US Department of Education
UNM	University of New Mexico
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