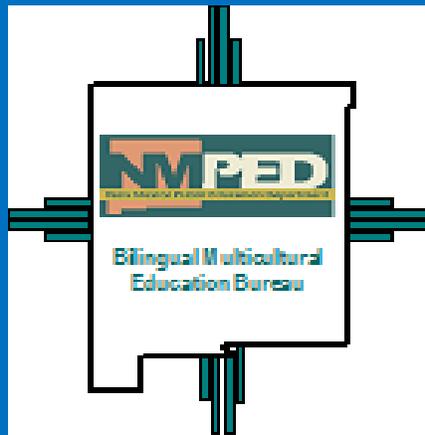


**NEW MEXICO
BILINGUAL MULTICULTURAL EDUCATION
AND
TITLE III PROGRAMS**

**TECHNICAL ASSISTANCE MANUAL
SY 2013 – 2014**



**Bilingual Multicultural Education Bureau
New Mexico Public Education Department**

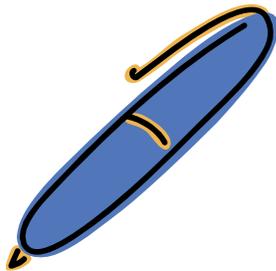
**NEW MEXICO PUBLIC EDUCATION DEPARTMENT
BILINGUAL MULTICULTURAL EDUCATION BUREAU
TITLE III PROGRAMS**

Icela Pelayo Cervantes, PhD., State Bilingual Title III Director
icela.pelayo@state.nm.us
Phone (505) 827-6667

Elisabeth Valenzuela, PhD., Education Administrator
Phone (505) 827-4270
elisabeth.valenzuel@state.nm.us

Marilyn Newton-Wright, Management Analyst
Phone (505) 827-6594
marilyn.newton@state.nm.us

Jesus Jurado, Spanish Language Specialist
Ministry of Education and Culture of Spain
Phone (505) 246-2261 ext. 16



SECTION I:

English Language Learners (ELLs) and Federal Title III Programs

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INTRODUCTION

This section provides information on the expectations of the Program Director and English as a second language programs/English language development (ESL/ELD).

The *Title III English Language Acquisition Act (No Child Left Behind 2001 Public Law 107-110)* provides funds to local districts to implement language acquisition programs to ensure English Language Learners and immigrant students:

- attain English proficiency;
- develop high levels of academic attainment in core academic subjects; and
- meet the same challenging state academic standards as all children are expected to meet Federal Laws, Court Decisions, and OCR Policy Concerning English Language Learner Students.

Contents of this Section

This technical assistance manual is an updated version of previous guides. This manual addresses the requirements of the *New Mexico State Bilingual Multicultural Education Regulation (6.32.2.6 NMAC)* of 2005 and those of the federal law, *Elementary Secondary Education Act (NCLB) Title III*, and other state and federal statutory requirements. The manual provides guidelines for the implementation of federally funded Title III English language acquisition programs (**SECTION 1**) and state-funded bilingual multicultural education programs (**SECTION 2**). It also provides guidance to districts regarding the policies and requirements of the U.S. Department of Education Office for Civil rights (OCR) relating to the provision of equal education opportunity to English language learner (ELL) students. In addition, **SECTION 3** of this manual provides contains the Technical Assistance and Focused Monitoring Visits. Manual.

Federal Laws, Court Decisions, and OCR Policy Concerning English Language Learner Students

1964	<u>Civil Rights Act, Title VI</u> A historic bill passed by Congress in 1964 that prohibited discrimination on the basis of race, color, or national origin. Title VI of the Act states, "No person shall, on the grounds of race, color, or national origin, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financing assistance."
1968	<u>Bilingual Education Act</u> The <i>Elementary and Secondary Education Act (ESEA)</i> of 1965 was amended to add <i>Title VII, The Bilingual Education Act</i> . This program established federal policy recognizing bilingual education as a viable method for economically disadvantaged language minority students; allocated funds for innovative programs; and recognized the unique educational disadvantages faced by non-English speaking students.
1970	<u>May 25 Memorandum</u> Stanley Pottinger, Director of the Office for Civil Rights in the Department of Health, Education, and Welfare (DHEW) sent a memo to all school districts reminding them of their responsibilities under Title VI of the <i>Civil Rights Act</i> of 1964. Pottinger wrote that "the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

1974	<p><u>Lau v. Nichols</u> In suit on behalf of the Chinese students in San Francisco public schools, the Supreme Court ruled that <i>identical</i> education does not constitute <i>equal</i> education under the <i>Civil Rights Act</i> by “merely providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.” School districts must take ‘affirmative steps’ to overcome educational barriers faced by non-English speakers. No specific methodology was mandated.</p>
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1974	<p><u>Equal Educational Opportunity Act of 1974</u> Within weeks of <i>Lau v. Nichols</i>, Congress passed the <i>Equal Educational Opportunity Act</i> (EEOA), mandating that no state shall deny equal education opportunity to any individual, “by the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by students in an instructional program. This was an important piece of legislation because it defined what constituted the denial of education opportunities. However, no definition/specification of appropriate action was mandated.</p>
1974	<p><u>Amendments to Title VII</u> The first reauthorization of <i>ESEA’s Title VII</i> included a new section focusing on teacher and professional development and native language instruction. The newly amended law required states to include instruction in students’ native language and culture and to spend at least 15% of their money towards training bilingual teachers. Another new amendment was an expansion of eligibility of who could participate in Title VII programs. Any student, regardless of socioeconomic status, who was of “limited English-speaking ability (LESA),” could participate.</p>
1975	<p><u>Lau Remedies</u> The Department of Health, Education, and Welfare designed a set of education standards that would satisfy the Supreme Court’s ruling on <i>Lau v. Nichols</i>. These standards were named the “Lau Remedies” and gave the federal government influence over educational decisions made by local and state education authorities.</p>
1978	<p><u>Amendments to Title VII</u> The 1978 reauthorization of <i>Title VII of the ESEA</i> emphasized the strictly transitional nature of native language instruction, expanded eligibility to students who were limited English proficient (LEP), and permitted enrollment of English-speaking students in bilingual education programs.</p>
1980	<p><u>Notice of Proposed Rulemaking (NPRM)</u> These regulations sought to replace the “Lau Remedies” with official documentation. NPRM was an attempt to create requirements for ELL students. Regulations required that only qualified teachers were to give bilingual instruction. Services to English Language Learners had to have four components: identification, assessment, services, and exit for students in these programs.</p>
1981	<p><u>Castañeda v. Pickard</u> The 5th District Court of Appeals mandated special help for English Language Learners. This court case defined criteria for “appropriate action” schools should take to educate LEP students. Criteria for schools included: pedagogically sound plan for LEP students, qualified staff for instruction, effective implementation of programs, and plans for evaluation of programs.</p>
1982	<p><u>Plyler v. Doe</u> U.S. Supreme court struck down a Texas law that excluded the children without proof of legal residency or full tuition from attending public schools. Justice Brennan wrote, “It is</p>

	difficult to understand precisely what the state hopes to achieve by promoting the creating and perpetuation of a subclass of illiterates.” The <i>Pyle v. Doe</i> decision, based on the Fourteenth Amendment, set the precedent that children could not be denied an education based on immigration status.
1984	<u>Amendments to Title VII</u> The 1984 reauthorization of <i>Title VII of the ESEA</i> implemented several new grant programs in the areas of family English literacy, academic excellence, developmental Bilingual Education, Early Start and Special Education students. The reauthorization also emphasized the importance of teacher training and academic goals for LEP students.
1988	<u>Amendments to Title VII</u> The 1988 reauthorization of <i>Title VII of the ESEA</i> included increased funding to state education agencies, expanded funding for “special alternative” programs where only English was used, a three-year limit on participation in most <i>Title VII</i> programs, and the creation of fellowship programs for professional training.
1994	<u>Amendments (Improving America’s Schools Act)</u> The 1994 reauthorization of the ESEA entailed comprehensive educational reforms, including a reconfiguration of <i>Title VII</i> programs. New provisions reinforced professional development programs, increased attention to language maintenance and foreign language instruction, improved research and evaluation at state and local levels, supplied additional funds for immigrant education, and allowed participation of some private school students.
2000	<u>Executive Order 13166 “Improving Access to Services for persons with Limited English Proficiency”</u> This presidential order required all federal agencies and federally sponsored projects to “ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964.”
2001	<u>Alexander v. Sandoval</u> This U.S. Supreme Court case dealt with the issues of disparate impact (unintended consequences) and private right of action (whether an individual can sue the state under Title I of Civil Rights Act) with regard to non-native English speakers. Martha Sandoval, native Spanish speaker, had sued the state of Alabama claiming that state’s English-only driver’s license test discriminated against Spanish speakers, which violated <i>Title VI of the Civil Rights Act</i> . The Supreme Court, in a 5-4 vote, ruled against Sandoval stating that a private citizen cannot sue the federal government under Title VI. The court also ruled that a plaintiff has to prove that the actions taken against them were intentional acts of discrimination. Thirdly, the Supreme Court stated that a language is not considered an act of discrimination protected in the Civil Rights Act, only race, color, and national origin are included.
2002	<u>No Child Left Behind Act (Changes from ESEA, Title VII)</u> The 2001 reauthorization renamed federal support for education as the No Child Left Behind Act. It replaced the ESEA Title VII competitive grant program with Title III, a formula grant program providing funding to states for English Language acquisition programs only, i.e., new provisions focused only on promoting English acquisition and helping English Language Learners meet challenging content standards by creating aligned systems of standards and assessments. States issued sub-grants to school districts; both systems are held accountable for LEP and immigrant students’ academic progress and English attainment. Professional development programs were also supported.

STUDENT AND PROGRAM ELIGIBILITY – TITLE III (ESEA)

Student Eligibility

There are two sets of criteria used to determine student eligibility for participation in Title III programs.

Federal Requirements

The ESEA (NCLB 2001), Title III (Public Law 107-110) Language Instruction for Limited English Proficient and Immigrant Students, provides funding for school districts to identify and serve the linguistic and academic needs of English language Learners (ELL) or Limited English Proficient (LEP) students. The following are the official definitions from the ESEA (NCLB Act 2001) Title IX Part A Definitions:

“Limited English Proficient” – The term “limited English proficient,” when used with respect to an individual, means an individual

- (A) who is age 3 through 21
- (B) who is enrolled or preparing to enroll in an elementary or secondary school
- (C)
 - (i) who was not born in the United States or whose native language is a language other than English;
 - (ii) (I) who is a Native American or Alaska Native, or a native e resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
 - (III) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual
 - (i) the ability to meet the state’s proficient level of achievement on state assessments described in section 1111(b)(3);
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English, or
 - (iii) the opportunity to participate fully in society.

Immigrant Children and Youth – The term “immigrant children and youth” means individuals who

- (A) are aged 3 through 21;
- (B) were not born in any state; and
- (C) have not been attending one or more schools in any or more states for more than three full academic years (No Child Left Behind Act, Title III, 2001).

Federal Title III – English Language Acquisition Programs

Under federal Title III programs, there are three funding options. These include:

1. **Formula-Based Program (Program Code 24153)**

New Mexico Public Education Department may make a subgrant to an eligible entity from funds received by the agency under the subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging state academic content and student academic achievement standards NCLB Title III SEC. 3115). **Title III Application DUE 2nd Friday in May.**

To be eligible for financial support, LEAs must submit a Title III application to the BMEB for approval. This application will target the linguistic and academic needs of the ELL population only. Funding is based on the average number of ELL students reported in STARS on the 80th and 120th day. Funds shall be used to implement the required and authorized activities [Section 3115 (c) & (d).

Each eligible entity receiving funds may not utilize more than 2% for administrative costs.

2. **Emergency Immigrant Funding (Program Code 24163)**

New Mexico Public Education Department may award a subgrant to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration. The goals of the program are:

1. Provide high-quality instruction to immigrant children and youth
2. Help such children and youth
 - (a) with their transition into American society; and
 - (b) meet the same challenging state academic content and student academic achievement standards as all children are expected to meet.

3. **Recognition for English Language Learners**

The Bilingual Multicultural/Title III Bureau recognizes schools where English Language Learners are succeeding. To be eligible for recognition, schools must provide evidence of effectiveness according to the following student performances criteria:

1. Annual Measurable Achievement Objectives (AMAOs), including:
2. **Making Progress** in English Language proficiency
3. **Attaining Proficiency** in the English language
4. **School Growth Target** (SGTs)
5. Short-Cycle Assessment Data
6. Qualitative measures – other data, such as success stories of accomplishments by the English language learner student group.

Parent Notification and Program Placement for Title III Programs:

Provide procedures to ensure that parental notification is given annually prior to program placement. U.S. civil rights law and policy require districts that receive federal financial assistance to provide the parents of language minority students with notice of all school activities containing the same information that is provided to the parents of other students, regardless of the subject matter. To be adequate, such notices must be furnished in a language; manner and/or form that are understandable to parents (see resource at the end of Section I).

Parents of ELL/LEP students do not need to respond to the student placement notification in order for the student to participate in a Title III/ESL/ELD program. Whether the parent(s) respond(s) or not, the district is obligated to provide ESL/ELD instructional strategies to ensure that the student's English language and academic needs are met.

a. Parent Notification Requirements of Individual ELL/LEP Student Placement

Within 30 days after the start of the school year and prior to placement, parents must be notified with regard to:

- Reason for identification that includes student's level of English proficiency as indicated by the WIDA-ACCESS Placement Test (W-APT) or by the annual Assessing Comprehension and Communication in English state to state (ACCESS for ELL).
- Method of instruction used in the program (content, instructional goals, English and home language instruction)
- How the program will meet students' educational strengths and individual needs
- Program exit/expected rate of transition for ELL/LEP students
- **The right to remove the child upon request**
- **The right to decline enrollment in the program or decline the method of instruction**
- **ELL language support**
- Additional parent notification within 30 days if the LEA fails to meet its Annual Measurable Achievement Objectives and/or School Growth Targets.
 - Information given to parents must be in an understandable and uniform format in the language of the parents when feasible (some Native American languages are not available in a written format)

b. Parent Notification Requirements Regarding School Performance (AMAOs and SGTs)

This parent notification requirement regarding a school's failure to attain the targets set for the Annual Measurable Objectives in English proficiency (AMAO 1 and 2) and the School Growth Targets (SGTs).

INSTRUCTION

What Research says about Second Language Acquisition

Scientifically Based Research

According to Title I of the ESEA (NCLB 2001), the phrase “scientifically-based research” means “research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge...” (NCLB 2001, Section 901. General Provisions, Section 37).

1. **Importance of Understanding Language Acquisition Development Process**
 - a. Language acquisition is a natural process that young children use for learning a first and/or second language with little or no formal instruction. Students who successfully acquire language first become proficient in the conversational, and later in the academic, dimensions of language. Understanding these predictable stages in the process of language learning is basic for nurturing bilingual students to academic and cognitive success (Thomas and Collier, 2002; Cummins 1992).
 - b. It takes approximately one to two years for English Language Learners to master the conversational aspects of English (“Basic Interpersonal Communication Skills or **BICS**”) so that they have native-like control of the surface structures of the language. Development of literacy-related skills in the second language (“Cognitive/Academic Language proficiency or **CALP**”) requires approximately five to seven years before students can perform on a par with their native English-speaking peers. This is why instruction in the ELL student’s primary language provides the foundation upon which to build English proficiency (Cummins, 1992).
 - c. Comprehensible/meaningful input is a key component for effectiveness. Second-language acquisition is facilitated when messages are comprehensible to ELL students. That is, comprehensible input is contextual, relating to students’ backgrounds, experiences, and interests. Comprehensible input provides linguistic cues to aid understanding. Teachers gear their verbal interactions to students’ linguistic proficiency levels, and they systematically use clear articulation, repetition, slower rate of delivery, paraphrasing, and summarizing. They emphasize and draw upon the student’s prior knowledge of the content.
 - d. Other factors influencing the rate of quality of language acquisition include an individual’s educational background, first language background, learning style, cognitive style, motivation, personality, family involvement, and support.

2. **Linguistic Ability is not the Same as Cognitive Ability**

A student's linguistic competency should not be confused with his/her cognitive ability. Many beginning English Language Learners are capable of high-level abstract concepts. English proficiency may limit the student's ability to articulate this knowledge. Teachers need to be aware that the student may have a conceptual framework in place, and therefore, must be assisted and challenged at an age-appropriate level while acquiring the second (English) language.

3. **Knowing the Individual Student and His and/or Her Culture is Essential**

Schools throughout New Mexico are challenged to meet the needs of English Language Learners, as well as those of students who are fluent in English. New Mexico classrooms serve the highest percentage of Hispanic students in the nation and a high percentage of Native American students, second only to Alaska. In addition to Spanish, there are eight different indigenous languages spoken in New Mexico, some of which are traditional oral languages that have existed for hundreds of years and are not written. Many students bring to their school classrooms cultures and linguistic structures that are fundamentally different from a "standard" English-speaking tradition. The diversity that students bring to school must be highly valued as a resource to build upon.

Approximately 17% of New Mexico's K-12 students are English Language Learners. It is critical to the future of these children and the future of our state that, as a part of their public school education, they acquire language and literacy skills (i.e., "fluency") in both English and in their home language. English Language Learners must have full access to challenging curriculum and must achieve to the same high level of performance in the content areas as native English speakers do. ELL students are eligible to participate in both Title III and state-funded programs. Both state and federal Title III programs are optional, that is, districts/schools may choose to participate.

PROGRAM CONTENT

1. **English Language Acquisition and Development**

This part of the program is designed for ELL students to develop English language skills in reading, writing, listening, speaking, and comprehension. The English as a Second Language/English Language Development (ESL/ELD) program shall be aligned with the *New Mexico Common Core Standards (NMCCS)* and the *World-Class Instructional Design (WIDA) 2012 English Language Development Standards*. This language arts program must follow a written, scope-and-sequenced curriculum. Such a second language program is essential for monolingual speakers of another language and partial speakers of English.

English as a Second Language (ESL) methodology in this Language Arts component provides ELL students with a progressive development of skills in listening, speaking, reading, writing, and comprehending English. The program must use materials designed for second language learners. ELL students should

be placed in a regular English class only after attaining the proficiency needed to succeed in reading the language at the level of their native-English-speaking peers. Districts must establish objective criteria for the exit of students from ESL/ELD to regular English reading programs.

The ESL/ELD Language Arts course must not be confused with the provision of ESL-oriented methodologies, strategies, and materials in other content areas. Both are necessary. These methods and materials are also recommended for use with English Language Learners who are developing communication skills in English and/or are underachieving in the curriculum.

2. New Mexico English Language Development Standards

English Language Development (ELD) standards are a necessary foundation that guides the *NMCCS and WIDA ELD Standards*. The target population for English Language Development instruction is referred to as English Language Learners (ELL/LEP), which generally falls into three basic categories:

- Students whose primary or home language is other than English, including recent immigrants
- Students from heritage language groups needing enrichment and further development of academic English, some of whom maintain degrees of fluency in their heritage language
- Any other students needing enrichment and further development of academic English

The proper assessment and placement of English Language Learners and the degree of knowledge that the instructor has about first and second language acquisition are important considerations for an English Language Development program. All teachers, including content area specialists, must be aware of the importance of language in relation to their disciplines.

The New Mexico English Language Development Standards are consistent with the *National TESOL Standards (1999)*, which stress the importance of

- Language as communication;
- Language learning through meaningful and significant use;
- The individual and societal value of bi- and multilingualism;
- the influence of the English Language Learners' native languages on their English language and general academic development;
- Cultural, social, and cognitive processes in language and academic development; and
- Assessment that respects linguistic and cultural diversity

Legal Requirements for Instruction

There are three documents that address federal requirements for Title III programs. These are:

- Civil Rights Act Title VI (1964, Office of Civil Rights Policy Manual)
- ESEA (NCLB), Title III (2001)
- New Mexico Common Core Standards (2012) and WIDA ELD Standards 2012 (align to CCSS)

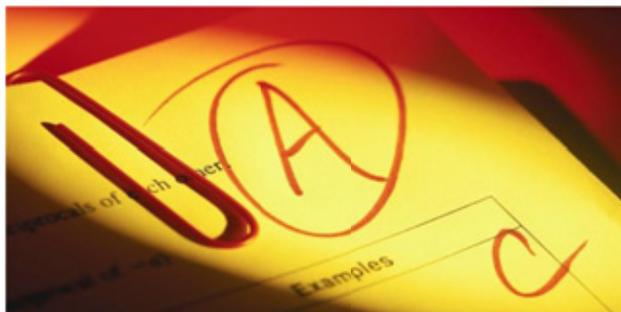
ASSESSMENT

All ELL students (in a district or charter school) must be assessed annually regarding their English language proficiency. There are also special considerations for their assessment in the statewide academic tests, which will be discussed in this section.

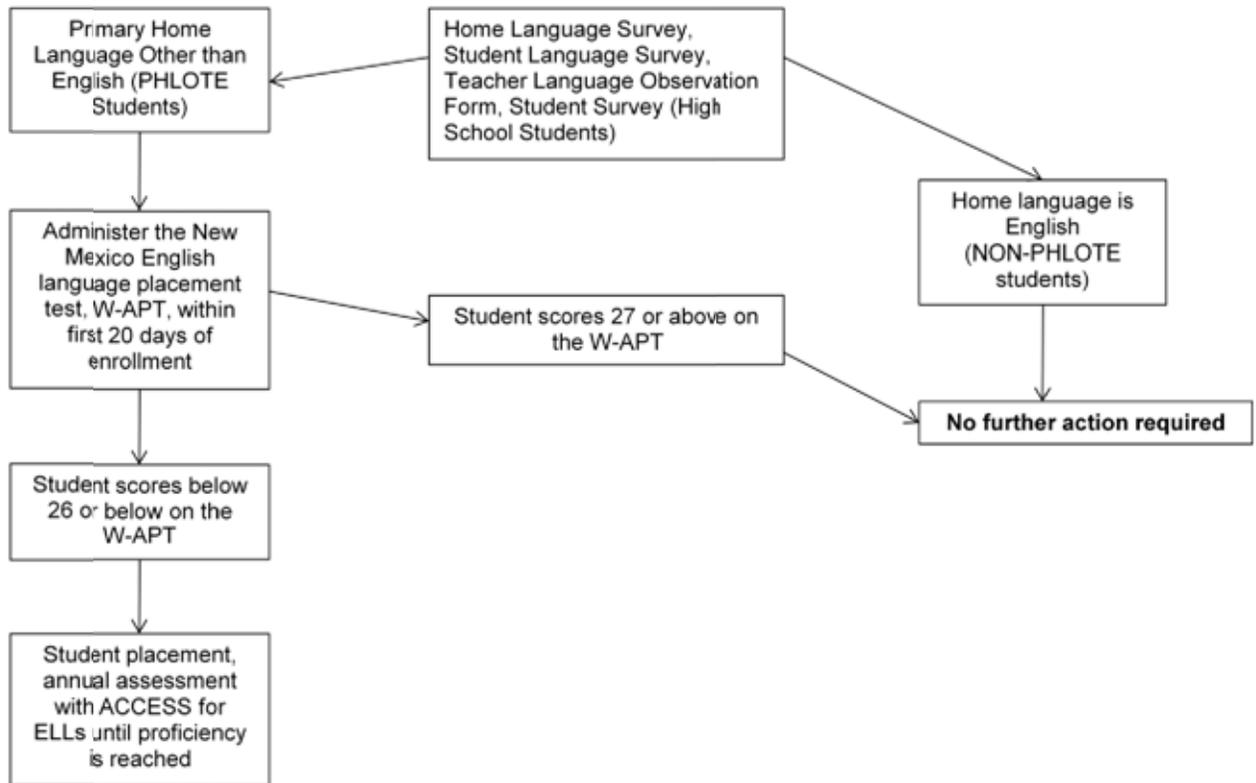
Participation of English Language Learners (ELL) in the state assessment: The State of New Mexico is committed to the ideal that all students can learn and achieve high standards. Both state and federal laws require that ELL students be assessed for their academic performance, as well as for their proficiency in English.

English Language Proficiency Assessment: Under Title VI of the Civil Rights Act of 1964, and subsequent federal and state mandates, all public school districts/schools must screen, identify, and provide services to English Language Learners.

The student's English language proficiency is determined by his/her ability to listen, speak, read, and write. Procedures in the following figures illustrate required steps for identification, assessment, program placement, and evaluation of English Language Learners that districts must follow to comply with federal and state mandates.



Program Placement According to English Language Proficiency



Procedures for Identification, Assessment, Program Placement, and Evaluation of English Language Learners

Step	Process	Results
Step 1: Identification of student with primary or home/heritage language influence other than English (PHLOTE)*	<p>A Home Language Survey or Student Language Survey must be completed for all new students enrolling into a school system. Initial identification of students' home/heritage language(s) or language influence must occur within 20 days of enrollment. Keep this record in the student's cumulative file. All students' cumulative file must have a Home Language Survey or Student Language Survey on file.</p> <p>The Teacher language Observation form may be also utilized after enrollment for a student who is not succeeding academically, and the teacher believes that the student's lack of English proficiency could be influencing his and/or her academic performance.</p>	Initially identifies student to be assessed for English language proficiency.

***PHLOTE Definition:**

"PHLOTE" is defined as primary or home/heritage other than English. This student may be:
 Fluent English Proficient (FEP)
 Limited English proficient or English Language learner (LEP/ELL)
 Fluent in the home/heritage Language
 Limited in the home/heritage Language

A heritage language is one that a student may inherit from a family, tribe, or country of origin.

If there is one (or more) response(s) confirming the influence of a language other than English on the Home Language Survey, then the district must continue the identification process by administering the WIDA ACCESS Placement Test (W-APT).

NOTE: Home Language Survey (HLS) should NOT be the place to ask about immigrant status, neither is registration.

Procedures for Identification, Assessment, Program Placement, and Evaluation of English Language Learners (Continued)

STEP	PROCESS				RESULTS
Step 2: Initial assessment of English language proficiency (W-APT)	Administer W-APT to determine whether the student is proficient or non-proficient in English. <u>This must be done within the first 20 days after a student enrolls.</u> Based on W-APT placement criteria, students will be identified as ELL or non-ELL. See below for W-APT placement criteria:				The W-APT Screening Test determines whether the student is proficient or non-proficient in English. Students who score "Non-proficient" on the W-APT are classified as English Language Learners and must be placed/served in a specialized English language program (either as part of the Bilingual Multicultural Education program or a stand-alone English as a Second Language program).
	Grade	Domains	W-APT Score Identifies Student as ELL	W-APT Score Indicating Student is not ELL	
	Kindergarten 1st Semester	Speaking and Listening	Less than 27	27 or Higher	
	Kindergarten 2nd Semester	All Four	Listening and Speaking 27 or higher and Reading 14 or higher and Writing 17 or higher	Listening and Speaking 27 or higher and Reading 14 or higher and Writing 17 or higher	
	Grade 1 1st Semester	All Four	Listening and Speaking 27 or higher and Reading 14 or higher and Writing 17 or higher	Listening and Speaking 27 or higher and Reading 14 or higher and Writing 17 or higher	
	Grade 1 2nd Semester	All Four	Composite less than 5.0 or any domain less than 5.0	Composite 5.0 or higher and no domain less than 5.0	
	Grades 2nd-12th 1st and 2nd Semester	All Four	Composite less than 5.0 or any domain less than 5.0	Composite 5.0 or higher and no domain less than 5.0	
	Note: There is not a composite score for the current Kindergarten W-APT.				

Procedures for Identification, Assessment, Program Placement, and Evaluation of English Language Learners (Continued)

STEP	PROCESS	RESULTS
	<ul style="list-style-type: none"> • Based on W-APT placement scores, identified ELL students must be placed in the appropriate program model to meet their language and academic needs. (State Bilingual Multicultural Education program or Stand-Alone English as a Second Language Program). • The district/school must notify the student's parent(s) prior to placement of the student in either a Bilingual Multicultural Education program and/or "stand-alone" Title III. Those districts that do not have either program must provide services for identified ELL students. • If a parent does not wish for the student to participate in the program, the parent must send a letter indicating this to the school/district. Parents must be notified of the student placement within 30 school days after enrollment. 	
<p>Step 3: Annual English Language Proficiency Assessment for ELL Students</p>	<ul style="list-style-type: none"> • Annually administer the ACCESS for ELLS during the approved test window until English language proficiency is attained. A composite score of 5.0 on the ACCESS for ELLs is the criterion needed for ELL to be reclassified as FEP. • Districts that have neither a state Bilingual Education program nor a Title III program are still required to annually assess ELL students' English language proficiency and to provide specialized English language services to them in order to ensure equal opportunities for learning (OCR requirement) regardless of parent refusal of services (stand alone Title III). 	
<p>Step 4: Program Evaluation</p>	<p>Review, analyze, and evaluate the following longitudinal data:</p> <ul style="list-style-type: none"> • English language proficiency results • Annual Measurable Achievement Objectives (AMAOs). 	<ul style="list-style-type: none"> • Continuously refine program to ensure that students are succeeding.

	<ul style="list-style-type: none"> • Student's academic achievement, attendance rate, dropout rate, parent involvement, and disciplinary record. <p>Based on the data analysis:</p> <ul style="list-style-type: none"> • Compare English language learner performance with non-English language learner performance, as part of the EPSS comprehensive Assessment system. • Review and revise program as needed to address group and individual instructional needs. Include evaluations of effectiveness of professional development efforts as well. • Report and disseminate results to all stakeholders: parents, teachers, community entities, tribes, federal, and state agencies, including PED-BMEB 	<ul style="list-style-type: none"> • Districts/schools can include scores for students classified as FEP for two consecutive years in the academic test (New Mexico Standards-Based Assessment) as part of the performance of the English language learner subgroup. • Monitor annual progress of the ELLs' English language proficiency in grade levels K-12. • Establish when ELLs have attained English language proficiency. • Provide a reliable and valid data source for accountability and aid in decision making.
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STANDARDS BASED ASSESSMENT (SBA) OF ENGLISH LANGUAGE LEARNERS

Basic Requirement

All ELLs must participate in the New Mexico Standards Bases Assessment (NMSBA)

The state of New Mexico is committed to the ideal that all students can learn and achieve high standards. Historically, English Language Learners were often excluded from statewide assessment efforts. As a result, alternative or specialized language programs were not provided with data that could inform and improve instruction.

Since 2001, state and federal laws require English Language Learners (ELL) to appropriately participate in the New Mexico Statewide Assessment Program, which currently measures academic performance in Language Arts, Reading, Math, and Science. The state recognizes that students who are still in the process of acquiring academic English may not be able to adequately understand and interpret the information contained in the English version of the assessments.

Under Title VI of the Civil Rights Act of 1964, the subsequent federal and state mandates, all public school districts/schools must screen, identify, and provide services to English Language Learners. Initially, New Mexico school districts/schools shall identify students with a Home Language Survey that determines whether a language other than English is spoken in the home. If there is an indication of a language other than English, the district/school must classify the level of the student's English language proficiency, using the state-approved English language proficiency placement test (W-APT).

Once the level of language proficiency has been determined, all currently identified ELLs **must be assessed** annually with the full ACCESS for ELLs until proficiency is attained.

Trained personnel must administer the W-APT and the ACCESS. Test administrators are not required to be certified or endorsed teachers in order to administer this test. However, test administrators must be trained in the administration, interpretation, and scoring of the tests, especially the oral component. They must administer the tests under the supervision of a licensed school instructor or administrator. This training is provided by WIDA via online training modules.

SOME IMPORTANT CONSIDERATIONS TO TAKE INTO ACCOUNT INCLUDE:

Length of Enrollment in the U.S. Schools – The options for how ELLs may participate in the NM Standards Based Assessment depend, in large part, on the length of time that the student has been enrolled in the U.S. public schools.

Students Who are New to U.S. Schools – Students who are enrolled in their first year in school in the United States may receive a language exemption for the Reading subtest ONLY. In this situation, the student’s language proficiency assessment (ACCESS for ELLs) score, if available, will be substituted for the Reading Subtest in determining the school’s and district’s participation rate. In all other content areas, however, the new student must participate in the Spanish language version of the assessment (if available and appropriate), or in the English language version, with accommodations provided if these are determined to be appropriate by the local school’s Student Assistance Team. Because the student has not been in the school for a full academic year at the time of the testing, his or her test results will not be included in the performance data used to determine School Growth Targets (SGTs). If this option is chosen, the Student Bio-grid bubble for the “Language Exemption for Reading ONLY” should be filled in. For the subtests other than Reading, the test completion status should be “Student Tested All Session,” and the type(s) of accommodations that are provided, if any, should be indicated by bubbling in.

Students Who Have Been in the U.S. Schools for Less than Three Consecutive Years – These students may participate in the NM Standards Based Assessment in one of three ways:

1. The student may participate in the standard administration of the Spanish language version of the assessment (where available and appropriate);
2. The student may participate in the English language version of the assessment with appropriate accommodations; or
3. The student may participate in the standard administration of the English language version of the assessment without accommodations.

Locally developed portfolio assessments are **not permitted** under the terms of the ESEA (NCLB 2001).

Students Who Have Been in U.S. Schools for Three or More Consecutive Years - These students must participate in the English language version of the assessment (with or without allowable accommodations) unless a waiver to continue testing the student in his/her home language has been approved by the secretary.

Waivers to Continue Assessing Students in Their Home Language – If after three consecutive years in U.S. schools, the district determines (on a case-by-case basis) that academic assessments in the student’s home language would yield more accurate and reliable information about his/her knowledge of a subject, the district may request a waiver from NMPED to continue to assess the student in his/her home language. Approved waivers are effective for the current year only. Waivers may be requested for a maximum of two years. The waiver request must be submitted in advance by the district superintendent to the New Mexico Secretary of education for approval. This request must take the form of a memorandum that includes the following information:

1. Student name
2. State student ID number
3. School in which the student is currently enrolled

4. Grade level
5. English language proficiency scores and date(s) of most recent administration
6. Consecutive years in U.S. public schools
7. Indication of whether this is the first or second waiver requested for the student
8. Percentage of content instruction in English
9. Percentage of content instruction in Spanish
10. Language of instruction in the content area
11. Reason or justification for the waiver request
12. Name of the Student Assistance Team (SAT) members in the decision

Recommendation for Test Scheduling – It is the school test coordinator’s (STCs) responsibility to inform test administrators (TAs) about the testing schedule. The ACCESS is an untimed test. Students must be allowed to continue working as long as they are making progress.

Testing Sessions May Not Be Interrupted – Do not begin testing if you feel students may not be able to finish the session. Once a testing session has begun, students must be allowed to finish. Students may be allowed to use the restroom as long as they are escorted to and from the facility. Students are not allowed to stop in the middle of the session and resume at a later point in time.

Invalidating Tests for ACCESS for ELLs – The test in a particular subtest area must be invalidated if there are testing irregularities or unusual circumstances that prevent the completion of any testing session. The invalidated test will not be scored. Testing irregularities must be reported by the DTC to the NMPED Assistant Secretary of Assessment and Accountability Division within three (3) days of learning of the testing irregularities. [NMAC.6.10.7]

Time and Setting – Time and setting is an adaptation that is allowed for all students; however, if breaks are allowed within subtests, repeat directions before restart. As with all other students, ELL students may receive adaptations of setting and timing. Students are not allowed accommodations in the areas of language knowledge and skills. However, students with special needs, such as the physically or mentally handicapped, may be allowed accommodations that relate to their disabilities. Testing accommodations shall be similar to those accommodations used in the classroom instruction. Each school shall utilize a team to review the individual student progress in order to determine accommodations. For the students being served on an Individualized Education Plan or a Section 504 Plan, those plans will respectively determine appropriate test accommodations. For all other students, the school may use its Student Assistance Team (SAT) or form another school-based team for this purpose, but the team must be comprised of at least three school staff and ones who are familiar with the student’s abilities and language needs, standardized test procedures, and valid ELL test accommodations.

Accommodations for ELL Students Taking the Statewide Academic Assessments – to determine the appropriateness of participation of ELL students in the

NM Standards Based Assessment, districts should consider each student's level of proficiency in all domains of language (speaking, reading, writing, listening, and comprehension) as well as the nature of the student's instructional program. The district must ensure that the students do not receive accommodations without current justification supported by the data. English Language Learners may be provided appropriate accommodations.

1. It should be noted that not all speakers of languages other than English are limited in their English language proficiency. Second-language students who are proficient speakers, readers, and writers of English must be assessed with the English version of the statewide assessments.
2. The language of instruction in the content area is also critically important. If the student has been receiving instruction in English in the content area, it may be more beneficial to have the student participate in the English language version of the assessment. Although the student may have limited proficiency in English, he or she may not have acquired sufficient academic vocabulary in the home language so as to perform well on the Spanish language assessment.
3. Each school may use its Student Assistance Team (SAT) or form another school-based team for the purpose of reviewing student progress and determining needed interventions and/or accommodations. Team members may include:
 - a. The Bilingual Education program coordinator
 - b. The student's bilingual education or TESOL – endorsed teacher
 - c. The student's other classroom teachers
 - d. Test administrators and school test coordinators
 - e. The school principal and/or counselor
 - f. The student's parent(s) or guardian(s), when appropriate
 - g. The student, when appropriate

The SAT school-based team shall base its decisions about appropriate accommodations on the following criteria:

- a. Annual review of the student's progress in attaining English language proficiency
- b. The student's current English language proficiency level
- c. The student's experience and time in U.S. schools
- d. The student's expected date for exiting ELL accommodations
- e. The student's familiarity with using the accommodations under consideration in instruction and assessment
- f. The primary language of instruction in the content and the length of time that the student has received instruction in that language
- g. The student's grade level

The accommodation provided to an English language learner shall be similar to those accommodations used in classroom instruction. The test situation should not be the first time the student has utilized the specific accommodation(s). Students should

already have sufficient experience in the use and application of the accommodations being considered.

STAFFING ENDORSEMENTS AND PROFESSIONAL DEVELOPMENT

Staffing Requirements

1. TESOL Teacher Competencies

English as Second Language (ESL) teachers must meet the following state professional teacher competencies [*Teacher Competencies for the (TESOL) Endorsement* (Regulation 6.64.11.1-11.10)]: "Under PED Regulation, [English as a second language (ESL)] teachers must be knowledgeable of students,

- language and language development,
- cultural diversity,
- knowledge of subject matter,
- meaningful learning,
- assessment,
- reflective practice,
- linkages with families and communities, and
- professional leadership

Endorsements

1. Teaching English as a Second Language (TESOL) Endorsement

- All teachers delivering the English as a Second Language component must have a TESOL endorsement.
- Teachers delivering the English as a Second Language component at the elementary level must have either a bilingual multicultural education or a TESOL endorsement.
- Teachers delivering the English as a Second Language component with an elementary level license (K-8) at the secondary level (7-8) must have a TESOL endorsement. The teachers delivering Course 1063 need a TESOL and a language arts endorsement.
- Teachers delivering the English as a Second Language component with a secondary level license (7-12) must have a TESOL endorsement. The teachers delivering Course 1063 need both a TESOL and a language arts endorsement.

Professional Development

Professional development is a core component for school program effectiveness and success. Development of quality teachers, principals, administrators, and educational support personnel is one of the major strategic goals of the Public Education Department's *Strategic Plan*. Effective professional development programs must be continuous, ongoing, and must meet federal and state requirements.

Federal Requirements

One of the major requirements of the ESEA (*NCLB 2001*) is to strengthen teacher quality. According to this act, the Public Education Department is required to ensure that highly qualified teachers be in every public school classroom. In particular, Title III of this act strongly supports the recruitment and retention of highly qualified teachers (all subject areas), paraprofessionals, and principals, while providing greater flexibility for school districts to develop such staffing. Title III of the ESEA (*NCLB*)t also supports professional development activities that assist personnel in meeting state and local certification/licensing requirements for teaching ELL students. **Under this act, “local educational agencies must provide professional development that is continuous and ongoing, meets the needs of English Language Learners, and involves all district personnel.”**

PROGRAM APPROVAL

To be eligible for funding districts must annually submit a funding application which complies with federal requirements and regulations.

Federal Requirements – English Language Acquisition Act (TITLE III)

Under Civil Rights law and the ESEA (*NCLB 2001*), school districts that receive federal financial assistance have an obligation to identify and serve all ELL/LEP students. Title III of the ESEA (*NCLB 2001*), particularly focuses on providing financial support for districts to develop scientifically research-based instructional programs for ELL/LEP students. These programs must ensure that ELL/LEP and immigrant students

- attain English language proficiency;
- develop high levels of academic attainment in core academic subjects; and
- meet the same challenging state academic standards as all children are expected to meet.

Districts must submit applications to NMPED by the deadline (in the preceding school year) NO LATE SUBMISSIONS WILL BE ACCEPTED. A separate application must be submitted for each school requesting program approval. The application shall include:

- Assurances
- Signatures of superintendent, bilingual multicultural education and/or Title III coordinator, district business manager, and school principal
- Program models
- Program goals to include:
 1. Professional development activities
 2. Parent and community involvement
 3. Budget summary and budget breakouts
 4. Program activities for English language development and academic achievement

Funding

Title III English Language Acquisition Program (Only for ELL Students)

Title III funds are categorical and must be utilized on the required and authorized subgrantees activities [NCLB, Section 3115 (c) and (d), 2001]. The funding allocation must be spent by the end of 27 months or it reverts to the U.S. Department of Education [NCLB, Title III, Section 3114 (c), 2001].

Formula-based Program for ELL/LEP and Immigrant Children (Program Code: 24153)

- Office of English Language Acquisition (OELA) distributes the funds to the state education agency (SEA).
- SEA makes subgrants to local education agencies (LEAs) based on the average of the number of ELL students reported on STARS 80th and 120th day of the previous year.

Emergency Immigrant Program (Program Code 24163)

- Funding is competitive based on the quality of the program and significant increase of the number of students being served compared to previous years.



USING THE STUDENT TEACHER ACCOUNTABILITY REPORTING SYSTEM (STARS)

Current Data Collection Template for Title III Program

Template	Field #	Field	Values
			ESL <ul style="list-style-type: none"> • 06 – Not participating in one of these models • 07 – Structured English Immersion • 08 – Content-Based English as a Second Language • 09 - Pull-Out English as a Second Language • 10 – Specially Designed Academic Instruction in English • 11 – Sheltered Instruction Observation Protocol (SIOP) • 12 – Other model
Programs Qualification	5	Programs Code	ELL – English Language Learner
Programs Qualification	7	Qualification Type	E - Eligible
Program Qualification	8	Qualification Info Code	Original Classification <ul style="list-style-type: none"> • 00 – Not Applicable • 01 – Home Language Survey and Language Proficiency Assessment • 02 – Teacher Observation and Language Proficiency Assessment • 03 – Student Survey (7-12 only) and Language Proficiency Assessment Reclassification from FEP back to ELL <ul style="list-style-type: none"> • 00 – Not Applicable • 09 – Student academic achievement o the state-mandated test, a Student Assistance Team (SAT) referral, <u>and</u> Language Proficiency Assessment result
Template	Field #	Field	Values
Student	113	English Proficiency	<ul style="list-style-type: none"> • 0 – Student was never ELL • 1 – Current ELL student • 2 – Exited year 1 • 3 – Exited year 2 • 4 – Exited year 3+
Student	123	Home Language Code	(see STRS manual)
Student	152	Immigrant	<ul style="list-style-type: none"> • Y • N

In addition to data reported directly to STARS, other data is collected in the AS 400 system. This includes:

- Teacher endorsements for TESOL and bilingual education
- Number of hours approved for bilingual education hours from Part II – Instructional Plan

PROGRAM EVALUATION AND RENEWAL

Program Evaluation

Evaluation is a key component for determining program effectiveness and setting new goals. Success is measured in terms of whether a program is achieving the specific goals that a district has established for the program. Districts must evaluate longitudinal data that compare the academic progress of ELL students and exited FEP students with the progress of non-ELL students. Additional student performance evaluation indicators may include grade point averages, rates of retention, dropouts, graduation, parent and/or community involvement, school safety, honors, and awards.

Language Proficiency and Academic Results

The New Mexico Public Education Department (NMPED) is required by the ESEA (*NCLB 2001*) and the *State Bilingual Multicultural Education Regulation of 2005* to identify and notify districts and schools not meeting the Annual Measurable Achievement Objectives (AMAOs) targets for ELL and/or LEP students. The AMAOs are defined as follows:

- ELL students making progress in learning English – AMAO#1
- ELL students attaining English proficiency – AMAO #2
- ELL students achieving academic proficiency (SGTs) – AMAO #3

The district and the school are required to notify parents of ELL and/or LEP students if one or more of the AMAO targets were not met for any school year.

If a school fails to meet any AMAOs for two consecutive years, the school and district are required to write an improvement plan to address the causes for not meeting the AMAOs. The federal law requires districts and/or schools to involve parents in the development of their local plans.

LEGAL BACKGROUND FOR PROGRAM EVALUATION

The Office for Civil Rights, the ESEA (*NCLB*), *Title I and Title III*, the *New Mexico Bilingual Education Law*, and the *New Mexico Multicultural Education Regulation* all require districts to evaluate the effectiveness of their programs for ELL students.

SECTION I

RESOURCES

English Language Learners (ELLs) and Federal Title III Programs

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TITLE III-Required Subgrantee Activities Section 3115(c & d)

Required Subgrantee Activities Section 3115(c) (No Child left Behind Act, Title III, 2001)
<p>1. Increase the English proficiency of English language learners (ELL) by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing:</p> <ul style="list-style-type: none"> • English proficiency • Student academic achievement in the core academic subjects <p>(Refer to program models and stand-alone ESL programs)</p>
<p>2. Provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction programs), principals, administrators, and other school or community-based personnel that is</p> <ul style="list-style-type: none"> • designed to improve the instruction and assessment of ELLs; • designed to enhance the ability of teachers to understand and use curricula, assessment results, and instruction strategies for ELL children; • based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or the subject matter knowledge, teaching knowledge and skills; and • of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom (excluding activities such as one-day or short-term workshops and conferences unless the activity is a component of an established comprehensive professional development program for an individual teacher).
Authorized Subgrantee Activities Section 3115(d) (No Child Left Behind Act, Title III, 2001)
1. Upgrade program objectives and effective instruction strategies
2. Improve the instruction program for ELL children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures
3. Provide intensified instruction including tutorials and academic or vocational and technical training for ELLs
4. Develop and implement elementary or secondary school language instruction educational programs that are coordinated with other relevant programs and services
5. Improve the English proficiency and academic achievement of limited English proficient children
6. Provide community participation programs, family literacy services, and parent outreach and training activities to ELL children and their families to
<ul style="list-style-type: none"> • improve the English language skills of ELL children; and • Assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.
7. Improve the instruction of ELL children by providing for:
<ul style="list-style-type: none"> • The acquisition or development of educational technology or instructional materials • Access to, and participation in, electronic networks for materials, training, communication • Incorporation of the above two resources into curricula and progress
8. Carrying out other activities that align with the purposes of this section

**Title III Required and Authorized Activities Definitions
ESEA (NCLB, 2001)**

Term	Definition
Academic or Vocational Education	Activities coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.
Accountability	The notion that people (e.g., students or teachers) or an organization (e.g., a school, school district, or state department of education) should be held responsible for improving student achievement and should be rewarded or sanctioned for their success or lack of success in doing so.
Accountability System	New Mexico sets academic standards for what every child should know and learn. Student academic achievement is measured for every child, every year. The results of these annual tests are reported to the public.
Attainment	Title III NCLB expectations require that a certain percentage of ELL students acquire English language proficiency as defined by the state Annual Measurable Achievement Objectives (AMAOs) for English language acquisition.
Assessment	Teacher-made tests, standardized tests, or tests from textbook companies that are used to evaluate student performance. Under <i>No Child Left Behind</i> , tests are aligned with academic standards. ELLs are required to participate annually in statewide academic achievement testing and English language proficiency testing.
Curriculum	A plan of instruction that details what students are to know, how they are to learn it, what the teacher's role is, and the context in which learning and teaching will take place. New Mexico has developed a set of standards that are intended to guide curriculum and instruction.
Educational Technology	Learning tools to increase and enhance ELL learning opportunities in the target language and content areas (computers, tutorials, educational software, etc.)
English Language Learner (ELL)	A student who is not proficient enough in the English language to succeed in the school's regular instructional programs and who qualifies for extra help (formerly referred to as Limited English Proficient (LEP)).
Family Literacy Services	The term family literacy services means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities: A. Interactive literacy activities between parents and their children B. Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children C. Parent literacy training that leads to economic self-sufficiency D. An age-appropriate education to prepare children for success in school and life experiences

**Title III Required and Authorized Activities Definitions
ESEA (NCLB, 2001) (Continued)**

Term	Definition
Instructional Materials	Identification and acquisition of curricular materials, educational software, and technologies to be used in the ELL program.
Parent Outreach	<ul style="list-style-type: none"> • Each LEA using Title III funds to provide a language instruction educational program must implement an effective means of outreach to parents of limited English proficient children. LEAs must inform such parents about how they can be active participants in assisting their children to learn English, achieve at high levels in core academic subjects, and meet the same challenging state academic content and student academic achievement standards as all other children are expected to meet. • Activities coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.
Parent Training	Family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children
Professional Development	<p>LEAs are required to provide high quality professional development to classroom teachers (including teachers in classroom settings that are not the setting of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel that is</p> <ul style="list-style-type: none"> • designed to improve the instruction and assessment of LEP students; • designed to enhance the ability of teachers to understand and use curricula, assessment measures, and instruction strategies for LEP children; • demonstrating the effectiveness of the professional development in increasing children's English proficiency, or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers, based on scientifically based research; and • of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom (excluding activities such as one-day or short-term workshops and conferences unless the activity is a component of an established comprehensive professional development program for an individual teacher).
Progress	Title III NCLB expectations require that ELL students demonstrate annual improvement towards acquiring English language proficiency as defined by the state Annual Measurable Achievement Objectives (AMAOs) for English language acquisition.

**Title III Required and Authorized Activities Definitions
ESEA (NCLB, 2001) (Continued)**

Term	Definition
Scientifically Based Research	<p>Research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs, and includes research that:</p> <ul style="list-style-type: none"> • Employs systematic, empirical methods that draw on observation or experiment • Involves rigorous data analysis that are adequate to test the stated hypotheses and justify the general conclusion drawn • Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators • Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiment, or other designs to the extent that those designs contain within-condition or across-condition controls • Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings • Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific view
State Academic Standards	<p>State standards that describe what students should know and be able to do in core academic subjects at each grade level</p>
Tutorials	<p>Provision of extra assistance or instruction in English, academic or vocational subjects, tutorials, mentoring, and academic or career counseling for immigrant children and youth</p>

Parent Notification Letters

(Use district letterhead)

Date

Dear Parents:

This letter is to inform you that your son/daughter, _____, has been identified as an English language learner based upon the New Mexico Language Proficiency Assessment test (WAPT/ACCESS for ELs), which measures academic English proficiency. Based upon the test results your child would benefit from placement in the following instruction language program:

Academic English Language Support Program – The goal of this program is “to ensure that children who are limited English proficient...attain English proficiency, develop high levels of academic attainment in English” (ESEA 2001).

The Bilingual Education program (insert program model) will help your child acquire English and develop the home language through a well-structured, sequential program of studies.

When your son/daughter becomes English proficient according to the New Mexico English Language Proficiency Assessments, your child will be exited from the Academic English Language Support Program; however, his/her academic progress will be monitored for two years. Results of the ACCESS, which indicates your child’s level of English proficiency, are sent home with your child annually. For English Language Learners who are also special education students, their individual Education Plan will reflect acquisition of English fluency objectives.

The goal of these programs is to develop proficiency in academic English and to provide student success. Although parents have the prerogative to withdraw their child from direct services, it is strongly recommended that students receive academic support that these programs provide. If you have questions, you are encouraged to call or visit our office.

Sincerely,

District Bilingual Education Director
District/School

(Note: this letter is usually sent after the testing window and results are made available to schools

Carta de Notificación para los Padres (Un Ejemplo)

(Utilice papel oficial del distrito)

Fecha

Estimados padres:

Con esta carta queremos informarles que su hijo/a ha sido identificado como estudiante de inglés en su segundo idioma por medio de la prueba de suficiencia en inglés del estado. Su hijo (a) fue evaluado (a) usando el examen de Nuevo México del idioma inglés.

Programa de apoyo para Inglés Académico (ESL). Este programa es para asegurar que los alumnos que saben inglés puedan desarrollar el inglés, y así mismo mejorar el nivel académico de lengua (ESEA 2001).

Programa de Educación Bilingüe. Este programa ayudará a su hijo(a) a adquirir el inglés y desarrollar la lengua materna por medio de un plan organizado de acuerdo con las habilidades lingüísticas del estudiante.

El estudiante que alcanza un nivel de competencia y fluencia en inglés, basado en los resultados de la prueba de suficiencia en inglés se puede salir de este programa, pero, su progreso académico está en monitor por dos años. Para niños (as) aprendiendo inglés que también son niños (as) de educación especial, su plan de educación individual va a reflejar los objetivos de frecuencia en inglés.

La meta de estos programas son para desarrollar un nivel de competencia y fluencia en inglés académica y para proveer éxito para el/la alumno(a). Si tienen alguna pregunta, favor de llamarnos a la escuela, también de visitarnos en nuestra oficina.

Atentamente,

Firma del Director de Educación Bilingüe
Distrito/Escuela

Sample Home Language Survey

Under Title VI of the Civil Rights Act of 1964 and subsequent federal and state mandates, all public schools districts/schools to screen, identify, and provide services to English Language Learners. The school district has the responsibility to serve students who are limited English proficient and need English instructional services.

School _____ **Teacher** _____

Our school needs to know the language(s) spoken and heard at home by each child. This information is needed in order for us to provide the best instruction possible for all students. Please answer the following questions and have your child return this form to his/her teacher. Thank you for your help.

Name of child:

Last First Middle

Grade _____ Age _____

1. What was the first language or languages your child learned to speak?

2. What language or languages does your child understand?

3. Does your child speak a language other than English?

4. In what language does your child communicate with

a. Adults in the home? _____

b. With friends, peers and siblings? _____

Signature

Date

Sample

Home Language Survey (*Español*)

Escuela: _____

Maestra(o): _____

Nuestra escuela necesita saber cual idioma se habla o se escucha en la casa de cada estudiante. Esta información requerida de todos los estudiantes. Responda por favor a las siguientes preguntas de este cuestionario y envíelo nuevamente a la maestra(o) de su hijo(a). ¡Gracias por su ayuda!

Nombre del estudiante: _____

Apellido

Primer Nombre

Segundo Nombre

Grado: _____

Edad: _____

1. ¿Cuál(es) idioma(s) aprendió su hijo(a) hablar primero?

2. ¿Cuál(es) idioma(s) entiende su hijo(a)?

3. ¿Habla su hijo(a) otro idioma(s) que no sea inglés?

4. ¿Qué idioma habla su hijo(a) con:

a. Los adultos en el hogar: _____

b. Sus amigos/as y hermanos/as: _____

Firma

Fecha

Sample Home Language Survey (Navajo)

Our school needs to know the language(s) heard and spoken in the home by each student. This information will assist us in providing the best possible instruction for all students. Please complete the questions on this or the Navajo written form below. Both a signature and a date are required. Thank you for your help.

Student's Name _____ Age _____

School _____ Teacher _____ Grade _____

1. What language(s) is spoken in the home? _____, _____
2. What language(s) has your child learned to speak? _____, _____
3. What language(s) is commonly used in speaking with your child? _____

Parent/Guardian Signature Date



Ólta' nihe'ólta'í hooghandi Bíla'ashdla'ii bizaad al'aa ádaat'é bil choo'ínígíí yína'idílkid. Díí nihnil bééhózingo ne'ólta'í na'nitin bohónéedzáago bil áshjáán áálníilgo íhwiidool'áál. Táá shoodí díí naaltsoos nihá hadílééh dóó ahéhee' nihiká'íínílwod.

Ne'ólta'í bízhí' _____ Díkwíí binááhai _____

Ólta' bízhí' _____ Bá'ólta'í bízhí _____ Díkwíígíí yólta' _____

1. Hooghandi lá Bíla'ashdla'ii bizaad díkwíí al'aa át'éé shíí choo'í? _____
2. Ne'ólta'í lá Bíla'ashdla'ii bizaad háidígíí yíhool'áá dóó choyool'í? _____
3. Hait'éé shíí Bíla'ashdla'ii bizaad íiyisíí ne'ólta'í bee bil alch'i' yádaalti? _____

Amá/Azhé'é doodaii Aa'ahályáanii bízhí' dó Yoolkálígíí

Sample Teacher language Observation Form

A teacher observation approach is most reliable when used after the middle of the year when the teacher has had ample time to observe the students. These should be used as a complimentary source of data with information obtained from the parent or student surveys. This form should be submitted to the school principal for any student you feel may be having difficulty due to a home language background other than English.

Student's Name _____

Teacher's Name _____

Grade _____ School _____

Date _____

Check all that apply:

- 1. I have observed this student speaking a language other than English in the classroom, cafeteria, halls, or playground or in other school situations.
- 2. The student has indicated that the language spoken in his or her home is non-English.
- 3. Conversation with a parent in a teacher/parent conference or other occasion indicates that a language other than English is probably spoken in the home.
- 4. The student has experienced difficulty in understanding oral communication in the classroom or has difficulty expressing herself or himself using English.

Comments:

Observations:

Sample Student Language Survey Form

The student survey is appropriate for secondary students.

Student's Name _____ Date _____
Teacher's Name _____
School _____

Circle the best answer to each question:

- | | | |
|---|---------|-------|
| 1. Was the first language you learned English? | Yes | No |
| 2. Can you speak a language other than English?
If yes, what language? _____ | Yes | No |
| 3. Which language(s) do you use most often when you speak to your friends? | English | Other |
| 4. Which language(s) do you use most often when you speak to your parents? | English | Other |
| 5. Does anyone in your home speak a language other than English? | Yes | No |

Comments:

Observations:

Accountability Requirements for Districts (LEAs) not Meeting Annual Measurable Achievement Objectives (AMAOs)

Introduction

The purpose of this document is to guide LEAs not meeting Annual Measurable Achievement Objectives (AMAOs). This includes progress towards and attainment of English language proficiency and academic achievement (AYP).

This document includes:

- A glossary of acronyms and important terms
- An outline of Accountability Requirements for PED and LEAs
- A self-evaluation checklist to facilitate the improvement process
- A form to report the LEA improvement plan
- A sample parent notification letter in English and Spanish

Important Acronyms/Terms to Remember

AMAOs: Annual Measurable Achievement Objectives

SGT: School Growth Target

BMEB: Bilingual Multicultural Education Bureau

ELL: English Language Learner

ESEA: Elementary Secondary Education Act

LEP: Limited English Proficient

FEP: Fluent English Proficient

LEA: Local Educational Agency(School District)

NCLB: No Child Left Behind

ACCESS: Assessing Comprehension and Communication in English State to State (Approved New Mexico English Language Proficiency Assessment)

NMPED: New Mexico Public Education Department

OELA: Office of English Language Acquisition (Washington, DC)

SEA: State Educational Agency

BMEP: Bilingual Multicultural Education Program

Title III Part A
Accountability Requirements for Districts (LEAs) not Meeting Annual
Measurable Achievement Objective (AMAO)

*New Mexico Public Education Department
 Bilingual Multicultural Education Bureau*

Years are counted consecutively. If, after implementing an improvement plan, an LEA meets the AMAOs in the next year, the LEA will develop a maintenance plan.

Year 1 Improvement I	Year 2 Improvement II	Year 3 Improvement III	Year 4 Corrective Action
LEA notifies parents of ELL/LEP students of the school's failure to meet AMAOs. This notification must be provided in writing within 30 days of LEA's receipt of notification of failure. The notification must be written in an understandable format in a language that the parent can understand.	<p>LEA notifies parents as in Year 1.</p> <p>LEAs must conduct a self-evaluation to determine reason(s) for not meeting AMAOs.</p> <p>LEA begins developing an improvement plan to address the objectives not met and the factors that prevented the LEA from achieving the objective(s).</p> <p>NMPED assists LEA in:</p> <ol style="list-style-type: none"> 1. Developing professional development strategies and activities that LEA will use to meet AMAOs. 	<p>LEA notifies parents as in Year One.</p> <p>LEA implements improvement plan.</p> <p>NMPED monitors the implementation of the LEA improvement plan.</p> <p>LEA implements professional development strategies, if appropriate.</p> <p>LEA incorporates strategies and methodologies to improve the program of instruction.</p>	<p>LEA notifies parents as in Year I.</p> <p>NMPED requires the LEA to modify the curriculum, program, and/or method of instruction; or NMPED determines whether the LEA will continue to receive Title III funds, and requires that the LEA replace education personnel relevant to the LEAs failure to meet AMAOs.</p>

Title III Part A
Accountability Requirements for Districts (LEAs) not Meeting Annual
Measurable Achievement Objective (AMAO)* (Continued)

Year 1 Improvement I	Year 2 Improvement II	Year 3 Improvement III	Year 4 Corrective Action
	<p>2. Developing a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to ELL/LEP students.</p> <p>NMPED provides technical assistance to the LEA to assist the LEA to meet AMAOs.</p>	<p>provided to ELL/LEP students, if appropriate.</p>	

**New Mexico Public Education Department
Bilingual Multicultural Education Bureau**

**REVISED Self-Evaluation/Reflection Checklist for Programs Serving
English Language Learner (ELL)/ Limited English Proficient (LEP) Students**

Purpose of This Instrument: To determine the factors that prevented the district from achieving AMAOs #1, #2, & #3. Additionally this instrument can be used to develop the improvement plan to ensure these objectives are met. Please complete this instrument before developing the District Improvement Plan. This instrument is required to be submitted with SY 2013-2014 Improvement Plan.

To be completed by: District and school leaders, data specialists, Bilingual Multicultural Education/Title III staff, parents, etc.

Title III- ESEA

State Bilingual Multicultural Education

District:		Date:			
Superintendent		Bilingual Multicultural Education/Title III Director:			
I. Demographic Information					
1. Number of schools in the district	Elem.	Middle	High		
2. District total enrollment (#)				Total:	
3. District's ethnic/racial diversity (#)	Hispanic	Native American	Other:		
4. Number of ELL/LEP students enrolled in the school district					
5. Number and percent of ELL/LEP students in Special Education					
6. Number and percent of ELL/LEP students in the Talented and Gifted program					
	Bilingual	TESOL	MCNL	NALC	
7. Number of endorsed teachers					

II. ELL/LEP Student Performance on Language and Academic Achievement					
Number and percent of ELL/LEP students Not meeting AMAO 1.		Number and percent of ELL/LEP students Not meeting AMAO 2.		Number and percent of ELL/LEP students Not meeting AMAO 3 (SGTs).	

III. Identification and Assessment of ELL/LEP Students			
	Yes	No	Evidence (Please be thorough and detailed)
1. How is the home language survey administered to all students? Are teacher observations required or considered in decision-making about administering the W-APT? Are student language survey used? Are these documented in students' cumulative folder?			
2. Has the district established clearly-defined procedures for identifying PHLOTE students? Is all staff consistent in			

applying procedures for ELL identification?			
3. Are ELL/LEP students identified within 30 days at the beginning of the school year? Or, if entering later during the school year, within 2 weeks?			
4. Are procedures followed for notifying parents of newly-enrolled students within the first 30 days in a language that the parents understand? Does the notification explain the availability and types of program services and other options for ELL/LEP students? Does the notification make it clear that Title III services can be refused? Are Title III services offered independently of BME Programs? Does the district provide annual notification of program placement as required by Title III? How are parents provided an opportunity to engage in a discussion about relevant program options for the EL students? Is this opportunity provided in a culturally and linguistically appropriate manner?			
5. Are all ELL/LEP students assessed annually for English proficiency (ACCESS for ELL)?			
6. Is the staff that administers the English language assessment trained and certified? Is there documented evidence that such training has occurred and that personnel administering ELP assessments can do so competently?			
7. Are clear procedures implemented for the collection and dissemination of the English language proficiency test data/results to teachers and parents? What procedures and policies are in place to address parent dissatisfaction with assessment results?			
8. Are accommodations procedures in place, known by all staff, and followed (e.g., SAT determination, implementation in the classroom prior to assessment, documentation of SAT determination)? Has this been communicated effectively to parents in a language of their understanding?			
9. Are procedures in place to ensure that assessment data will be used to make decisions about instruction, so that ELL/LEP students can meet Annual Measurable Objectives and School Growth Targets? How are decisions monitored and/or how are impacts measured?			
IV. Instructional Program			
	Yes	No	Evidence (Please be thorough and detailed)
1. Are language instruction programs for ELL/LEP students clearly defined and implemented (e.g., Dual Language, Maintenance, Transitional, Heritage, English as a Second Language models, etc.)? How is this documented?			
2. Is the educational approach chosen by the district/school recognized as a 'scientifically research based program'? What is the rationale/research to support the district's decision for the program selected and implemented? How does the district ensure appropriate implementation of selected model?			

3. How are the educational goals for ELL/LEP students described and included in the district/school Educational Plan for Student Success (EPSS)? How is alignment ensured?			
4. In the instructional program plan, is there a measurable goal for English language proficiency, based on AMAO targets? What are the mechanisms for tracking progress of students and how do districts/schools adjust programmatic and instructional decision-making when district/schools/students are not meeting AMAO targets?			
5. In the instructional program plan, are written guidelines and procedures included to ensure that ELD/ESL services are provided to all ELL/LEP students in the district? How is staff trained to ensure that ELL/LEP students are appropriately served by all relevant services for which the student qualifies?			
6. Does the instructional plan implemented: a) Follow Common Core (CCSS), WIDA ELD and other relevant standards? b) Include a process to decide on the appropriate amount and types of services to be provided?			
7. Is there a written curriculum with scope and sequence for ESL/ELD instruction? What steps have/will be taken to ensure that such a curriculum meets the needs of ELL students? Has relevant staff been adequately trained to effectively deliver classroom instruction based on the adopted curriculum? How will the impact of teacher training be measured?			
8. Are adequate and appropriate instructional resources and technology available for ELL/LEP student use in: a) classrooms b) libraries c) labs What is the impact of the instructional resources used? How is the impact of the resources measured? What is the process for evaluating resources/tools used?			

V. Staffing and Professional Development

	Yes	No	Evidence (Please be thorough and detailed)
1. Does the district provide professional development for all teachers to ensure that staff is qualified to provide services to ELL/LEP students? How does the district ensure that teachers participate in the professional development opportunities necessary for improving their effectiveness with ELLs?			
2. What are the clearly-defined steps taken by the district to recruit and hire qualified staff for its Bilingual/ESL/ELD program? How have these steps/action plan been evaluated to determine effectiveness of strategy? What is the evidence that such strategies have yielded the hiring of qualified staff to meet the needs of students?			
3. What is the clearly defined process implemented for			

identifying the professional development needs of the staff? What feedback, how and from whom is it solicited?			
4. What is the process to evaluate/measure (including a description of the tools to be used in the evaluation) whether or not the professional development program has a lasting impact on teachers' performance in the classroom? What is the evidence to support district claims?			
VI. Reassessment, Re-classification and Exit of ELL/LEP Students			
	Yes	No	Evidence (Please be thorough and detailed)
1. How does the district ensure that procedures for re-assessment, reclassification, and exiting of ELL/LEP students clearly defined and followed? What training does staff receive about these procedures? How often?			
2. Are procedures in place to notify classroom teachers of the re-classification, exiting and monitoring of students from the district's ESL/ELD program? How much access do teachers and relevant staff have to necessary ELP and student data in a timely manner so that appropriate programmatic and instructional decision-making can occur?			
3. What are the district's procedures for re-admitting monitored students into the district's ESL/ELD program and are these clearly defined and articulated, and widely applied by all relevant staff?			
VII. Equal Access for ELL/LEP Students to Other School District Programs			
	Yes	No	Evidence (Please be thorough and detailed)
1. What is the district's clearly defined and commonly known method for identifying Special Education and Talented and Gifted students who are also ELL/LEP?			
2. Is there a clearly defined description of the process and steps taken by the district/school to ensure that ELL/LEP students have an equal opportunity to participate in extracurricular, academic and non-academic activities? How is this documented?			
VIII. Parent and Community Involvement/Parent Notification			
	Yes	No	Evidence (Please be thorough and detailed)
1. How are parents of ELL/LEP students notified of all school activities and information sources (e.g., student progress reports, school schedules, information provided in student handbooks, extracurricular activities, special meetings, and events such as PTA meetings and fund-raising events, etc.) in the home language? Are parents' levels of literacy considered? What methods (beyond school newsletters) has the district used successfully to engage parents, families and the community?			
2. How are parents provided with ample notification so they can make well-informed educational decisions about the participation of their children in the district's ELL/LEP program and other service options for parents?			
3. Are parents notified within a timely manner of student			

progress in English language proficiency and academic achievement on an annual basis? This is a Title III requirement.			
4. Are parents notified within 30 days of school Annual Measurable Achievement Objective Results on an annual basis?			
5. How are parents and / or community members involved and engaged in developing the Improvement Plan if the school fails to meet the AMAOs?			
6. What professional development opportunities available to parents to assist their children in becoming proficient in English (ESL classes, literacy, GED, technology)? How are these efforts evaluated? What is the impact of efforts/initiatives/programs on parents and students?			
7. What is the protocol to inform parents of their child's placement and progress in the district's ESL/ELD program? How does the district ensure this protocol is followed, with consistency, by all relevant staff?			
8. How is student achievement and language proficiency data shared with students, parents and community?			
IX. Program Evaluation, Review, and Improvement			
	Yes	No	Evidence (Please be thorough and detailed)
1. What mechanisms are in place to ensure that the Improvement Plan goals explicitly address expected progress in English language development and subject matter instruction (i.e., satisfying AMAO Criteria): AMAo 1: Making Progress in English AMAo 2: Attaining English Proficiency AMAo 3: School Growth Targets			
2. Have the factors that prevented the district/school from achieving the AMAOs been identified? Are these mutually-agreed upon and what procedures were used to identify these factors?			
3. <u>Comprehensive Scope</u> : Does the program evaluation cover all elements of an ESL/ELD program, to include: a) Program implementation practices? b) Student performance results? Program implementation may include identification of potential ELLs, assessment of English language proficiency, serving all eligible students, providing appropriate resources consistent with program design and student needs, implementing transition criteria, reviewing number of years a student is in the ESL/ELD program, etc. Student performance results may include student progress in English language development and academic progress consistent with the district's own goals.			
4. <u>Information Collection Method</u> : Do information collection practices support a valid and objective appraisal of program success? For example: a) How is the use of observational information considered as well as a review of records?			

<p>b) Is appropriate data maintained so that the success of district programs can be measured in terms of student performance? This should be available upon request.</p> <p>c) Is the data organized and accessible allowing district/school/ teachers to evaluate student performance outcomes over time, and to follow the performance of students after they have transitioned from the ESL/ELD program? If not, how will this be remedied? Provide a timeline.</p>			
<p>5. <u>Review of Results</u>: Is the program evaluation process comprehensive so that the district can determine whether or not the program is working and to identify concerns that require improvement? How will this be remedied? Provide a timeline.</p>			
<p>6. <u>Plan for Modification/Continuous Improvement</u>: Has a process been established for designing and implementing program modifications in response to concerns identified through the program evaluation? How will this be remedied? Provide a timeline.</p> <p>7. How does this process take into account information provided by stake-holders and persons responsible for implementing recommended changes?</p>			
<p>8. <u>Ongoing Review</u>: Is the program evaluation ongoing and does it allow the district to promptly identify and address concerns with the district's ELL program?</p>			
<p>9. Is a list of ineffective activities or practices maintained? Is regularly revisited and reviewed by relevant stakeholders?</p>			
<p>10. Are reasons explaining why those activities were not effective provided? What data is used to determine that an activity was ineffective/effective? How are results documented?</p>			
<p>11. How are new activities or practices—research-based or research-proven—identified and integrated into the instructional program? Who is charged with researching the available options and how these options evaluated and selected?</p>			

Note: This Self-Evaluation/Reflection Checklist must be completed before preparing the Improvement Plan. Submission of the Self-Evaluation/Reflection Checklist is required.

NEW MEXICO PUBLIC EDUCATION DEPARTMENT
 BILINGUAL MULTICULTURAL EDUCATION BUREAU
 300 DON GASPAR, SUITE 303
 SANTA FE, NM 87501

SY 2013-2014
 TITLE III DISTRICT IMPROVEMENT PLAN
 Cover Page

District Name	Report Submission Date
Superintendent's Name	Telephone (Include area code)
Bilingual/Title III Director's Name	Fax (Include area code)
Address (Street, City, State, Zip)	Email

TITLE III ANNUAL MEASURABLE ACHIEVEMENT OBJECTIVES (AMAO) STATUS

Check either YES or NO for each AMAO and school year to indicate your district's AMAO status.

2 years of AMAOs (not meeting AMAOs for 2 and 3 consecutive years) YES NO

4 years of AMAOs (not meeting AMAOs for 4 or more consecutive years) YES NO

Designation Year (based on prior SY data)	<u>AMAO 1: Progress</u> SY 2012-2013 Target=47% 0.5 gain from previous year		<u>AMAO 2: Proficiency</u> SY 2012-2013 Target= 10% ELLs reach Levels 5-6 on ACCESS		<u>AMAO 3: SGTs</u> For ELL Subgroup Reading: 56.7% Math: 50% <input type="checkbox"/> YES <input type="checkbox"/> NO	
	YES	NO	YES	NO	Math Proficiency	Reading Proficiency
SY 2013-2014					%	%
SY 2012-2013					%	%
SY 2011-2012					%	%
SY 2010-2011					%	%
SY 2009-2010					%	%
SY 2008-2009					%	%

NOTE: All factors identified and described must be addressed below in the relevant section(s).			
1. Scientifically research-based activities to improve English Language Proficiency (AMAOs I- Making progress in learning English)			
<p>Activities / Strategies: Explain how these activities will specifically address English language proficiency (AMAO I).</p> <p><i>If professional development is listed, please provide: a) detailed information describing how PD targets the factors listed above AND b) how you will measure the impact on teachers/staff/students of the PD selected.</i></p>	Amounts/Funding Source	Specific (Monthly) Timeline	Person(s) Responsible for Implementing and Documenting Progress of Activity/Strategy
2. Scientifically research-based activities to improve English Language Proficiency (AMAOs II- Attaining English language proficiency)			
<p>Activities / Strategies: Explain how these activities will specifically address the attainment of English language proficiency (AMAO II).</p> <p><i>If professional development is listed, please provide: a) detailed information describing how PD targets the factors listed above AND b) how you will measure the impact on teachers/staff/students of the PD selected.</i></p>	Amounts/Funding Source	Specific (Monthly) Timeline	Person(s) Responsible for Implementing and Documenting Progress of Activity/Strategy

3. Scientifically research-based activities to improve Academic Achievement in Reading/Language Arts and Mathematics (AMAO III)			
Activities / Strategies: Explain how these activities will specifically increase <u>growth</u> towards meeting Reading and Math SGTs (AMAO III). <i>If professional development is listed, please provide: a) detailed information describing how PD targets the factors listed above AND b) how you will measure the impact on teachers/staff/students of the PD selected.</i>	Amounts/Funding Source	Specific (Monthly) Timeline	Person(s) Responsible for Implementing and Documenting Progress of Activity/Strategy
4. Parent involvement and outreach strategies to actively involve parents in the education of their children.			
Activities / Strategies: Explain how these activities with families will <u>directly</u> support EL students meeting specific AMAOs not already met.	Amounts/Funding Source	Specific (Monthly) Timeline	Person(s) Responsible for Implementing and Documenting Progress of Activity/Strategy

SY 2013-2014 Title III Improvement Plan Signature Page

The SY 2013-2014 Title III Improvement Plan, according the above indicated timelines, will be effectively implemented and the district will work collaboratively with NMPED-BMEB to make necessary and appropriate revisions to this improvement plan to demonstrate progress toward effectively addressing the academic language learning needs of the district's ELL students.

I understand that Title III of the ESEA Act, section 3122(b)(4) outlines the consequences for not meeting AMAOs for four or more consecutive years, and that the NMPED-BMEB has the authority to make determinations about future of my district's Title III Program and/or funding since NMPED-BMEB is required by federal law to:

- Hold districts accountable for meeting AMAOs and will require districts to modify curriculum, program, and method of instruction; or
- Make determinations about continued funding for programs that fail to meet objectives and require districts to replace educational personnel relevant to district's failure to meet objectives.

Additionally, I understand that this Title III Improvement Plan and its implementation will be considered for the purpose of making determinations about my district's Title III program.

Name of District Official submitting
SY 2013-14 Title III Improvement Plan

Signature and Date

Sample of Parent Notification Letter

<Insert School District Header>

<Insert Date Letter Sent> (no later than 30 days after notification of failure to meet AMAOs):

To Parents of English Language Learners and/or Limited English Proficient (ELL/LEP) Students Attending <insert name of school>:

For districts that receive Title III funding for English Language Acquisition programs, there are accountability requirements for ELL/LEP students called Annual Measurable Achievement Objectives (AMAOs).

The New Mexico Public Education Department (NMPED) is required by the Elementary Secondary Education Act (NCLB Act of 2001) to identify and notify districts and schools not meeting the AMAO targets for ELL/LEP students. On <insert date>, the NMPED notified the school district administration that <insert name of school> did not meet one or more of the following AMAOs:

- ELL student Making Progress in learning English – AMAO #1
- ELL students Attaining English Proficiency – AMO #2
- ELL students Achieving School Growth Targets (SGTs) – AMAO #3

The district and the school are required to notify parents of ELL/LEP students if one or more of the AMAO targets were not met for any school year.

If the school failed to meet all AMAOs for two consecutive years, the school and district are required to write an improvement plan to address the causes for not meeting the AMAOs. The federal law requires districts and/or schools to involve parents in the development of their local plans. If you are interested in becoming more involved in this process, or you would like more information about AMAO results, please contact <please insert name of district and/or school official and contact information>.

For more information about Title III, Part A accountability requirements, please visit the NMPED's NCLB web site at http://www.ped.state.nm.us/div/lear_serv/Bilingual/indx.html. If you do not have internet access, please call the contact person listed at the end of this letter and the information will be provided to you.

Sincerely,

<Insert Signature>

Title
Address
Contact Information

CARTA DE NOTIFICACION A LOS PADRES POR NO LOGRAR LOS OBJETIVOS ANUALES DE INGLES –AMAOs (Un Ejemplo)

<Utilice carta oficial del distrito>

<Escriba la fecha en que la carta será enviada> (No mas tarde que 30 días de que el distrito/escuela ha sido notificada de no haber logrado los AMAOs).

Los distritos que reciben dinero de los programas de Título III para los estudiantes que están aprendiendo inglés (ELL/LEP) deben lograr niveles de competencia llamados Objetivos Anuales de Inglés (AMAOs por sus siglas en Inglés).

El Departamento de Educación Pública de Nuevo México (NMPED por sus siglas en Inglés) es requerido por ley federal de Educacion el Primaria y Secundaria (ESEA por sus siglas en Inglés) de identificar y notificar a los distritos/escuelas que no logren los AMAOs para los estudiantes que están aprendiendo Inglés. El <escriba la fecha>, el NMPED informó a los administradores del distrito que <escriba nombre de la escuela> no logró uno o más de los siguientes AMAOs:

- Progreso de los Estudiantes ELL/LEP Aprendiendo inglés- AMAO #1
- Estudiantes ELL/LEP que han Aprendido Inglés- AMAO #2
- Progreso Escolar (SGTs por sus siglas en inglés) de los Estudiantes ELL/LEP- AMAO #3

La ley de ESEA requiere que el distrito/la escuela notifique a los padres de los Estudiantes Aprendiendo Inglés si uno o más de los AMAOs no son logrados en cualquier año académico.

Si la escuela no logra alcanzar las metas de los AMAOs por dos años consecutivos, la escuela y el distrito tienen que escribir un plan para responder a las causas por las cuales los AMAOs no fueron alcanzados. NCLB también requiere que los distritos y las escuelas involucren a los padres en el desarrollo de los planes locales. Si usted está interesado(a) en participar en este proceso, o si quiere mas información sobre los resultados de AMAOs, por favor comuníquese <escriba el nombre del representante oficial del distrito/escuela y la información de contacto>.

Si usted necesita mas información sobre los programas de Título III, Parte A sobre los requisitos de AMAOs, por favor visite la página de Internet <http://www.ped.state.nm.us/div/learn.serv/Bilingual/index.html>. Si no tiene acceso a la Internet, por favor llame a la persona indicada al final de esta carta para que le de la información que usted necesita.

Cordialmente,

<Escriba el nombre/ firma>

Título
Dirección

**Comparison between Federal and State Bilingual
Multicultural Education Regulations**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
<p>Applicable Laws and Regulations</p>	<ul style="list-style-type: none"> • No Child Left Behind Act (NCLB) – 2001 • Title III – Language Instruction for Limited English Proficient and Immigrant Students Act 	<ul style="list-style-type: none"> • Bilingual Multicultural Education Act of 2004 (Sections 22-23-1 through 22-23-6 NMSA 1978) • SBE NM Standards for Excellence (6.30.3.11.B NMAC) • Bilingual Multicultural Education Regulation of 2005 (6.32.2.1 NMAC)
<p>Goals</p>	<p>Ensure that Limited English Proficient (ELL/LEP) students and immigrant students:</p> <ul style="list-style-type: none"> • Attain English proficiency • Develop high levels of academic attainment in core academic subjects • Meet the same challenging state academic standards as all children are expected to meet 	<p>The state's Bilingual Multicultural Education Program goals are for <u>all</u> students, including English Language Learners, to</p> <ul style="list-style-type: none"> • 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 • Meet state academic content standards and benchmarks in all subject areas.

**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

<p>Indicator</p>	<p>ESEA (NCLB), Title III (Federal)</p>	<p>State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)</p>
<p>Funding</p>	<p>Formula-based for ELL/LEP and immigrant children (Program Code: 24153):</p> <ul style="list-style-type: none"> • Office of English Language Acquisition (OELA) distributes the funds to the state education agency (SEA) • SEA makes sub-grant to local education agencies (LEAs) • Funding to LEAs is categorical and is based on the number of ELL students reported in STARS 80th and 120th day of the previous year. <p>Emergency Immigrant Program (Program Code: 24163)</p> <ul style="list-style-type: none"> • Immigrant funding is competitive based on the quality of the program and significant increase of the number of students being served in previous years. 	<p>Formula-based for all participating students:</p> <ul style="list-style-type: none"> • State local agency distributes funds to local educational agencies for approved programs. • Funding is based on the number of students participating in one-, two-, and three-hour programs as reported on STARS 80th and 120th day of the previous year. • Funding is <u>not</u> categorical and is part of the state Equalization and Guarantee Formula. • New programs (i.e., new school district or new charter school) will be funded after the 40th day of the current year. • Local educational agencies are required to submit a state bilingual expenditure report by September 30th of each year to the New Mexico Public Education Department. This expenditure report must be based on actual expenditures reported in the General Ledger.

**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
	<p>Incentive Awards (Program Code: 24143)</p> <ul style="list-style-type: none"> • Incentive awards are competitive based on Annual measurable Achievement Objectives (AMAOs) results, short-cycle assessment and other qualitative measures. 	
Student Eligibility	<p>For students in grades kindergarten through twelve who are:</p> <ul style="list-style-type: none"> • English Language Learners (ELL)/Limited English Proficient (LEP) <p>Immigrant students (Exclusion/admission not related to surname or language-minority status)</p>	<p>For students in grades kindergarten through twelve who are:</p> <ul style="list-style-type: none"> • English Language Learners (ELL) • Fluent English Language Proficient (FEP) • Other students who wish to participate – Non PHLOTE <p>Priority must be given to programs in grades kindergarten through three</p>

**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
<p>Assessment</p>	<p>Language Proficiency:</p> <ul style="list-style-type: none"> • Annual English Language Proficiency Assessment (ACCESS) for ELLs students <u>only</u> until proficiency is attained. Trained personnel shall administer the state-approved language proficiency assessment. • Data from this assessment will be used to complete the instructional plan of the Title III and state Bilingual Multicultural Applications to provide information relative to AMAO 1 and AMAO2 targets. <p>Academic Achievement:</p> <ul style="list-style-type: none"> • All ELL students must participate in the <i>New Mexico Standards-Based Assessment</i>. Annual assessment in English language, Reading, and/or Language Arts, Math, and Science. 	<p>Language Proficiency:</p> <ul style="list-style-type: none"> • Annual <u>New Mexico English Language Proficiency Assessment (ACCESS for ELL)</u> for ELL students <u>only</u> until proficiency is attained. Trained personnel shall administer the state-approved language proficiency assessment. • Annual <u>Home language assessment (for all students in the state Bilingual Multicultural Education program)</u> until proficiency is attained. Test administrators must be proficient in the home/heritage language of the program. Records of this assessment must be kept in the student's cumulative folder and submitted annually to the Bilingual Multicultural Education Bureau by September 30th.

Comparison between Federal and State Bilingual Multicultural Education Regulations (Continued)

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
	<p>Under the <i>No Child Left Behind Act (NCLB)</i>, districts must ensure that:</p> <ul style="list-style-type: none"> • 95% of all students, including English Language Learners, shall participate in the state assessment program. • Students who have been in U.S. schools for less than three consecutive years shall participate in the state assessment program in one of three ways: • The student may participate in the standard administration of the English language version of the assessment without accommodations. 	<p>Academic Achievement: (Same requirements in the Title III column)</p> <ul style="list-style-type: none"> • Compliance with the New Mexico standards-based assessment program (SBA). • Compliance with Title I, Title III, and Office for Civil Rights requirements. <p>In those grades where students do not participate in the SBA program, the public school district shall develop and implement an assessment and evaluation program.</p>

**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
	<p>The student may participate in the English language version of the assessment with appropriate accommodations</p> <p>The student may participate in the standard administration of the Spanish language version of the assessment (where available and appropriate)</p> <p>If, after three consecutive years, prior to the date of the test administration, the district determines (on a case-by-case basis) that academic assessments in a language other than English would yield more accurate and reliable evaluation of a student's knowledge and skills, the student may continue to be tested in another language for a period not to exceed two additional consecutive years. A waiver must be requested and approved by NMPED for this conclusion for each year.</p>	

**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
Instruction	<p>Application:</p> <ul style="list-style-type: none"> • State education agency (SEA) submits a state plan to the Office of English Language Acquisition (OELA) – USDE • Local education agencies submit annual applications to state education agency (SEA) <p>Models:</p> <ul style="list-style-type: none"> • Title III funded programs may be stand-alone or they may be part of a state bilingual multicultural education program • LEA may select one or more of the following state-approved bilingual multicultural education models based on the student's linguistic and academic needs: <ul style="list-style-type: none"> • Dual Language Immersion • Developmental/Maintenance Bilingual • Heritage/Indigenous Language • Transitional Bilingual 	<p>Application:</p> <ul style="list-style-type: none"> • Local education agencies must submit annual applications to state education agency (SEA) <p>Models:</p> <ul style="list-style-type: none"> • Model(s) selected must be based on the student's linguistic and academic needs • Models must be tied to standardized curriculum that is aligned with the state academic content standards, benchmarks, and performance standards • LEA may select one or more of the following state approved bilingual multicultural education models based on the student's linguistic and academic needs: <ul style="list-style-type: none"> • Dual Language Immersion • Developmental/Maintenance Bilingual • Heritage/Indigenous Language • Transitional Bilingual • Enrichment:

Comparison between Federal and State Bilingual Multicultural Education Regulations (Continued)

<p>Indicator</p>	<p align="center">ESEA (NCLB), Title III (Federal)</p> <ul style="list-style-type: none"> • If the LEAs are not part of the Bilingual Multicultural Education program, one of the following English as a Second Language (stand alone) models may be implemented: • Cognitive Academic language Learning Approach (CALLA) • Guided Language Acquisition Design (GLAD) • Sheltered Instruction Observation Protocol (SIOP) • Specially Designed Academic Instruction in English (SDAIE) • Sheltered English Instruction • Structured English Immersion 	<p align="center">State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)</p> <p>An approved Bilingual Multicultural Education program shall include:</p> <ul style="list-style-type: none"> • Instruction to attain language proficiency and literacy skills in two languages (where language is written), one of which is English • For funding purposes, time allotted for instruction in the home/heritage language must be equivalent to the timer provided for English language arts and must not be fragmented throughout the day • Modification of instruction in the English language arts that address the developmental, linguistic, and academic needs of students (for ELL students).
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**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
	<ul style="list-style-type: none"> • Language instruction must be tied to scientifically based research on teaching ELL/LEP students • Language instruction curriculum must demonstrate effectiveness as measured by outcomes of the Annual Measurable Achievement Objectives 	<ul style="list-style-type: none"> • Sheltered content instruction (for ELL students) • Instruction in the history and cultures of New Mexico • An approved Native American Heritage Language Revitalization program shall include: • Instruction to attain language proficiency and literacy skills in English and a Native American language (where tribal language is written) • Sheltered content instruction • Instruction in the history and cultures of New Mexico Native American tribes • Appropriate approval from tribal councils.

**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
<p>Accountability and Evaluation</p>	<p>LEAs are accountable for meeting <u>ALL</u> three AMAOs:</p> <ul style="list-style-type: none"> • Making progress in learning English • Attaining English proficiency • Meeting School Growth Target (SGT) <p>AMAOs status is applied to an entire LEA</p> <p>In subsequent years, SEA must notify LEAs on their AMAO status and take additional corrective action to ensure AMAOs targets are met</p>	<p>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.</p> <ul style="list-style-type: none"> • Districts shall submit to the department an annual progress report by September 30th of the following year <p>The report shall include:</p> <ul style="list-style-type: none"> • 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. • A current analysis of assessment results by school and by model(s); • Data demonstrating that participating students have met the state targets for annual measurable achievement objectives (AMAOs); and • An expenditure report from the general ledger on use of funds for the program. • The department shall compile and analyze the student data submitted by public school districts and shall report annually to the appropriate interim legislative committee.

**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
<p>Parent Participation</p>	<p>The LEA must ensure:</p> <ul style="list-style-type: none"> • Parent involvement and participation. • Parent notification of child placement in a language instruction program (not later than 30 days after the beginning of school year or, for a child who enters school after the beginning of the school year, within two weeks of the child's placement). • Parent choice. • Parents' notification of the school's failure to meet AMAOs. This notification must be made in writing within 30 days of <u>LEA's</u> receipt of notification of failure to meet AMAOs. 	<p>The LEA must ensure that</p> <ul style="list-style-type: none"> • a parent advisory committee is organized to represent the language and culture of the students. • parents assist and advise in developing, implementing and evaluating the program. • annual Parent notification is made prior to program placement; and • parent choice.

**Comparison between Federal and State Bilingual Multicultural
Education Regulations (Continued)**

Indicator	ESEA (NCLB), Title III (Federal)	State Bilingual Multicultural Education Law (2004) and Bilingual Multicultural Education Regulations (2005)
<p>Teacher Quality and Professional Development (PD)</p>	<p>Teachers must be:</p> <ul style="list-style-type: none"> • highly qualified; and • fluent in English and any other language used by the program. <p>Professional development (PD) must</p> <ul style="list-style-type: none"> • be long-term and high quality; • involve all school site staff; • improve instruction; and • be tied to scientifically-based research methods. 	<p>Teachers must be appropriately endorsed in:</p> <ul style="list-style-type: none"> • Bilingual Multicultural Education • Teaching of English to speakers of other languages (TESOL) and/or • Certified in Native American language and Culture (NALC) <p>Also, if appropriate in:</p> <ul style="list-style-type: none"> • modern, classical, and native languages (MCNL); and/or • content area <p>Professional development (PD) must:</p> <ul style="list-style-type: none"> • be tied to scientifically-based research models in teaching Bilingual and or Language Revitalization programs, English as a Second Language (ESL) and/or English Language Development (ELD) and principles of language acquisition; • be part of the district professional development plan, as required in Section 22-2-2.AA NMSA, 1978; and include all district and/or site personnel.

SECTION II

Bilingual Multicultural Education Programs

“El que sabe dos lenguas vale por dos!” . . . Spanish proverb

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Purpose of this Document

This technical assistance manual is an updated version of previous guides. This manual addresses the requirements of the *New Mexico State Bilingual Multicultural Education Regulation* (6.32.2.6 NMAC) of 2005. The manual provides guidelines for the implementation of state-funded bilingual multicultural education.

INTRODUCTION

Purpose of Bilingual Multicultural Education

The Bilingual Multicultural Education Act of 2004 provides funds to local districts to implement bilingual multicultural education programs. The goals of New Mexico's Bilingual Multicultural Education Programs (BMEPs) are for all students to: Become bilingual and biliterate in two languages: English, and a second language (which includes Spanish, a Native American language, or another language); and Meet state academic content standards and benchmarks in all subject areas.

A critical standard of bilingual multicultural education programs is to ensure an equal educational opportunity for all students in New Mexico. Bilingual multicultural education programs provide opportunities for all students to expand their conceptual and linguistic potential and abilities, and to appreciate the value and beauty of different languages and cultures.

The *New Mexico Bilingual Multicultural Education Act of 2004* provides funds to local districts and charter schools to implement bilingual multicultural education programs for all students, including English Language Learners.

Developing proficiency in two or more languages for New Mexico students has been the commitment of New Mexico educators, legislators, and other government leaders since the state constitution was approved in 1911. Since that time, our state has been and continues to be a leader in the nation, having passed the *Bilingual Multicultural Education Act of 1973* (first state in the U.S. to have a bilingual multicultural education law) and having expanded this law in 2004 to be an outstanding national model for state legislation. This law and many other initiatives have truly made New Mexico an "English-Plus" state in policy and practice (the *New Mexico English-Plus Resolution* was adopted in 1989).

STUDENT AND PROGRAM ELIGIBILITY

There are two sets of criteria used to determine student eligibility for participation in a Bilingual Multicultural Education Program.

State Requirements

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.

The state’s Bilingual Multicultural Education program goals are for all students including English Language Learners to:

- (a) Become bilingual and biliterate in English and a second language, including Spanish, a Native American language, (with appropriate approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American 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.

Student Eligibility According to Language Proficiency
***Priority of Funding is given to K-3 Students Wishing to Participate**

Categories	Language Proficiency
A	Monolingual in a language other than English – (ELL/LEP students) Entering Level (ACCESS)
B	Partial proficiency of English – (ELL/LEP students) Beginning, Developing, Expanding Level (ACCESS)
C	Fluent English proficient students – “FEP” – are eligible to participate in 1 or 2-hour programs. FEP students can also participate in 3-hour Dual Language Programs. Bridging and Reaching Level (ACCESS)
D	Other students who may wish to participate (Meeting the following criteria: FEP status and/or Home Language Survey = English; Parent Approval, and if funds are available after first meeting the needs of ELL students). State bilingual multicultural education programs meet the New Mexico House Bill 212 requirement that students in grades 1-8 must receive instruction in a language other than English.

Program Eligibility

The New Mexico Bilingual Multicultural Education regulation (6.32.2 NMAC, 11-30-05) and provides for the establishment of bilingual multicultural education programs as a local option. To be eligible for financial support, each program shall:

1. Student Participation

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.

Bilingual multicultural education programs include students who are:

- English Language Learners (ELL/EL)
- Fluent English Proficient/Primary Home Language other than English (FEP/PHLOTE) students
- Native English speakers (Non-PHLOTE)

2. Program Funding

State bilingual multicultural funds are discretionary. Funding is based on the average number of students in one, two, or three hour programs as reported in STARS on the 80th and 120th day from the previous school year.

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

3. Parent Notification and Program Placement for ALL Students in State Bilingual Programs

Prior to placing **ANY** student in a bilingual multicultural education program, the school/district will notify parents in writing regarding;

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

INSTRUCTION

WHAT RESEARCH SAYS ABOUT SECOND LANGUAGE ACQUISITION

Scientifically Based Research

According to Title I of the *Elementary Secondary Education Act (NCLB 2001)*, the phrase "scientifically based research" means "research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge . . ." (*Elementary Secondary Education Act, 2001, Section 901, General Provisions, Section 37*). Bilingual multicultural education and English as a Second Language programs and models are grounded in scientifically based research. The following principles are derived from this research:

1. The Importance of Knowing More than One Language

Bilingualism is the ability to read, write, listen, understand, and speak fluently in two languages. Most of the world's population speaks more than one language. There are no negative effects on the knowledge of one's home language when one learns a second language. On the contrary, one of the benefits of knowing a second language is a deeper understanding of one's primary language (National Bilingual Clearinghouse, 1998; National Research Council Institute of Medicine, 1998).

Programs in which minority students' first-language skills are strongly reinforced, the students tend to be more successful . . . Educators who see their role as adding a second language and cultural affiliation to students' repertoires are likely to empower them more than those who see their role as replacing or subtracting students' primary language and culture in the process of fostering their assimilation into the dominant culture.

(Jim Cummins *ERIC Digest*, 1991)

Economically, bilingualism is a treasured asset in the global market. "The demand for bilingual employees throughout the world is increasing. The ability to speak or write two or more languages is an advantage in the job market" (Lindholm-Leary, 2000).

The National Association for Bilingual Education states that, based on research, "bilingual students (who are fluent and literate in more than one language) learn English well; succeed academically; stay in school; perform better in important subjects such as math, science and history; and are more capable of understanding abstract concepts, more able to interpret or otherwise handle complex language well, and perform better on academic tests" (NABE, 2002).

2. Importance of Home (Primary) Language Instruction

The single most important predictor of success in second language learning is a student's level of proficiency in his and/or her primary language (Cloud, Genesee and Hamayan, 2000; Ramirez et al., 1991; Collier and Thomas, 1989; Cummins, 1991; Nieto 1992; Olsen and Mullen, 1990; Wong, Fillmore and Myer, 1992).

The student's dominant language should be the language of instruction. Students who come to school in the U.S. with little or no proficiency in English make better progress in acquiring English and in academic development if they receive content instruction in their primary language at the same time they are introduced to English as a second language (Cummins, 1991; Ramirez et al., 1991; Thomas and Collier, 1997).

Languages other than English are a resource, not a problem. . . . language is easy to learn when it is sensible, relevant, interesting, belongs to the learner, and is presented to the student through choices (Reyes, 2007).

Thomas and Collier (2002) reviewed a wide range of bilingual education models, and they found that, in the first three years of public school education, using the most effective bilingual education programs, ELL students lagged behind native English speakers in learning how to read in English. However, by the end of 5th grade, ELL students who were first taught literacy in their home language surpassed native English speakers in reading and writing **in English**. Primary language literacy instruction was by far the most effective instructional model to result in high student performance in English literacy, even though it took an extended period of time (six years). In other words, language acquisition research indicates that there is a common underlying proficiency that allows students who are bilingual to easily bridge literacy-related and academic skills across languages.

3. Importance of Understanding Language Acquisition Development Process

- a. Language acquisition is a natural process that young children use for learning a first and/or second language with little or no formal instruction. Students who successfully acquire language first become proficient in the conversational, and later in the academic, dimensions of language. Understanding these predictable stages in the process of language learning is basic for nurturing bilingual students to academic and cognitive success (Thomas and Collier, 2002; Cummins 1992).
- b. It takes approximately one to two years for English Language Learners to master the conversational aspects of English (“Basic Interpersonal Communication Skills or **BICS**”) so that they have native-like control of the surface structures of the language. Development of literacy-related skills in the second language (“Cognitive/Academic Language proficiency or **CALP**”) requires approximately five to seven years before students can perform on a par with their native English-speaking peers. This is why instruction in the ELL student’s primary language provides the foundation upon which to build English proficiency (Cummins, 1992).
- c. Comprehensible/meaningful input is a key component for effectiveness. Second-language acquisition is facilitated when messages are comprehensible to ELL students. That is, comprehensible input is contextual, relating to students’ backgrounds, experiences, and interests. Comprehensible input provides linguistic cues to aid understanding. Teachers gear their verbal interactions to students’ linguistic proficiency levels, and they systematically use clear articulation, repetition, slower rate of delivery, paraphrasing, and summarizing. They emphasize and draw upon the student’s prior knowledge of the content.
- d. Other factors influencing the rate of quality of language acquisition include an individual’s educational background, first language background, learning style, cognitive style, motivation, personality, family involvement, and support.

4. Linguistic Ability is not the Same as Cognitive Ability

A student's linguistic competency should not be confused with his/her cognitive ability. Many beginning English Language Learners are capable of high-level abstract concepts. English proficiency may limit the student's ability to articulate this knowledge. Teachers need to be aware that the student may have a conceptual framework in place, and therefore, must be assisted and challenged at an age-appropriate level while acquiring the second (English) language.

5. Knowing the Individual Student and His and/or Her Culture is Essential

Schools throughout New Mexico are challenged to meet the needs of English Language Learners, as well as those of students who are fluent in English. New Mexico classrooms serve the highest percentage of Hispanic students in the nation and a high percentage of Native American students. In addition to Spanish, there are eight different indigenous languages spoken in New Mexico, some of which are traditional oral languages that have existed for hundreds of years and are not written. Students bring to their school classrooms cultures and linguistic structures that may be fundamentally different from a "standard" English-speaking tradition. The diversity that students bring to school must be highly valued as a resource to build upon.

Both state and federal Title III programs are optional; that is, districts/schools may choose to participate. Within each school, all students are eligible to participate in the state bilingual multicultural education program if they (or their parents) are interested.

Instructional Program Models

1. What is a Program Model?

Beyond choosing the target language, educational plans should also specify the type of language instruction that the child needs (Ortiz, 1992). Some students will simply need to continue to scaffold their home language, enhancing their reading and writing skills, while others may need oral language, literacy, and writing development in their home language, as well as in their second language (usually English).

A bilingual multicultural education program model serves as the foundation for program planning, implementation, assessment, and evaluation. Selection of a model is based on the language needs of each student. The model(s) chosen by the district or individual school must be specified in the annual application for state bilingual multicultural education funding.

Districts or individual schools may select one or more bilingual multicultural education program model(s) to implement, depending on each student's needs. Student needs are determined by student performance on language proficiency assessments and academic assessment; that is, the level of English proficiency that the student already demonstrates and his/her language-learning goals.

There are five bilingual multicultural education program models that are approved for funding by the state. These five program models include:

- Dual Language Immersion
- Maintenance
- Enrichment
- Heritage Language
- Transitional

Please refer to Bilingual Multicultural Education Program Models and Instructional Time that follows this discussion for a comparison of the different purposes and course/time requirements of these five models (see page 78).

For all program models, a written sequential curriculum with specific measurable objectives must be planned and followed. This curriculum must be aligned with the *New Mexico Common Core Content Standards and Benchmarks*.

All program models must include Language Arts instruction in the home/heritage language (the language other than English).

- In addition, for all programs serving students who are not yet proficient in English, the program must consider each student's proficiency in basic interpersonal communication (BICS) and cognitive academic language proficiency (CALPS) in English. The student's proficiency level is the basis for placement within the English as a Second Language program (i.e., instruction may need to be provided at various levels of English language proficiency).
- Finally, in addition to the Language Arts courses, instruction may also be provided in the content areas, utilizing the home/heritage language.

The selection of the program model for student placement is important because each model places a different amount of emphasis on "home" language instruction. The program model must meet the need of students and is determined locally at the school district level. If a district or school wishes to change its plan to use a particular bilingual multicultural educational program model, it must revise its application for state bilingual multicultural education funding and submit it for approval by the New Mexico Public Education Department's Bilingual Multicultural Education Bureau. Changes may be made as is feasible during the school year.

Program Model Descriptions

a. Dual Language Immersion Model

Dual Language Immersion is designed to develop bilingualism and biliteracy in English and "home" language on the part of both English speaking and non-English speaking students. Major goals of dual language instruction are for students to: Develop full proficiency in both languages, including literacy in both languages, attain proficient academic achievement (at or above grade level); and develop cross-cultural understanding.

What is meant by “50-50” and “90-10”?

Some schools begin the early grades with a “90-10” program model; they target the use of the “home” language for 90% of instruction (in all subjects) and 10% of instruction in (English). At each subsequent grade level, this proportion is changed until a 50%-50% proportion of time (half the instructional time is in each language) is reached in the upper elementary grades and becomes the normal design.

Language proficiency and literacy development in both languages is emphasized across the curriculum. Other schools use a “50-50” model wherein the amount of instructional time is equal in the two languages at all grade levels. Thus, the minimum amount of time that must be provided for the home/heritage (non-English) language in this model is three course periods per day or half of the curriculum - that is, Language Arts I the “home” language and two additional courses in the home/heritage language.

b. Maintenance Model

Maintenance programs are appropriate for placing students who are from a non-English language background (“language-minority” students) and who are not yet proficient in English. Roberts (1995) and Cummins (1981) found that, because this model promotes the development of both the “home” language and English, the outcome is additive bilingualism, which is associated with positive cognitive benefits.

In maintenance programs, students are provided with instruction in English as a Second Language at the level that is appropriate to their current proficiency in English. They also are provided with Language Arts courses in their native (“home”) language, enabling them to become literate in that language and they continue to receive content-area instruction in their “home” language as well as in English. Eventually, as they demonstrate proficiency in English, they are transitioned out of the English as a Second Language program into “regular” English-language classes. Even after this transition, newly English-fluent students must be monitored for at least two years regarding their academic progress, and given extra support if it is needed.

c. Enrichment Model

The Enrichment model is designed to instruct students who are already fluent (proficient) in English. This may include not only “language-minority” students who are FEP (Fluent English Proficient) and who are achieving academically in the general curriculum, but also native English speakers. Like maintenance programs, the goal of an Enrichment model is pluralistic; the development of biliterate and bilingual individuals (Roberts, 1995).

The Enrichment model focuses on students’ further development of language proficiency in the “home” language, as well as integrating the history and cultures of the state of New Mexico. The Enrichment model may also include other

bilingual content-area courses, such as Math, Science, Social Studies, or Fine Arts taught in the “home” language.

d. Heritage Language Model

This model is designed to provide instruction in the “home” language to students whose family or tribal heritage is that language. When they enter the program, students may be fluent in their home language or they may have lost it with generational changes. The goal is to halt “home” language loss and ultimately recover (or newly develop) native proficiency in the language (Wiley, 1996). Speaking, reading, and writing skills (where applicable), must form a defined component of the program.

Many aspects of the home culture of heritage language students must also be included. An immersion method is a recommended approach for developing fluency. Instruction is most effective when it is community-based, with a long-term commitment starting in the home, reaching through childcare, preschool, school, and the university (Wang, 1996).

If heritage language students are English Language Learners, this language program model must also include English as a Second Language instruction, so as to produce fully bilingual graduates.

e. Transitional Model

A Transitional program is designed to provide instruction to students who are from a non-English language background (“language-minority” students) and who are not yet proficient in English. Although the initial program provides instruction in the “home” language, eventually transiting language-minority students into subject matter taught completely in English.

Although Transitional (“early-exit”) programs provide some initial instruction in the student’s first language, eventually the “home” language is phased out. Early-exit models often do not allow students the time needed to become academically fluent, in either the home language or in English.

In sum, all program models, can be effective to extent that programs are intentionally designed and well implemented. Effective leadership at the district, school, and program-level as well as effective instructional practice are the foundation for effective bilingual multicultural education programs.

Program models selected must align with students’ academic needs, and take in account local community concerns. Decisions about programs are to be reached locally with community stakeholder input.

Note: Models that provide only English language instruction are NOT funded under the New Mexico Bilingual Multicultural Education Act nor under current state Bilingual Multicultural Education Regulation, because these models do not require home language instruction as a standard component of the program. See Section I for Title III federal funded program.

Bilingual Multicultural Education Program Models and Instructional Time

<p>A program model is the method (and services) the district will use to ensure that all students placed in bilingual multicultural education programs receive proper instruction. The model serves as the foundation for determination of the number of hours a student is placed in. There are five program models funded by the state. The five models are: Dual Language, Maintenance, Enrichment, Heritage, and Transitional. A school may use more than one model to serve the individual needs of its students.</p>				
Dual Language Immersion	Maintenance	Enrichment	Heritage	Transitional
ELL/FEP/English native speakers students	ELL students	FEP/English native speakers students	ELL/FEP/English native speakers students	ELL students
<p>Instructional Time: Three hours per day for each language, including all subject areas</p>	<p>Instructional Time: Two to three hours per day</p>	<p>Instructional Time: One to two hours per day</p>	<p>Instructional Time: One to three hours per day</p>	<p>Instructional Time: Two to three hours per day</p>
<p>Required Courses: Minimum of three hours in the home language (Language Arts and content area) and three hours in English, including ESL for ELL students.</p>	<p>Required Courses: One hour of home language and one hour of ESL.</p> <p>Optional and/or Additional Courses: May have one additional hour of bilingual (1/2 hr. in home language and 1/2 hr. in English) in a content area (Math, Social Studies, Science, or Fine Arts).</p>	<p>Required Courses: One hour of home language.</p> <p>Optional and/or Additional Courses: May have one additional hour of bilingual (1/2 hr. in home language and 1/2 hr. in English) in a content area (Math, Social Studies, Science, or Fine Arts).</p>	<p>Required Courses: One hour of heritage language and one hour of ESL for ELL students.</p> <p>Optional and/or Additional Courses: May have one additional hour of bilingual (1/2 hr. in home language and 1/2 hr. in English) in a content area (Math, Social Studies, Science, or Fine Arts)</p>	<p>Required Courses: One hour of home language and one hour of ESL/ELD.</p> <p>Optional and/or Additional Courses: May have one additional hour of bilingual (1/2 hr. in home language and 1/2 hr. in English) in a content area (Math, Social Studies, Science, or Fine Arts)</p>
<p>Purpose: All students will be bilingual and biliterate in English and the home and/or 2nd language.</p>	<p>Purpose: ELL students will become bilingual and biliterate in English and the home language.</p>	<p>Purpose: All FEP and English native speakers will become fluent in the home and/or 2nd language.</p>	<p>Purpose: All students will become bilingual and biliterate in English and the heritage language.</p>	<p>Purpose: With initial primary language support, all ELL students will become proficient in English.</p>

PROGRAM CONTENT

The *Bilingual Multicultural Education Regulation* (November 2005) defines the following content areas for the Bilingual Multicultural Education program:

1. **Language Arts in the Home Language (Language Other Than English)**

The home language of the students is defined as the medium of communication, vernacular, or standard used in daily situations. The attitude towards language usage should be one of acceptance, use, and expansion within the parameters provided by the objectives of the program.

The home language instruction must target the development of reading, writing, listening, speaking, and comprehension skills. The home language component should not utilize the traditional “foreign language” approach, since this method of instruction over-emphasizes grammar and translation to English.

In order to report home language courses in the New Mexico Public Education Department’s Student Teacher Accountability Reporting System (STARS), appropriate courses taught as the home language may include: “Spanish Language Arts,” “Spanish for Native Speakers,” “Spanish for Bilinguals,” and “Language for Native Speakers.” The course(s) selected for student registration should be based on student proficiency assessment data.

The wishes of Native American communities regarding the use of their native language in the public schools must be respected. In some cases, this component may need to be delivered orally, where either teaching materials written in the language are unavailable or only the oral aspect of the language is allowed to be taught. Cultural content can be taught in several areas of the curriculum.

The Native American language program must follow (if allowable and available) a written, scope-and-sequenced curriculum, which is aligned with the *New Mexico Content Standards and Benchmarks for Language Arts* and the *New Mexico Content Standards and Benchmarks for Modern, Classical, and Native Languages*.

2. **English Language Acquisition and Development**

This part of the program is designed for ELL students to develop English language skills in reading, writing, listening, speaking, and comprehension. The English as a Second Language/English Language Development (ESL/ELD) program shall be aligned with the *New Mexico Common Core State Standards and the 2012 World-Class Instructional Design and Assessment (WIDA) English Language Standards*. This language arts program must follow a written, scope-and-sequenced curriculum. Such a second language program is essential for monolingual speakers of another language and partial speakers of English.

English as a Second Language (ESL) methodology in this Language Arts component provides ELL students with a progressive development of skills in listening, speaking, reading, writing, and comprehending English. The program must use materials designed for second language learners. ELL students should be placed in a regular English class only after attaining the proficiency needed to succeed in reading the language at the level of their native-English-speaking peers. Districts must establish objective criteria for the exit of students from ESL/ELD to regular English reading programs.

The ESL/ELD Language Arts course must not be confused with the provision of ESL-oriented methodologies, strategies, and materials in other content areas. Both are necessary. These methods and materials are also recommended for use with English Language Learners who are developing communication skills in English and/or are underachieving in the curriculum.

3. Content Areas

Instruction in the content area, which is to be taught in two languages, utilizes the student's language, history, and culture. This part of the program shall be a defined component based upon the *New Mexico CCSS and Benchmarks* for the content areas selected. This includes mathematics, science, social studies, and fine arts. The development of literacy skills in the home language must be emphasized across the curriculum, including these content areas.

4. Fine Arts

Fine Arts instruction in two languages utilizes the student's language, history, culture, and the arts traditions of his and/or her community. Inclusion of cultural heritage through a specific fine arts component (or other available electives) must be taught in two languages in order to be funded as a course in bilingual multicultural education.

5. Time Requirements

Time allotment means actual time spent by students in the learning process. For funding purposes, time allotted for instruction in the home language must be equivalent to the time provided for English Language Arts and it must be consecutive in nature (that is, not fragmented throughout the day). The same time requirement applies to ESL/ELD instruction. **This equitable time requirement applies to all program models.**

6. Relation to the Education Plan for Student Success (EPSS)

Applications for state bilingual multicultural education program funding must contain specific measurable objectives for the subject areas delivered. Program objectives must be clearly related to the local school/district's EPSS focus areas,

and must be realistically attainable. In addition, program objectives must specify the language(s) used to accomplish the anticipated outcomes in each course.

Instruction Materials

Principles of language acquisition must be reflected in the materials used for bilingual multicultural education instruction. There is a wide range of instructional materials that are appropriate vehicles for language learning and for learning in other content areas, especially materials that are designed for interaction. However, these materials must be aligned with a **language immersion approach (“language acquisition”)** rather than a “foreign language” approach.

Legal Requirements For Instruction

There are three documents that address federal or state requirements for bilingual education and/or Title III programs. These are:

- New Mexico Common Core Standards (2012) and WIDA ELD Standards (2012)
- New Mexico Bilingual Multicultural Education Law (1973, revised 2004)
- New Mexico Bilingual Multicultural Education Regulation (1998, revised 2002 and 2005)

ASSESSMENT

All students participating in the Bilingual Multicultural Education program must be assessed annually for their proficiency in the “home/heritage” language, i.e., the language other than English.

STAFFING, ENDORSEMENT, and PROFESSIONAL DEVELOPMENT

Staffing Requirements

Under the *Bilingual Multicultural Education Regulation* (November 30, 2005), districts are responsible for providing highly qualified, licensed personnel, endorsed in bilingual multicultural education, TESOL, or licensed through the Native American Language and Culture Certificate.

The State Secretary of Education may authorize other personnel to implement programs if qualified personnel are not available. Districts must submit a program design for authorization that addresses recruitment, professional development, and staffing patterns. Out-of-state teacher licensure reciprocity also applies. The qualifications of staff in bilingual multicultural education programs will be reviewed by the New Mexico Public Education Department (PED) on a yearly basis, during the district's required submission of 20th Day documents (*Student Count by Program Model and Instructional Plan*).

1. **Bilingual Multicultural Education Competencies**

Bilingual multicultural education teachers must meet the following state professional teacher competencies [*Teacher Competencies for the Bilingual Multicultural Education Endorsement* (Regulation #6.64.10.1-10.10)]: "Under PED Regulation, [bilingual multicultural education] teachers must be knowledgeable of:

- a language other than English,
- culture and forces that affect culture,
- English language development,
- instructional methodology,
- community/family involvement,
- assessment, and
- professional leadership.

2. **TESOL Teacher Competencies**

English as Second Language (ESL) teachers must meet the following state professional teacher competencies [*Teacher Competencies for the (TESOL) Endorsement* (Regulation 6.64.11.1-11.10)]: "Under PED Regulation, [English as a second language (ESL)] teachers must be knowledgeable of students,

- language and language development,
- cultural diversity,
- knowledge of subject matter,
- meaningful learning,
- assessment,
- reflective practice,
- linkages with families and communities

Endorsements

1. **Bilingual Endorsement Requirements**

Beginning teachers adding the endorsements to an initial license must satisfy the requirements for the license, which include 24-36 hours in bilingual education AND pass the Prueba Exam.

Teachers seeking to add the endorsement to an existing New Mexico teaching license of any level can either:

- Pass Prueba, Four Skills Exam, or comparable exam, AND complete 12 semester hours in the teaching of bilingual education that address competencies in English language development, instructional methodology, community/family involvement and assessment OR
- Pass Prueba, have the TESOL endorsement, AND earn at least six semester hours in the teaching of bilingual education that address competencies in English language development, instructional methodology, community/family involvement, and assessment; or

- Be certified by the National Board for Professional Teaching Standards in Bilingual Education.

2. Teaching English to Speakers of Other Languages (TESOL) Endorsement Requirements

Beginning teachers adding the endorsements to an initial license must satisfy the requirements for the license that include 23-36 hours in TESOL AND pass the Content Knowledge Assessment (CKA) in TESOL.

Teachers seeking to add the endorsement to an existing New Mexico teaching license of any level can either:

- Pass CKA in TESOL or a comparable exam, **AND** earn 12 semester hours of credit in TESOL: six (6) hours that must be a language other than English, six (6) hours that must be upper division or post BA credits in the competencies of knowledge of culture and diversity, knowledge of subject matter, meaningful learning through multiple paths to knowledge and assessment;
- Earn 24—36 semester hours of credit in TESOL (12 of the hours must be upper division credit if adding the endorsement to a secondary or pre-12 specialty license); or
- Be certified by the National Board for Professional Teaching Standards in TESOL.

The table on the following page is designed to assist districts in understanding the relationship and distinctions between federal and state laws and regulations regarding staffing. Recognizing that the Public Education Department and most local education agencies receive federal financial assistance, these agencies must comply with the rules and regulations implementing Title VI of the *Civil Rights Act*, the *Equal Education Opportunities Act*, and all parts of the *Elementary Secondary Education Act (No Child Left Behind Act)*.

Summary of Staffing Requirements

<p>U.S. Native American Language Act of 1990-93 (P.L. 101-477)</p>	<p>U.S. Elementary Secondary Education Act of 2009 (No Child Left Behind Act 2001)</p>	<p>U.S. Civil Rights Act of 1964 - Title VI</p>	<p>NM Native American Language License (NMSA 22-10-3.F)</p>	<p>NM Bilingual Multicultural Education Law of 2004 (NMSA 22-23-1 to 6) and NM Bilingual Multicultural Education Regulation of 2005 (6.32.2 NMAC)</p>
<p>It is U.S. government policy to “preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.” Requirements of the Act are: Encourage and support the use of Native American languages as a medium of instruction in schools Allow exceptions to teacher certification</p>	<p>Teachers must be fluent in English and in any other language used for instruction, including having written and oral communication skills Each LEA shall ensure that all teachers who are hired for the teaching program supported with funds under this act, are highly qualified The SEA shall ensure that all teaching core academic subjects</p>	<p>Provide instruction to LEP students by using trained and certified staff Ensure that instructional staff of LEP students begin with the same formal requirements as all teachers must meet, such as: Holding a state teaching certificate Endorsement Sufficient training in the alternative language program selected</p>	<p>The Public Education Department’s Professional Licensure Unit may issue a Native American Language and Culture Certificate to a person proficient in the Native American language and culture of a New Mexico tribe or pueblo. A baccalaureate degree is not required for the person applying for this certificate. This license is renewable</p>	<p>Use teachers who have specialized in elementary or secondary education and who have received specialized training in bilingual multicultural education conducted through the use of two languages. Provide personnel endorsed in bilingual multicultural education, TESOL certified in Native American language and culture.</p>

Summary of Staffing Requirements (Continued)

<p>U.S. Native American Language Act of 1990-93 (P.L. 101-477)</p>	<p>U.S. Elementary Secondary Education Act of 2009 (No Child Left Behind Act 201)</p>	<p>U.S. Civil Rights Act of 1964 - Title VI</p>	<p>NM Native American Language License (NMSA 22-10-3.F)</p>	<p>NM Bilingual Multicultural Education Law of 2004 (NMSA 22-23-1 to 6) and NM Bilingual Multicultural Education Regulation of 2005 (6.32.2 NMAC)</p>
<p>requirements for instruction in Native American languages when such requirements hinder the employment of qualified teachers who teach Native American languages. Recognize the right of Indian tribes to give official status to their languages for the purpose of conducting their own business Encourage all institutions of elementary,</p>	<p>within the state are highly qualified by the end of 2005-2006 school years Professional development is addressed as an approved activity in the Title III program funding application</p>		<p>In accordance with procedures and criteria established by the tribe and accepted by the NMPED Licensure Bureau. Under the NM Bilingual Multicultural Education Regulation, only personnel endorsed in bilingual multicultural education or certified in Native American language and culture may provide home/heritage language services.</p>	<p>Bilingual multicultural education or heritage language revitalization programs shall be part of the district's professional development plan as required in Subsection E of Section 22-23-5 NMSA. Bilingual multicultural educator professional development activities must include: teachers, instructional support personnel, principals, and</p>

Summary of Staffing Requirements (Continued)

<p>U.S. Native American Language Act of 1990-93 (P.L. 101-477)</p>	<p>U.S. Elementary Secondary Education Act of 2009 (No Child Left Behind Act 201)</p>	<p>U.S. Civil Rights Act of 1964 - Title VI</p>	<p>NM Native American Language License (NMSA 22-10-3.F)</p>	<p>NM Bilingual Multicultural Education Law of 2004 (NMSA 22-23-1 to 6) and NM Bilingual Multicultural Education Regulation of 2005 (6.32.2 NMAC)</p>
<p>secondary, and higher education, where appropriate, to include native American languages in the curriculum, and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages</p>				<p>program administrators. Principals and program administrators shall participate in training that addresses program supervision.</p>

School Staffing Patterns

Home/heritage Language, Bilingual Multicultural Endorsement, or Native American Language and Culture Certificate

- All teachers delivering the home/heritage language component of the program for either elementary or secondary levels must have a bilingual multicultural education endorsement or a Native American language and culture certificate.
- Teachers delivering the home/heritage language component of the program at the secondary level must have a bilingual multicultural education endorsement **AND** a Modern, Classical, and native language endorsement; or a Native American language and culture certificate.

Teaching English as a Second Language (TESOL) Endorsement

- All teachers delivering the English as a Second Language component must have a TESOL endorsement.
- Teachers delivering the English as a Second Language component at the elementary level must have either a bilingual multicultural education or a TESOL endorsement.
- Teachers delivering the English as a Second Language component with an elementary level license (K-8) at the secondary level (7-8) must have a TESOL endorsement. The teachers delivering Course 1063 need a TESOL and a language arts endorsement.
- Teachers delivering the English as a Second Language component with a secondary level license (7-12) must have a TESOL endorsement. The teachers delivering Course 1063 need both a TESOL and a language arts endorsement.

Bilingual Multicultural Education Content-Area Courses

- At the secondary level, the bilingual multicultural education endorsed teacher must also be endorsed in the subject taught (e.g. math, social studies, science, fine arts, etc.).

Native American Language and Culture Certificate

- The Public Education Department's Professional Licensure Bureau may issue a Native American language and culture certificate to a person who has been approved as proficient in their Native American language by a New Mexico tribe. Native American language programs require approval and recommendations from tribal departments of education and/or tribal councils.
- All Native American bilingual multicultural education programs may use teachers certified with the Native American language and culture certificate or endorsed in bilingual multicultural education for the language of study.

The tables on the following pages are designed to assist districts in understanding the relationship and distinctions between licensure/endorsement requirements.

**Bilingual Multicultural Education Program
Primary K-8 Licensure/Endorsement Requirements**

Program Hour	Course Taught	Licensure Requirements	Instructional Time	Student Language Status
*1st	<p><i>Language Arts in the language other than English</i></p> <ul style="list-style-type: none"> • Spanish Language Arts • Diné Language Arts • Jicarilla Language Arts • Mescalero Apache Language Arts • Keres Language Arts • Tiwa, Tewa, Towa Language Arts • Zuni Language Arts 	<ul style="list-style-type: none"> • K-3 or K-8 Teaching License • Bilingual Endorsement • Native American Language and Culture Certificate (Native American languages only) 	One hour or equivalent to English Language Arts instruction.	Native English speakers, FEP, and ELL.
2nd	<p><i>ESL/ELD</i></p> <p>(Only for ELL/LEP students)</p> <p>English Language Arts credit at secondary level</p>	<ol style="list-style-type: none"> 1. Primary Teaching License 2. Bilingual Endorsement or TESOL Endorsement 3. If a K-8 teacher is teaching Course 1063 at the Middle School level, then a Language Arts Endorsement is required as well, or the school site must deem this individual as highly qualified in Language Arts 	One hour or equivalent to English Language Arts instruction	ELL only

**Bilingual Multicultural Education Program
Primary K-8 Licensure/Endorsement Requirements (Continued)**

Program Hour	Course Taught	Licensure Requirements	Instructional Time	Student Language Status
3rd	<p>Content Area</p> <ul style="list-style-type: none"> • Science • Math • Social Studies • Visual or Performing Arts 	<ol style="list-style-type: none"> 1. Primary Teaching License 2. Bilingual Endorsement 3. A teacher who has a Primary (K-8) license and is teaching at the middle school level must be deemed highly qualified to teach the content area to which he/she is assigned. 	<p>At least 50% of the daily class must be taught in the language other than English. Total class time must be equivalent to that of other content area classes.</p>	<p>Native English speakers, ELL, and FEP.</p>
<p>*1st Hour of Programming: Mandated for all students (ELL/FEP) participating in a state-funded Bilingual Multicultural Education program.</p> <p>*2nd Hour of Programming: Mandated for all ELL students only</p> <p>3rd Hour of Programming: Optional for all ELL/FEP students</p>				

**Bilingual Multicultural Education Program
Secondary 7-12 Licensure/Endorsement Requirements**

Program Hour	Course Taught	Licensure Requirements	Instructional Time	Student Language Status
*1st	Language Arts in the Language other than English <ul style="list-style-type: none"> • Spanish Language Arts • Diné Language Arts • Jicarilla Language Arts • Mescalero Apache Language Arts • Keres Language Arts • Tiwa, Tewa, Towa Language Arts • Zuni Language Arts 	<ul style="list-style-type: none"> • Secondary Teaching License • Bilingual and MCNL Endorsement or • Native American Language and Culture Certificate in Native American languages only) 	One hour or equivalent to English Language Arts instruction	Native English Speakers, FEP, and ELL
*2nd	<i>ESL/ELD</i> *(Only for ELL/LEP students)	<ol style="list-style-type: none"> 1. Secondary Teaching License 2. TESOL Endorsement 3. TESOL and Language Arts Endorsement for those teachers delivering Course 1063 4. If a K-8 teacher is delivering Course 1063 at the middle school level, then a Language Arts Endorsement is 	One hour or equivalent to English Language Arts instruction	ELL only

**Bilingual Multicultural Education Program
Secondary 7-12 Licensure/Endorsement Requirements (Continued)**

Program Hour	Course Taught	Licensure Requirements	Instructional Time	Student Language Status
		Required as well, or the school site must deem this individual as highly qualified in Language Arts		
*3rd	<p>Content Area</p> <ul style="list-style-type: none"> • Science • Math • Social Studies • Visual or Performing Arts 	<ol style="list-style-type: none"> 1. Secondary Teaching License 2. Bilingual Endorsement 3. Endorsement in the Content Area 4. A teacher who has a Primary (K-8) license and is teaching at the middle school level must be deemed highly qualified to teach the content area to which he/she is assigned 	At least 50% of the class must be taught in the language other than English. Total class time must be equivalent to that of other content area classes.	Native English Speakers, FEP and ELL
<p>*1st Hour of Programming: Mandated for all students (ELL/FEP) participating in a state-funded bilingual multicultural education program</p> <p>*2nd Hour of Programming: Mandated for all ELL students only</p> <p>*3rd Hour of Programming: Optional for all ELL/FEP students/others</p>				

Professional Development

Professional development is a core component for school program effectiveness and success. Development of quality teachers, principals, administrators, and educational support personnel is one of the major strategic goals of the Public Education Department's *Strategic Plan*. Effective professional development programs must be continuous, ongoing, and must meet federal and state requirements.

State Requirements

a. **New Mexico Professional Development Framework (2006)**

In 2006, the New Mexico Public Education Department approved a regulation that required New Mexico school districts to design and implement an approved professional development plan. As stated in the Professional Development Framework Objective: "The rule creates standards for developing professional development activities for schools that improve teachers' knowledge of the subjects they teach and the ability to teach those subjects to all of their students; are an integral part of the public school and school district plans for improving student achievement; provide teachers, school administrators and instructional support providers with the strategies, support, knowledge and skills to help all students meet the new Mexico academic content standards; are high quality, sustained, intensive and focused on the classroom; are developed and evaluated regularly with extensive participation of school employees and parents." (6.65.2.6 NMAC – N, 06-30-06).

b. **New Mexico Standards for Excellence (NMAC 6.30.2, January 2001)**

This document also addresses the need for professional development programs in New Mexico public schools. According to these PED-approved standards, "Exemplary educational achievement for students . . . will occur when programs are made available for professional growth and development of teachers and staff." (NMAC 6.30.2.12: Epilogue, p. 17)

Additionally, the *New Mexico Standards for Excellence* requires the *Educational Plan for Student Success (EPSS)* to address a professional development component that includes:

- A focus on increased student achievement
- Input by teachers into the planning process and delivered activities
- A direct correlation between professional development and the district's student centered focus areas and individual school improvement plans
- A direct correlation between professional development and the implementation of *New Mexico Common Core Standards and Benchmarks*
- Resources available to support professional development activities

- Timelines for professional development activities and ongoing follow-through
- Person(s) responsible for implementation and follow-through of professional development activities
- An annual review and modifications of the Professional Development Plan

c. **PED Bilingual Multicultural Education Regulation (November 30, 2005)**

Under this regulation, “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:

- Research-based bilingual multicultural and/or language revitalization programs and implications for instruction
- Best practices of teaching English as a second language (ESL). English language development (ELD) and bilingual multicultural and/or language revitalization programs; and principles of language acquisition.

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 multicultural 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)

PROGRAM APPROVAL

State Requirements – Bilingual Multicultural Education Act (Article 23) For districts receiving state financial support, the *Bilingual Multicultural Education Act of 2004* (NMSA 22-23-1 through 22-233-6), Appendix 6 in the *New Mexico Standards for Excellence* (NMAC 6.30.3.11.B), and the *New Mexico Bilingual Multicultural Regulation* (6.32.2.11 NMAC-Rp, 6.32.2.13 NMAC, 11-30-05) provide approval criteria for state funding (see Appendix VII).

Districts must submit school-site applications to NMPED by the deadline (in the preceding school year). A separate application must be submitted for each school requesting program approval. The initial application shall include:

- Assurances
- Signatures of superintendents, bilingual multicultural education and/or Title III coordinator, district business manager, and school principal

- Projected number of students to be served in one-, two-, and/or three-hour programs
- Program models
- Program goals to include:
 - Correlation to program models
 - Correlation to school's EPSS goals

The department shall review initial applications for approval. Then, by the 20th day of the target school year, districts and/or charter schools with approved applications shall submit:

- Actual number of students to be served
- Instructional plan

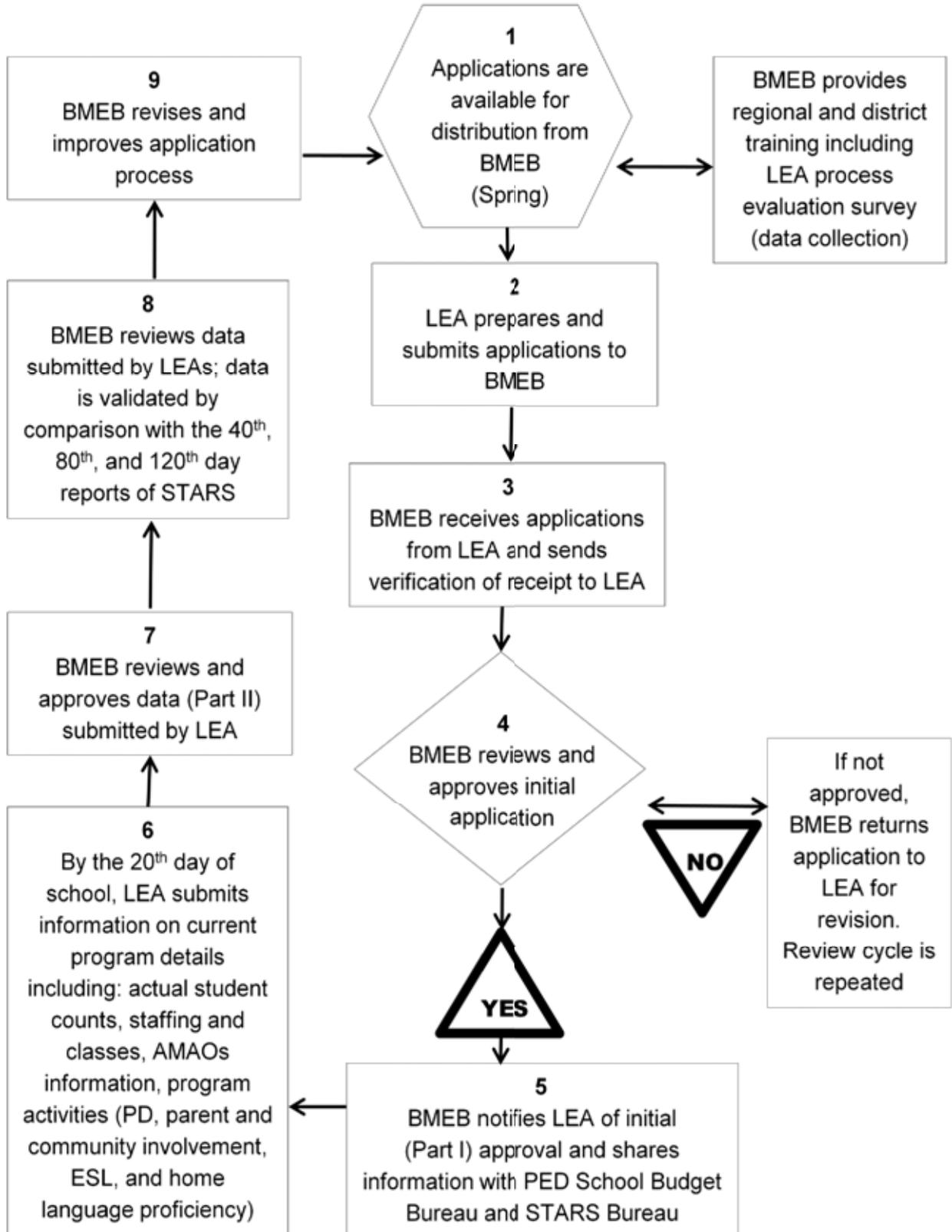
Funding

State Bilingual Multicultural Education Program (ELL, FEP, and other Students Who Wish to Participate)

Districts and/or charter schools receive state funds based upon the average number of students served in bilingual multicultural education (one-, two-, or three-hour programs) from the previous year, which was reported to the Student Teacher Accountability Reporting System (STARS). This average is based upon student enrollment for the 80th and 120th days.

Funding is non-categorical and is part of the state equalization guarantee formula. New programs (i.e., new school district or new charter school) will be funded after the 40th day of the current year. Local educational agencies are required to submit an *Annual Expenditure Report* by September 30th of each year to the New Mexico Public Education Department. This expenditure report must be based on actuals from the general ledger, which will be reported to the Legislative Finance Committee (LFC) and Legislative Education Study Committee (LESC).

Program Approval Process for State Bilingual Multicultural Programs



USING THE STUDENT TEACHER ACCOUNTABILITY REPORTING SYSTEM (STARS)

The Student Teacher Accountability Reporting System (STARS) is a collaborative effort of the New Mexico Public Schools and the New Mexico Public Education Department (NMPED). STARS is a comprehensive student and staff information system that provides a standard data set for each student served by New Mexico's 3Y-12 public education system.

The STARS serves many purposes. These are:

- Meet the current state and federal reporting requirements
- Improve education decision making through the use of high quality data and decision support tools
- Provide longitudinal tracking of particular individual and subgroup education progress over time
- Report timely and accurate education data through standardized and ad hoc reporting capabilities

As part of the February 2004 *Bilingual Multicultural Education Audit Report Action Plan*, the Public Education Department's Bilingual Multicultural Education Bureau was charged with the task of "assisting districts to develop internal control procedures to ensure data reliability and accuracy." It is imperative that district personnel (District Bilingual Multicultural Education director, STARS coordinator and principals) develop an internal control process to ensure that bilingual multicultural education data is audited for accuracy in all official documents before it is submitted to the STARS. As the May 7, 2004 memo stated (audit and technical assistance and/or monitoring of state bilingual multicultural education programs) BMEB and the Inspector General's office shall conduct visits to districts in order to audit student membership and program effectiveness.

By the **20th day of school**, each district and/or charter school must submit to the Bilingual Multicultural Education Bureau (BMEB):

- **Count by program model** with actual student numbers
- **Instructional Plan** with the following information:
 - Course description, course title, grade level, the number of students, the number of classes offered, the language of delivery, teacher's name, license number, and endorsements and/or certificates relating to bilingual multicultural education programs

Changes must be reported to the BMEB at least **one week before** the 40th, 80th, and 120th day STARS reporting periods. This will allow BMEB to make adjustments to the database for funding approval before the district's STARS data is approved.

Bilingual and Multicultural Education Bureau STARS and Data Certification Process

This document describes the process that districts and the New Mexico Public Education Department (NMPED) follow to certify bilingual and multicultural education related data that is submitted to the Student Teacher Accountability Reporting System (STARS). It also provides the data fields used by the Bilingual and Multicultural Education Bureau and the templates where those fields are found.

Certification Process – Bilingual and Multicultural Education Bureau

Action Taken By	Task
LEA (District)	<ul style="list-style-type: none"> • Submit data to STARS within five days after scheduled reporting day for each reporting period • On the 6th day after scheduled 40th, 80th, and 120th day, the reporting window will close • If a district has not completed submitting data, they request from STARS to have their reporting window reopened
PED-STARs	<ul style="list-style-type: none"> • Daily – determines if districts have submitted appropriate templates • Daily – sends status report to PED bureaus providing information on submission status • When district data appears complete – sends membership report to district and to PED bureaus for review • Reports problem of ELLs in “one hour”
PED Bureaus	<ul style="list-style-type: none"> • Reviews membership report for discrepancies
PED Bilingual Ed (BMEB)	<ul style="list-style-type: none"> • Reviews <u>membership district detail report</u> – compares the number of bilingual hours against the Instructional Plan submitted by districts/charter schools and checks for overall changes of greater than 10% students participating in bilingual education hours • Reviews <u>BEP District Hours Report</u> – determines if any ELL students have been entered into a bilingual program for one hour • Reviews program fact template data to identify students reported in bilingual education program hours and in the Title III program • Contacts district bilingual education coordinator to inform him or her of discrepancies and instruct on how to proceed • If there are no discrepancies, signs off on district membership report and returns information to School Budget Bureau for further certification
Action Taken By	Task
LEA – If there are discrepancies	<ul style="list-style-type: none"> • For students reported in the programs fact template with a program code of BEP (Bilingual Program) that should not be there, district must submit a request by e-mail to the STARS help desk to delete the specific rows. District must provide the district ID, school code; student ID and program begin date (non-updatable field). Please send the e-mail to jared.vigil@state.nm.us • For students reported in the programs fact template with the

	<p>incorrect number of program hours for BEP, district must update student information system and template data with the correct number of hours and resubmit the template – a delete request is not necessary for this type of error (updatable field)</p> <ul style="list-style-type: none"> • For students improperly identified as ELL, district must update the student snapshot and student template to indicate student is not ELL and re-submit template (updatable field) • If a district must re-submit prior to data certification and the report window has closed (six days after designated calendar period dates), the district may request that the STARS help desk reopen the districts reporting period without going through the district's budget analyst • If a district has completed certification and has to go back to update data – the district STARS coordinator must request that the district budget analyst send a formal request to STARS to have the reporting window reopened • If the field has a "K" in the code column, the field is not updatable; a new record must be created
PED Bureau	<ul style="list-style-type: none"> • Review membership report for discrepancies and begin final certification process
PED – School Budget	<ul style="list-style-type: none"> • Sends membership district detail report to district for certification
LEA	<ul style="list-style-type: none"> • Reviews numbers in membership report and signs off or resubmits data (repeats process above) as needed

Current Data Collection Templates for Bilingual and Multicultural Education and Title III Programs

Template	Field #	Field	Values
Assessment Fact	2	Test Description	<ul style="list-style-type: none"> • HL – Home and/or Heritage Language • NM W-APT – Placement Test
Assessment Fact	4	Item Description	HL – <ul style="list-style-type: none"> • Woodcock-Munoz • IPT • LAS • Instrument not in Spanish ACCESS for ELLS <ul style="list-style-type: none"> • NM W-APT
Course	27	Course Code Long	<ul style="list-style-type: none"> • 1061 English as a Second Language (ESL) • 1062 English as a Second Language (ESL) • 1063 English/Language Arts ELD • 1271 Language for Native Speakers I • 1272 Language for Native Speakers II • 1273 Advanced Language for Native Speakers II • 1274 Language for Native Speakers
Course	27	Course Code Long	Fifth digit – Common Field - 8
Programs Fact	5	Programs Cod	<ul style="list-style-type: none"> • T3 – Title III • BEP – Bilingual Education Program • ESL – English as a Second Language only
Programs Fact	9	Program Intensity	<ul style="list-style-type: none"> • 0 – no program hours • 1 – 1 program hour • 2 – 2 program hours • 3 – 3 program hours
Programs Fact	18	Participation Info Code	BEP <ul style="list-style-type: none"> • 01 – Dual Language Immersion • 02 – Developmental Maintenance Bilingual • 03 – Enrichment • 04 – Transitional Bilingual • 05 – Heritage ad/or Indigenous language • 06 – Not participating in one of these models

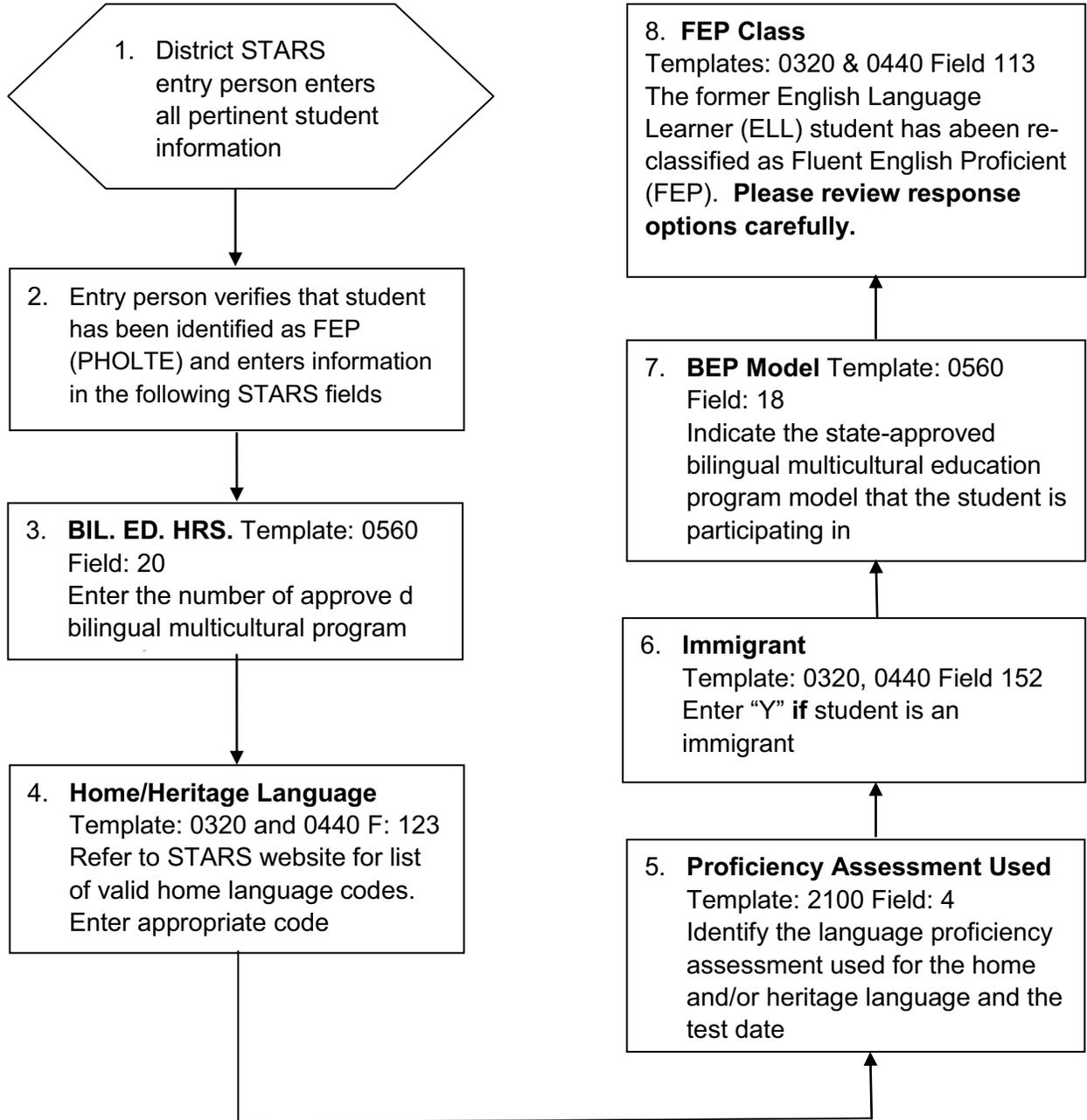
Flow Charts for Reporting STARS Data

The following flow charts are designed to assist with the submission of data to STARS for students that meet any one of the following five categories related to bilingual multicultural education programs:

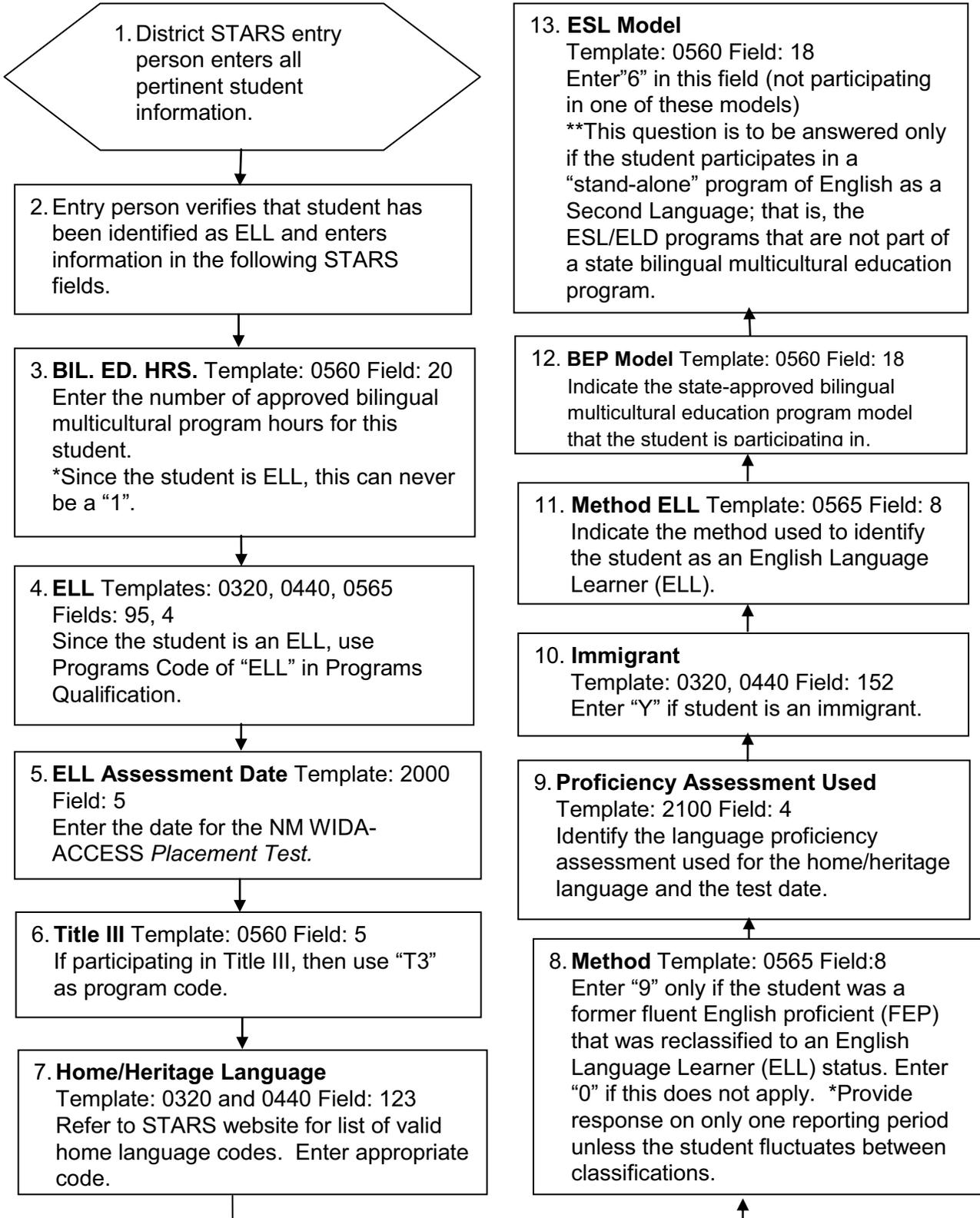
- English Language Learners (ELL) **participating** in a bilingual multicultural education program
- Fluent English Proficient (FEP) students **participating** in a bilingual multicultural education program
- Fluent English Proficient (FEP) students **not participating** in a bilingual multicultural education program
- Non-PHLOTE (Native English-speaking) students **participating** in a bilingual multicultural education program



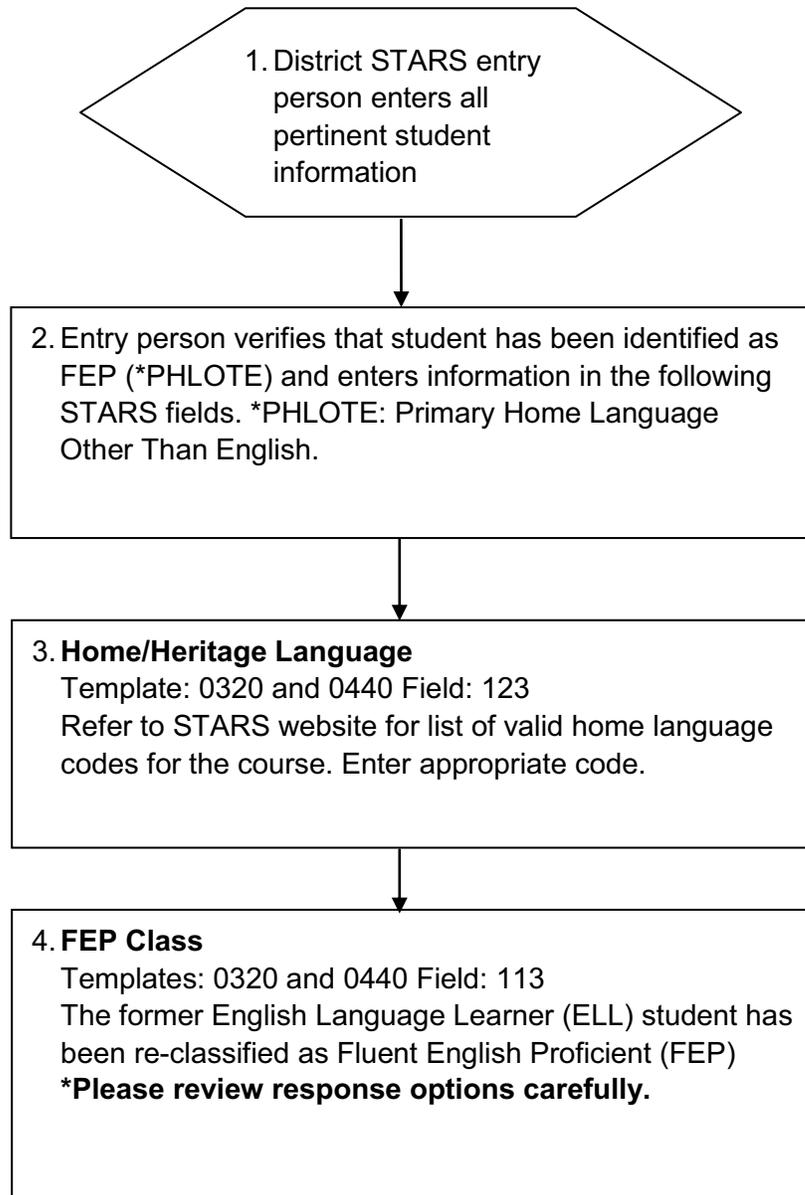
FEP PHOLTE Students Participating in a Bilingual Multicultural Education Programs



ELL Students Participating in Bilingual Multicultural Education Programs

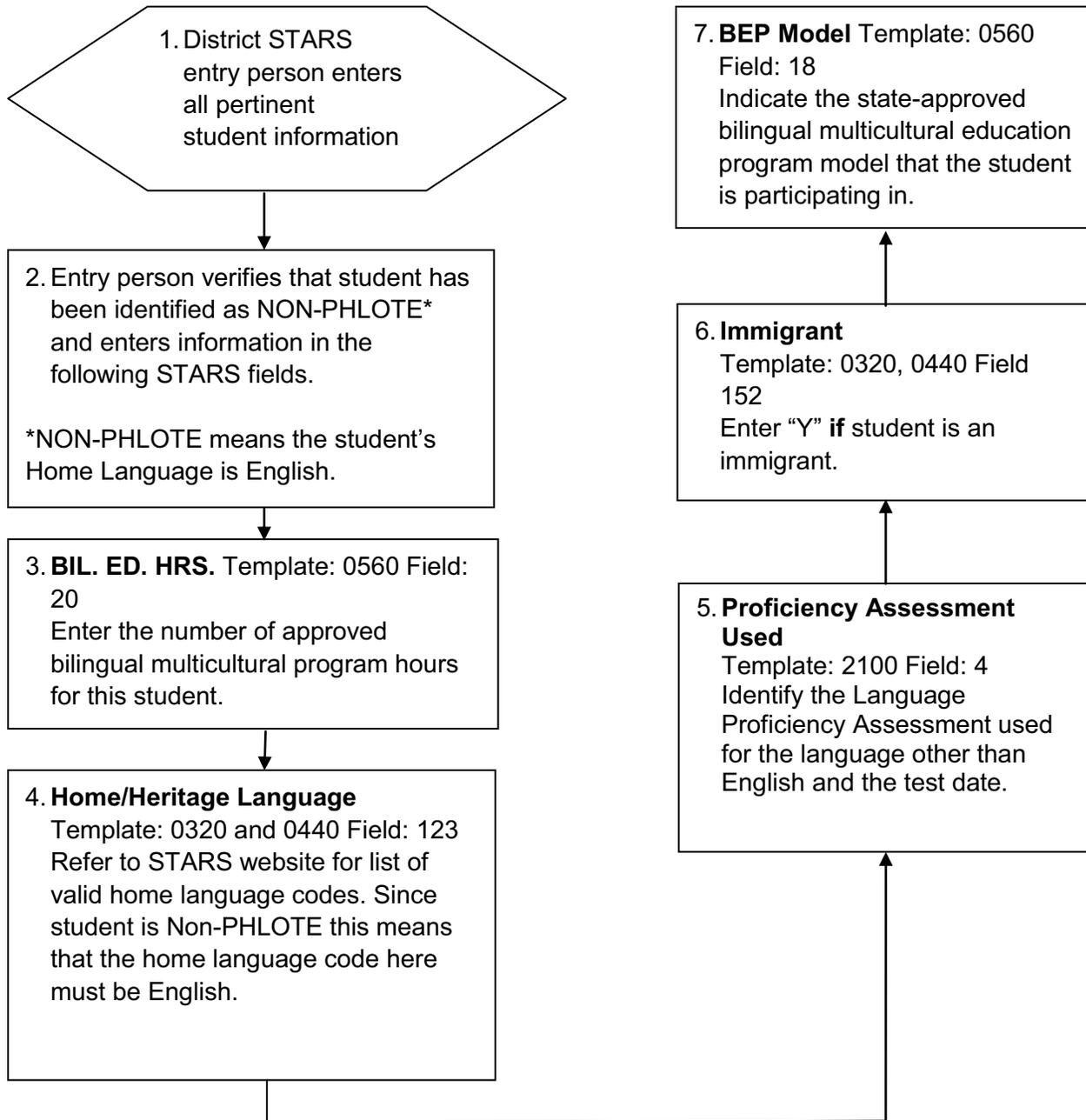


FEP PHLOTE Students Not Participating in a Bilingual Multicultural Education Program



**NON-PHLOTE Students Participating
In a Bilingual Multicultural Education Program**

District bilingual multicultural education directors and STARS coordinators are accountable for the accuracy of data submitted on the application and in STARS.



District Self-Appraisal Checklist for Using STARS

District Self-Appraisal Checklist for Identification and Assessment	Yes	No
Has a home language survey been provided in order to identify PHLOTE students? (Templates: 0320 and 0440, Field: 123 in STARS)		
Does the FEP PHLOTE, ELL, or non-PHLOTE student participate or not in the bilingual multicultural program? (Template 0560, Field: 20 in STARS) *Note: An ELL student cannot be identified as participating in only 1 hour of instruction per day.		
Does the ELL student participate in a Title III program? (Template 0560, Field 5 in STARS)		
Are all ELL students reported in STARS regardless of participation in the state bilingual program or Title III?		
District Self-Appraisal Checklist for Misreported Student Hours	Yes	No
Has the district received an error message or report indicating misreported student hours?		
Has the district reviewed the approved application to verify whether the hours reported are aligned with the approved hours?		
If the hours identified as “in error” are part of the approved application, has the district notified the PED BMEB about this issue?		
If the hours did not align with the approved application, has the error been identified and corrected prior to resubmitting data to STARS?		
If the intent of the district is to change the program hours, has the district resubmitted the appropriate charts to the PED BMEB prior to resubmitting data to STARS?		
District Self-Appraisal Checklist for Number of Students in Program	Yes	No
Has the district verified whether the number of children reported as participating in the bilingual multicultural program at each school site matches the number claimed on the approved application?		
Has the district verified program participation numbers with the individual school site principals?		
Did the school site principals require teachers to take “head counts” of children participating in the bilingual multicultural program?		
Did the local school site principals “sign off” on the number of participating students?		
Were post-40 th day STARS reports used during this process in order to eliminate time-consuming paper work?		
If the numbers do not match, have the appropriate updated charts been submitted to the PED BMEB prior to the official submission of STARS data?		
Has the district made assurances that all ELL students, regardless of participation in the bilingual multicultural program, have been assessed on a year-to-year basis by a state-approved language proficiency assessment?		

PROGRAM EVALUATION and RENEWAL

Program Evaluation

Evaluation is a key component for determining program effectiveness and setting new goals. Success is measured in terms of whether a program is achieving the specific goals that a district has established for the program. **Districts must evaluate longitudinal data to compare the academic progress of ELL students and exited FEP students with the progress of non-ELL students.** Additional student performance evaluation indicators may include grade point averages, rates of retention, dropouts, graduation, parent and/or community involvement, school safety, honors, and awards.

The Bilingual Multicultural Education Program requires an evaluation in order to continue their approval. This is accomplished by:

- Review and analysis of student performance data (Annual Report English/Home language Proficiency and academic results)
- Monitoring and validation of student counts reported by districts/schools in the Student Teacher Accountability Reporting System (STARS)
- Monitoring of districts/schools' program practice by means of the technical assistance and/or focused monitoring visits
- Monitoring of expenditures by districts and/or schools (Annual Expenditure Report)

1. **Student Counts Reported in the STARS**

The 20th day counts for the state bilingual multicultural education programs are reported by districts and/or schools to BMEB. The data is validated for accuracy with the quarterly reports submitted to STARS (40th, 80th, 120th day and end-of-year reports). Districts and/or schools must immediately correct errors in reporting, as the following year's funding depends on accurate student counts.

2. **Technical Assistance and Focused Monitoring**

All districts and/or schools receiving funding for state bilingual multicultural education programs and/or ESEA/NCLB Title III programs are monitored by means of BMEB staff visits in order to review the quality of the program

3. **Annual Expenditure Report**

Districts and/or schools are required to submit a report to BMEB of the state bilingual multicultural education program expenditures by September 30th of each year. In addition to this regular reporting, districts may be monitored by the Public Education Department's Inspector General and internal Audit Bureau regarding appropriateness of expenditures. The data from these reports become part of the annual reports to the Office of English Language Acquisition, United States Department of Education (USDE), and the New Mexico state legislature.

LEGAL BACKGROUND FOR PROGRAM EVALUATION

The *New Mexico Bilingual Multicultural Education Law* and the *New Mexico Bilingual Multicultural Education Regulation* require districts to evaluate the effectiveness of their state bilingual multicultural education programs for all students. The following matrix outlines the evaluation requirements for federal and state bilingual multicultural education programs.

**Matrix of Program Evaluation Requirements
Note: The Department = The New Mexico Public Education Department**

Office for Civil Rights (2000)	Elementary Secondary Education Act (2009), NCLB Title III (2001)	New Mexico Bilingual Multicultural Education Act (2004) NMSA 22-23-1 to 22-23-6	New Mexico Bilingual Multicultural Education Regulation (2005) 6.32.2.15 NMAC
<p>1. Districts are required to modify their programs if they prove to be unsuccessful after a legitimate trial.</p> <p>2. Districts measure “success” in terms of whether the program is achieving the particular goals the district established for the program and its students</p> <p>3. If the district has established no particular goals, the program is successful if its participants are achieving proficiency in English and are able to participate meaningfully in the district’s academic program.</p> <p>4. Key Evaluation Elements: a. Alignment with goals b. Comprehensive scope c. Appropriate data collection instruments d. Data analysis e. Plan for modification and/or improvement f. Ongoing review</p>	<p>After the second year of implementation, every public school district with a Title III program must submit a written Biennial progress report to the Public Education Department by September 30th.</p> <p>The report submitted must include:</p> <ol style="list-style-type: none"> 1. Annual assessment data – compiled for two years. 2. Verification that the program has identified and served students most in need, based on language proficiency (English and home language) and academic achievement. 3. A current analysis of assessment results by school and by model(s). 4. A summary of proposed modifications to program design and implementation that must be based on data and made within approved timelines. 5. Annual student progress, inclusive of language proficiency and academic achievement. 6. Data demonstrating that participating students have made measurable growth (SGT) in meeting <i>NM Common Core Standards, Benchmarks, and Performance Standards</i>. 	<p>22-23-5.A. At regular intervals, the local school board, the Department, and a parent advisory committee from the district shall review the goals and priorities of the district’s plan, and make appropriate recommendations to the Department.</p> <p>22-23-5.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 committee [of the State Legislature].</p> <p>22-23-6.A.(6) Each district shall 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 State Bilingual Multicultural Education Program.</p>	<p>A. To evaluate the Bilingual Education Program effectiveness and use of funds, each district shall maintain academic achievement and language proficiency data and update the data annually</p> <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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) (d) an expenditure report from the General Ledger on use of funds for the program.

Federal and State Requirements for Program Renewal

<p>The Elementary Secondary Education Act (2009), NCLB Title III (2001)</p> <p>Accountability: For states – Each state educational agency (SEA) receiving a grant shall hold eligible entities receiving a subgrant accountable for meeting the annual measurable achievement objectives, including meeting School Growth Targets (SGTs) for ELL students.</p> <ul style="list-style-type: none"> • Improvement Plan – If a state educational agency determines (based on the annual measurable achievement objectives described) that an eligible entity has failed to make progress toward meeting objectives in two consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. • Technical Assistance – During the development of the improvement plan (described above) and throughout its implementation, the SEA shall provide technical assistance to the eligible entity. • If an SEA determines that an eligible entity has failed to meet the annual measurable achievement objectives for four consecutive years, the agency shall: <ul style="list-style-type: none"> ➢ Require the entity to modify the curriculum, program, and method of instruction ➢ Make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives ➢ Require such entity to replace educational personnel relevant to the entity's failure to meet such objectives. 	<p>New Mexico Bilingual Multicultural Education Regulation (November 2005) (6.32.2.16 NMAC)</p> <p>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:</p> <ul style="list-style-type: none"> • After the first year (SY 2005-2006), districts will report baseline data. • After the second year, districts shall submit a progress report, by school, indicating how schools met Annual Measurable Achievement Objectives (AMAOs) from Year One to Year Two; if data shows improvement, the public school district and/or school may continue the program as previously outlined in the initial or modified application. • After two consecutive years of the district's and/or school's failing to make progress toward meeting AMAOs, the Department shall: <ul style="list-style-type: none"> ➢ Notify the public school district that the school has not demonstrated reasonable progress. ➢ Assist the school in the development of an improvement plan. ➢ Provide technical assistance to the school and district. • After four consecutive years of the district's and/or school's failure to make progress toward meeting AMAOs, the department shall: <ul style="list-style-type: none"> ➢ Require the school to modify the curriculum, program and method of instruction; or ➢ The program shall be re-designed, modified, or discontinued by the department.
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SECTION II-RESOURCES

State Provisions and Initiatives Supporting New Mexico Bilingual Multicultural Education Programs	105-109
New Mexico Bilingual Multicultural Education Law (2004)	110-113
New Mexico Bilingual Multicultural Education Law (2005)	114-119
Annual Expenditure Report Form	120

State Provisions and Initiatives Supporting New Mexico Bilingual Multicultural Education Programs

1911	Constitutional provisions stipulate that New Mexico must maintain a bilingual citizenry.
1912	The New Mexico Department of Education hires two school supervisors, of which one is Hispanic and who has to supervise rural schools.
1915	Senator A. A. Sena from San Miguel County introduces a mandate to implement bilingual education in Spanish and English in all school districts that have 50% or more Hispanic students.
1919	Governor Larrazolo recommends a law to the legislature for all teachers in rural schools where students speak Spanish to have bilingual skills (this law was revoked in 1923).
1941	Senate Bill 3 passed: Spanish shall be taught in all public schools in grades 5-8, in schools having three or four teachers and/or with 90 students or more (this mandate was revoked in 1963).
1943	Senate Bill 129 passed: To establish a position of supervisor of Spanish in the Department of Education to improve instruction in that language in the public schools.
1963	The New Mexico Department of Education receives a grant from the Ford Foundation to implement a Spanish Language Arts and Social Studies program taught in Spanish in Pecos.
1968	State Board of education (SBE) approves policy on bilingual multicultural education (1st in nation).
1969	Senate Bill 270 is passed to maintain the language and culture of the children of the state and to add richness to the curriculum (1st Bilingual Education Law in the nation).
1971	House Bill 270 adds \$100,000 funding, with priority for K-3 to develop competence in English and in using two languages. Qualifying students are only those with great limitations in English.

**State Provisions and Initiatives Supporting
New Mexico Bilingual Multicultural Education Programs (Continued)**

1973	Senate Bill 421 passed: State Bilingual Multicultural Education Law with \$700,000 appropriated (1st in the nation).
1975	State Department of Education (SDE) endorsement is approved for teaching English as a second language – ESL (1st in the nation).
1978	SDE endorsement in bilingual multicultural education is approved (1st in the nation).
1980	The State Department of Education develops the Four Skills Examination in Spanish for teachers seeking endorsement in bilingual education.
1986	SDE licensure for Navajo language is approved.
1987	Expansion of bilingual multicultural education programs to the twelfth grade is approved with a phase-in from 1988 to 1991.
1989	New Mexico State Legislature adopts House Joint Memorial 16 – English Plus Declaration in New Mexico.
1990	SDE establishes Pueblo language endorsement (1st in nation).
1992	State Board of Education approves CITE initiative: Competency in two languages, one of which is English, for all students in New Mexico’s schools.
1994	House Bill 224 appropriates \$89,250 to the New Mexico Department of Education for the purpose of creating a new position in the Department, developing a new bilingual proficiency exam, and funding three part-time coordinators for university immersion institutes.
1997	SDE pilots Two-Way Dual Language Immersion programs in five public schools (Albuquerque, Las Cruces, and Gadsden).
1999	New Mexico State Legislature appropriates funding for pilot schools to implement dual language immersion programs. Ten new schools begin to implement two-way dual language immersion.

**State Provisions and Initiatives Supporting
New Mexico Bilingual Multicultural Education Programs (Continued)**

2001	State Board of Education approves New Mexico Standards for Excellence (6.30.2 NMAC), which sets expectations for proficiency in English, an understanding of other cultures, and competence in at least one language, in addition to English for <u>all</u> students in the schools of the state.
2002	SBE reviews and approves a new State Bilingual Multicultural Education Regulation (6.32.2 NMAC), which extends services to <u>all students</u> in New Mexico public schools. New Mexico State Legislature passes the Native American Language and Culture Certification for teachers (1 st in nation).
2003	HB 212 passed: Requires instruction in a second language, in addition to English for all students, grades 1-8.
2004	New Mexico State legislature passes: Senate Bill 471a. Bilingual Multicultural Education Act of 2004 (2 nd Bilingual Multicultural Education Law in New Mexico). Amends the Bilingual Multicultural Education Act of 1973. House Bill 2. General Appropriations Act of 2004 (requires PED to evaluate effectiveness and use of funds in Bilingual Multicultural Education programs). House Memorial 3. Audit of bilingual multicultural education programs is required. House Joint Memorial 18. Study of the Feasibility of Testing Students in the Home Languages is passed and implemented.

State Provisions and Initiatives Supporting New Mexico Bilingual Multicultural Education Programs (Continued)

2005	<p>New Mexico State Legislature appropriates \$100,000 to NMPED to develop three new forms for “Prueba de Española Para la Certificación Bilingüe (Spanish language proficiency test for teachers seeking an endorsement in bilingual multicultural education.</p> <p>Bilingual Multicultural Education Regulation is revised to correspond with the Bilingual Multicultural Education Act of 2004. The new regulation is approved by the Secretary of Education, November 2005.</p>
2006	<p>Governor Bill Richardson issues an Official Proclamation that declares New Mexico to be a multicultural state.</p> <p>Ten bilingual schools are recognized during the legislative session for exemplary programs serving the needs of English Language Learners.</p>
2007	<p>PED renews the Memorandum of Understanding with the Government of Spain.</p> <p>Twenty bilingual schools are recognized during the legislative session for exemplary programs serving the needs of English Language Learners.</p>
2008	<p>During the legislative session, 27 schools in 12 districts were honored for their language and academic performance by their English Language Learners.</p> <p>The New Mexico Association for Bilingual Education recognizes Ben Lujan, Speaker of the House, Representative Rick Miera, and Regis Pecos for their advocacy and support for bilingual multicultural education in the state.</p> <p>The Navajo Language Assessment Advisory Committee pilots a Navajo language proficiency assessment in six school districts.</p>
2009	<p>New Mexico became the 23rd Member of the national WIDA Consortia.</p> <p>TESOL endorsement rule is revised (requiring coursework in addition to the test).</p> <p>New Mexico became the 23rd Member of the national WIDA Consortia.</p> <p>TESOL endorsement rule is revised (requiring coursework in addition to the test).</p> <p>NM Public Education Department, in partnership with Office of Education and Accountability and the Center for the Education and Study of Diverse Populations, hosted the English Language Learners (ELL) Summit.</p> <p>The Office of the Governor hosts the Hispanic, Indian, and African American Education Summits.</p>

**State Provisions and Initiatives Supporting
New Mexico Bilingual Multicultural Education Programs (Continued)**

<p>2010</p>	<p>NM State Legislature passes the Hispanic Education Act (1st in nation). Governor Richardson’s Graduate New Mexico Initiative to graduate 10,000 dropouts by fall 2011 to earn high school diplomas. ACCESS for ELL is administered for the first time in New Mexico schools. Thirty-five bilingual schools in 14 districts receive recognition during the legislative session for serving the needs of English Language Learners through exemplary programs.</p>
<p>1923</p>	<p><u>Meyer v. Nebraska</u> Overturned 1919 Nebraska statute claiming that “no person, individually or as a teacher, shall, in any private denominational, parochial, or public school, teach any subject to any person in any language other than the English language.” The U.S. Supreme Court ruled that the state’s ability to impose such restrictions “upon the people” was in violation of the Fourteenth Amendment to the U.S. Constitution and overstepped the state’s role. The Meyer decision led to the reversal of <u>Bartels v. State of Iowa</u>, which included three other cases in the suit, dealing with English-only statutes.</p>
<p>1954</p>	<p><u>Brown v. Board of Education</u> Overturned 1896 Supreme Court case <u>Plessy v. Ferguson</u>, which allowed schools to be “separate but equal” with regard to race. <i>Brown v. Board</i>, while not specifically addressing bilingual education, established the precedent of separate schools or instruction not being equal education, which would later be used to address issues facing English Language Learners.</p>

New Mexico Bilingual Multicultural Education Law (2004)

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 language 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 Elementary Secondary Education 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 the entire curriculum of the grade levels within the program;
- (4) use teachers who have specialized in elementary or secondary education and who have received specialized training in bilingual education conducted through the use of two languages. These teachers or other trained personnel shall administer language proficiency assessments in both English and in the home language until proficiency in each language is achieved;
- (5) emphasize the history and cultures associated with the students' home or heritage language;
- (6) establish a parent advisory committee, representative of the language and culture of the students, to assist and advise in the development, implementation and evaluation of the bilingual multicultural education program; and
- (7) provide procedures to ensure that parental notification is given annually prior to bilingual multicultural education program placement.

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

New Mexico Bilingual Multicultural Education Regulation (2005)

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 Language Learners, to:

A. Become bilingual and biliterate in English and a second language, including Spanish, a Native American language (with appropriate approval from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children) or another language. For Native American languages that are oral only, the literacy component shall be measured only in the skill areas/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 11-30-05.

Annual Expenditure Report Form

State Bilingual Multicultural Education Programs				
District Name: _____				
Expenditure Report Form (Based on Actuals from the General ledger)				
Fund Sub Fund	Function	Object Code	Description	Dollar Amount
			Total	0

(To complete this table, please use the district final allocation table provided by PED school budget. If you need additional space, please feel free to duplicate this page.)

We, the authorized representative(s) of the above-named school district certify to the New Mexico Public Education Department that the information contained in this report is accurate and complete to the best of our ability and knowledge.

Signature of Superintendent

Date

District Business Manager

Date

District Bilingual Director

Date

SECTION III

TECHNICAL ASSISTANCE AND FOCUSED MONITORING VISIT RESOURCES

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TECHNICAL ASSISTANCE AND FOCUSED MONITORING VISIT

Introduction to the Process

For School Year 2013-2014, the Bilingual Multicultural Education Bureau (BMEB) will conduct school sites visits or desktop reviews to evaluate program effectiveness and use of funds for Title III and state-funded Bilingual Multicultural Education Programs.

The purpose of the visit/desktop review is to gather data to inform and assist schools to reflect on their strengths and challenges or opportunities for improvement in their services to all students. This process supports schools in developing a continuous improvement cycle to ensure that students become:

- Bilingual and biliterate in English and a second language; and
- Academically successful in all content areas.

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

- District/school data from the Student Teacher Accountability Reporting System (STARS);
- District/School Accountability Report (AYP) and Title III AMAOs
- Student Language Proficiency data (ACCESS, Spanish/Navajo);
- Funding applications;
- If applicable, documented concerns of parents, community and others, including complaints from the U.S. Office for Civil Rights (OCR);
- Program director and principal interview(phone);
- Program documentation review (electronically);
- Classroom observation/Teacher interview (phone);
- District Annual Expenditure Reports; and
- Fiscal documentation (OBMS, BARs, and RfR).

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

INDICATORS FOR SELECTING DISTRICT/SCHOOLS

1. Student Demographic Information

- a. Percentage of K-3 students in the Bilingual Multicultural Education Program
- b. Percentage of ELL and FEP students in the district/schools
- c. Percentage of ELL students in the state and Title III programs
- d. Percentage of ELL students in Special Education programs
- e. Percentage of ELL and FEP students in the Gifted program
- f. Percentage of FEP students in State Bilingual Education Program

2. Student Performance Data

- a. Academic achievement data
 - School rating
 - Number of students receiving testing accommodations and waivers
 - ELL student performance data

- FEP student performance data
- b. Language proficiency data
 - Student assessment dates
 - AMAO results/district/school designation
 - Number of ELL students reclassified and/or exited from the program.

3. Program Information

- a. Staffing: Number of endorsed teachers
- b. Class loads and numbers of classes
- c. District Expenditure Reports.

4. Other Documented Concerns

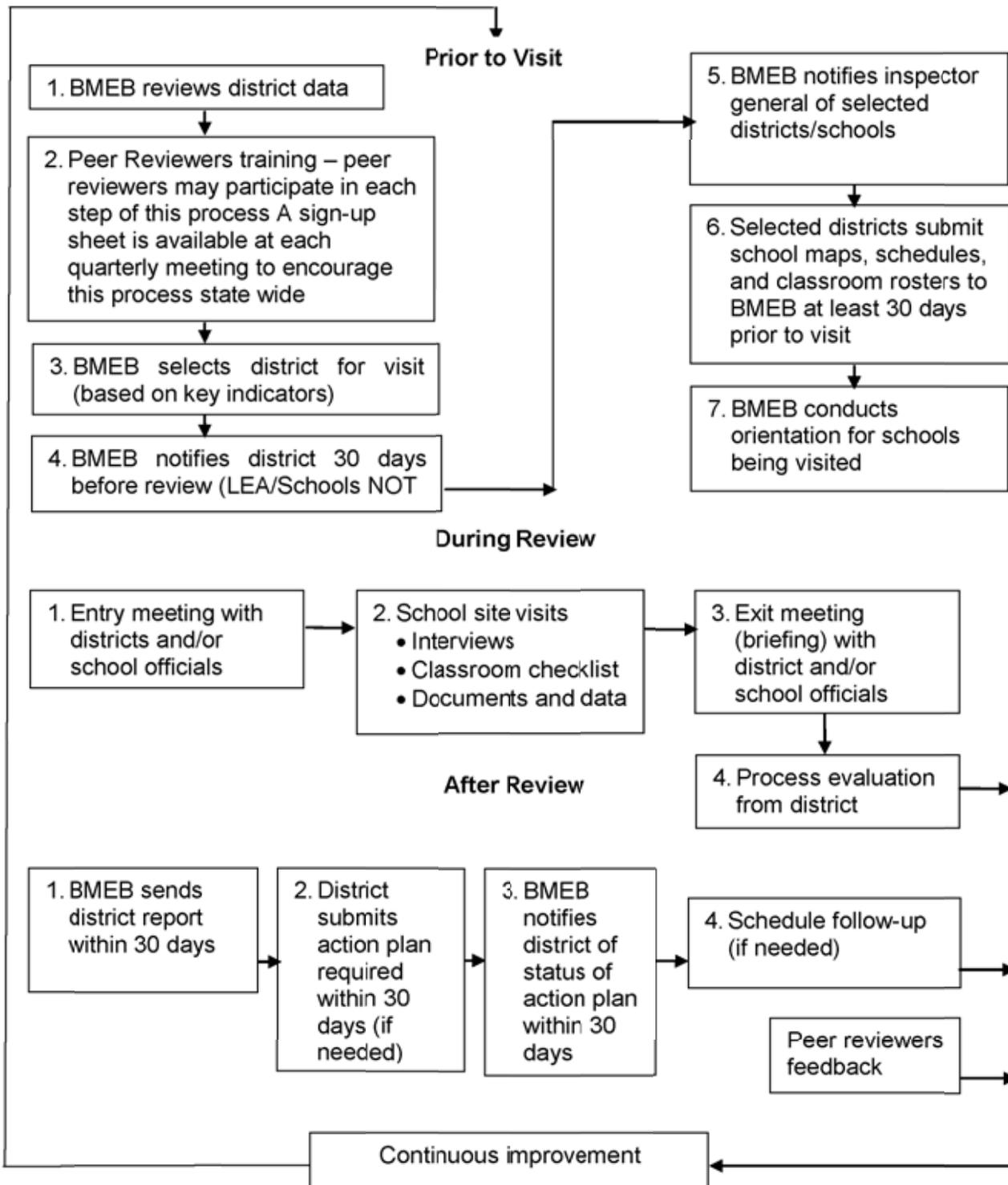
- a. Parent and community concerns
- b. U.S. Office for Civil Rights (OCR)
- c. Other requests

The BMEB consultant, in collaboration with peer reviewers (if possible), is responsible for evaluating programs and reporting findings. As a result of the review, districts/schools are responsible for developing an Action Plan to address areas in need of improvement.

District/School Summary of Audit Findings

School:	SY 2013-14	SY 2014-15	SY 2015-16	SY 2016-17
	Reviewer(s):			
Document Review				
Attendance/Grade Books				
Class Rosters/Class Load (# of student participating in BEP)				
Lesson Plans				
Master Schedule with Course & Time				

District/School Technical Assistance/Focused Monitoring Visit Process



Sample Selection Notice Letter



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

Date:

Superintendent
District
Address:

Dear _____:

State and federal laws require the Bilingual Multicultural Education Bureau (BMEB) to conduct technical assistance and focused monitoring reviews visits. Please be advised that your district has been selected for a visit on _____. This letter and its attachments provide information concerning the visit, which will be conducted in collaboration with the Internal Audit Bureau (IAB). Staff will gather information to determine program effectiveness and appropriate use of funds in state bilingual multicultural education and Title III programs, if applicable.

Please provide copies of the attached packet to principals and other pertinent staff to ensure that all needed data will be available to BMEB for the review at the beginning of the visit. You will be notified of the schools selected at least one week prior to the visits. ***Upon notification and before the visits, please send the class rosters, class schedules, and school maps to our office.***

We look forward to working with you and your staff. If you have any questions regarding this upcoming visit, please contact me at (505) 827-6666.

Sincerely,

_____, BMEB/Title III Programs

Attachments

cc: Director of Bilingual Multicultural Education/Title III Programs
BMEB File
Internal Audit Bureau, PED

Principal/Bilingual Director Interview Questionnaire

**NMPED Bilingual Multicultural Education
Technical Assistance/Focused
Monitoring Review**

**Note: Not for
Personnel Evaluation**

Federal Title III ESEA/NCLB

State Bilingual

District:	School:	Date:	
Principal:		Bilingual Director:	
Programs	Informed	Somewhat Informed	Not Informed
1. How many students are enrolled in bilingual education and Title III programs in your school?			
2. How many English Language Learners (ELL) are also a part of special education programs?			
3. How are bilingual education goals aligned with the Educational Plan for Student Success (EPSS)?			
4. What program models are utilized in the school's program?			
5. What additional support do you offer to your ELL or bilingual students?			
6. How are state bilingual multicultural and Title III funds being utilized to support the program goals?			
Professional Development/Staffing			
7. What efforts does your district make to recruit and retain highly qualified teachers to serve the bilingual multicultural education and/or Title III programs?			
8. What professional development activities have taken place or are planned to address bilingual multicultural education and/or Title III needs?			
Parents and Community			
9. How are parents and/or community involved in the bilingual multicultural education and/or Title III programs? What evidence is available?			
Assessment Data			
10. How is assessment data disaggregated and used to direct instruction? <ul style="list-style-type: none"> • Standards Based Assessment (SBA) • Access for ELL • Spanish/Navajo • Other(s) 			
Immediate Issues			
11. What issues or problems does your program face?			
12. In what ways can we best assist your program(s)?			

Rubric for Evaluating Program Director/Principal Interview

Question	Informed	Somewhat Informed	Not Informed
1. How many students in bilingual multicultural education and Title III programs attend your school?	Provides an accurate number for each program.	Approximates a close number for each program.	Has no idea.
2. How many ELLs are in special education programs?	Provides an accurate number for each program.	Approximates a close number for each program	Has no idea.
3. How are bilingual multicultural education goals aligned with the EPSS?	Specifically speaks of EPSS goals and how they are aligned with bilingual multicultural education goals and program.	Can speak of at least one EPSS goal and how it aligns with bilingual multicultural education goals and program.	Provides vague, nonspecific statements. Speaks in generalities.
4. What program models are utilized in the school's bilingual multicultural education program?	Provides specific info about each program model at the school and demonstrates a working understanding of each model.	Is able to name the models, but has only a rudimentary understanding of the models.	Is not able to name the models.
5. What additional support do you offer to your ELL and other students participating in bilingual multicultural education program?	Demonstrates an awareness of system and/or school-wide supports for students: bilingual counselors, librarians, nurses and other support personnel; after school tutoring; parent center; parent classes; awareness of bilingual multicultural education student needs on student assistance teams.	Non-systemic and/or school-wide responses. Names only a few supports.	Has no response or provides responses that do not specifically benefit ELL or bilingual education students.

Rubric for Evaluating Program Director/Principal Interview (Continued)

Question	Informed	Somewhat Informed	Not Informed
6. How are state bilingual multicultural and Title III funds being utilized to support the program goals?	Provides specific answers, with examples, on program expenditures and how they support the program goals.	Provides general information, without examples, on program expenditures and how they support program goals.	Is not able to provide information on how funds support the bilingual multicultural education and Title III programs.
7. What efforts does your district make to recruit and retain highly qualified teachers for bilingual multicultural education and Title III programs?	Provides specific recruitment activities: national advertising; college campus recruiting; job fairs; stipends; sign-on bonus; college tuition for local teachers to become endorsed.	Provides information regarding basic recruiting activity. Names two or three basic activities.	Provides no information; does not know what "highly-qualified" means.
8. What professional development activities have taken place or are planned this year to address bilingual multicultural education and/or title III needs?	Provides the professional development plan for the 2005-06 school year. The plan specifically addresses bilingual multicultural education and ESL/ELD training.	Does not provide the annual plan. Provides examples of training that has occurred or will occur.	Has no idea. Cannot name specific training topics for bilingual multicultural education and/or ESL.
9. How are parents and/or community involved in the bilingual multicultural education and/or Title III program?	Can describe a system-wide approach to parent education and involvement, including the importance of communication with parents, education and notification of parents, needs of parents and community that affect student learning, current events and	Can describe 2-3 of items listed under "Informed."	Does not have a PAC; cannot describe parent involvement efforts.

Rubric for Evaluating Program Director/Principal Interview (Continued)

	<p>Issues in both district and schools, parent education projects, etc. Identifies members and PAC meeting calendar. Knows PAC's issues and resolutions. Provides evidence of the meetings (PAC list and minutes).</p>		
<p>10. How is information obtained from assessments being utilized and disseminated?</p>	<p>Assessment information is reported to parents in individual meetings; also reported to each teacher. Describes the process by which parents and teachers can obtain assessment results. Teachers analyze and apply assessment information.</p>	<p>Assessment information is reported only through mail, without interpretation. Teachers must request assessment information.</p>	<p>There is not an established process for sharing assessment information with parents and teachers; not a clear or friendly process for a parent or teacher to obtain assessment information.</p>
<p>11. What issues or problems does your program face?</p>	<p>Can articulate real issues that demonstrate a depth of understanding of the program.</p>	<p>Recognizes only one or a few of the issues observed in the program.</p>	<p>Does not recognize issues observed in the program.</p>
<p>12. In what ways can we best assist your program?</p>	<p>Speaks of technical assistance, training, funding, instruction, materials, recruiting highly qualified teachers, etc.</p>	<p>Recognizes only one or a few of the issues observed in the program.</p>	<p>Does not recognize issues observed in the program.</p>

School Site Program Documentation Review
Please prepare all available documents for desktop review

NMPED Bilingual Multicultural Education Technical Assistance/Focused Monitoring Review	Note: Not for Personnel
<input type="checkbox"/> Federal Title III ESEA/ NCLB <input type="checkbox"/> State Bilingual	

District:	School:	Date:	
Principal:	Bilingual Director:		
I. Student Assessment Records - Tool			
	Fully Evident	Partially Evident	Not Evident
1. Home Language Survey			
2. English Language Proficiency Results (Access for ELL)			
3. Home Language Proficiency results (Spanish/Navajo)			
4. Academic Performance Results			
5. Accommodations Records if applicable			
6. Parent Notification Letter for program participation			
7. Evidence that parents are personally notified in writing if school has not Meet SGTs and/or AMAOs			
II. Parent/Community Involvement - Tool			
	Fully Evident	Partially Evident	Not Evident
1. PAC minutes and evidence of committee membership			
2. Evidence of parent participation and input regarding the bilingual multicultural and/or Title III program			
3. Evidence that student achievement and language proficiency data are shared with students, parents, and community			
III. Curriculum			
1. Evidence that curriculum is aligned with state Content Standards and Benchmarks	Fully Evident	Partially Evident	Not Evident
2. Evidence that curriculum is organized and sequential (scope and sequence)			
3. Instructional resources are available to support the program(s) e.g., library, computer lab, etc.			
IV. Professional Development - Tool			
	Fully Evident	Partially Evident	Not Evident
1. Evidence that professional development activities involve all district personnel			
2. Evidence that professional development activities address bilingual multicultural education and English Language Learners needs			

School Site Program Documentation Review (Continued)

Strengths:

Areas for Improvement/Next Steps:

**NMPED Bilingual Multicultural
Education Technical
Assistance/Focused Monitoring
Review**

**Note: Not for Teacher
Evaluation**

Federal Title III ESEA/NCLB

State Bilingual Multicultural Education

School Name:		
Classes:	Grades:	# of Students
Questionnaire		Responses
How do the EPSS goals guide your classroom instruction?		
How do you involve parents in the classroom?		
How does the school/district support the teacher professional development needs in Spanish/Native American/English and the content area?		
Do you have adequate and appropriate grade level instructional materials in the home language for the classes you teach?		
How is assessment data used to inform your instruction? <ul style="list-style-type: none"> • Standards Based Assessment (SBA) • Access for ELL • Spanish/Navajo Other(s)		
Indicators		Evident Comments
Instruction in the home language (Spanish/Native American is taught through a full immersion approach (Translation is avoided)		
The content are instruction is delivered equitably in English and Home language		
Best practices are used to engage all students		
Evidence that student culture is acknowledged and valued		
The classroom environment is conducive to learning		
Student work is displayed		
Technology available		
Adequate resources and materials in Home/Target language		

Strengths: _____

Areas for Improvement/Next Steps: _____



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

[Date]

[Superintendent]

[District]

[District Address]

[City, State, Zip]

Dear [Superintendent]:

This letter and its attachments provide information concerning the results of the Bilingual Multicultural Education and Title III Programs Technical Assistance and focused Monitoring review conducted on _____ by the Public Education Department, Bilingual Multicultural Education Bureau (PED-BMEB).

A response to your district and individual schools' Areas in Need of Improvement must be provided and addressed to my attention by no more than 30 working days after receipt of this letter. It is the district's responsibility to ensure that the plan submitted to the PED-BMEB is implemented and evaluated periodically. The PED-BMEB will follow up with the district and provide technical assistance if requested.

If you have any questions or need further assistance in developing the Action Plan, please do not hesitate to contact me at _____. As always, I look forward to working with you and your staff.

Sincerely,

[Your Name], Bilingual Multicultural Education Bureau

cc: District Bilingual Multicultural Education and Title III Director
BMEB District File
Alternative Education Bureau, if applicable
Priority Schools Bureau, if applicable



New Mexico Public Education Department
Bilingual Multicultural Education Bureau
Technical Assistance and Focused Monitoring Visits
State Bilingual Education and Title III Programs Report

District:

Review Dates:

School(s) Reviewed:

Consultant(s):

Overview

The state's *Bilingual Multicultural Education Law* (NMSA 22-23, 2004) and the *Elementary Secondary Education Act, Title III* (2001) provide funding to school districts through an approved application designed to meet the needs of qualifying students in line with the statutes and all guidelines for the program.

For technical assistance and focused monitoring purposes, staff observed the implementation of the objectives and assurances in the approved application, reviewed records, files, and interviewed staff. Administrative records and files reviewed include those for the identification and assessment of limited English proficient students, licensure/waiver records, parent involvement and program and student evaluation.

Summary:

Areas of Strength:

**New Mexico Public Education Department
Bilingual Multicultural Education Bureau
Technical Assistance and Focused Monitoring Reviews
Summary of Findings**

The **Areas in Need of Improvement** are marked **Not Evident** in the following summary of findings. They must be addressed within 30 working days after receiving this report. To address them, please complete the **Action Plan** page.

Title III ESEA/ NCLB

State Bilingual Multicultural Education

District:	School:	Date:		
Principal:		Bilingual Multicultural Ed. Director:		
I. Program Goals				
	Fully Evident	Partially Evident	Not Evident	Comments
A. Bilingual multicultural education program goals and instruction are driven by the district/school EPSS.				
B. The program is clearly articulated from district to school site to classroom.				
II. Program Participation				
A. The number of students in the program reviewed corresponds with the number of students in the approved application and STARS.				
B. Verification of tribal approval for Native American bilingual education programs is evident.				
C. The program ensures that the K-3 students and English Language Learners are the first priority for services.				
D. English Language Learners and students with academic needs are placed and served with appropriate instruction.				
III. Parent Involvement/Notification				
A. Parents are notified of student placement in bilingual multicultural education and/or Title III programs				
B. Student achievement and language proficiency data are shared with parents in English and the home language as part of parent notification.				

**Technical Assistance and Focused Monitoring Reviews
Summary of Findings (Continued)**

District:		School:		Date:	
Principal:			Bilingual Multicultural Ed. Director:		
	Fully Evident	Partially Evident	Not Evident	Comments	
C. There is evidence that parents are involved in the bilingual multicultural education instructional programs.					
D. PAC minutes and evidence of committee membership are available					
E. Parents are notified in writing if school has not met AYP and/or AMAOs.					
IV. Instruction					
A. Curriculum is aligned with NM Content Standards and Benchmarks. (English Language Development, English Language Arts, Modern Classical and Native Languages, and other content areas).					
C. There is agreement between the approved program and the program reviewed specifically relating to the time factors.					
D. Language Arts instruction in the home language is delivered through a full immersion approach.					
E. Instruction in ESL/ELD is delivered through a full immersion approach (translation is avoided)					
F. Student culture is valued and acknowledged in the classroom environment.					
G. The classroom environment is conducive to learning.					
H. Instructional resources are available to support the program in Language Arts and content areas: Classroom ___ Library ___ Computer Lab ___					

**Technical Assistance and Focused Monitoring Reviews
Summary of Findings (Continued)**

District:	School:	Date:		
Principal:		Bilingual Multicultural Ed. Director:		
	Fully Evident	Partially Evident	Not Evident	Comments
V. Assessment				
A. Student records about language proficiency (English/Home Language), home language survey and parent notification are available and updated.				
B. Individual language assessment data (English and Home Language, LAS, IPT, Woodcock Muñoz, and Native American language assessments) is used for teachers to drive instruction.				
C. Additional classroom student assessment data is available for English <u>and Home Language</u> (short cycle assessments, grade books, portfolios, charts, work samples, etc.) and is used to guide instruction.				
VI. Program Approval and Financial Support				
A. Program implementation at the school level reflects sufficient financial support.				
B. Site-level administrators are informed about program budgets for bilingual education and Title III.				
C. For schools in school improvement or probationary status, there is a description as to how the funds will support school improvement.				
VII. Professional Development/Staffing Patterns				
A. The teacher delivering the program is appropriately endorsed.				
B. There is evidence that the district and/or school systematically recruits and retains highly qualified bilingual multicultural education and/or Title III program teachers.				

**Technical Assistance and Focused Monitoring Reviews
Summary of Findings (Continued)**

District:	School:	Date:		
Principal:		Bilingual Multicultural Ed. Director:		
	Fully Evident	Partially Evident	Not Evident	Comments
C. Professional development activities address bilingual education and/or ELL needs and topics, and involve all district personnel.				
VIII. Program Evaluation				
A. Longitudinal data on student academic and language proficiency are available at the school and classroom levels.				
B. The district and/or school has a systematic plan to evaluate program effectiveness and student progress in the languages of instruction.				
C. There is evidence that student performance data is used to make instructional decisions.				

Office for Civil Rights (OCR) Plan if applicable:

Additional Comments if necessary:

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What sculpture is to a block of marble, education is to the soul!