

## Opinion No. 68-15

February 1, 1968

**BY:** OPINION OF BOSTON E. WITT, Attorney General

**TO:** Honorable Robert A. Mondragon State Representative Executive-Legislative Bldg.  
Santa Fe, New Mexico

### QUESTIONS

1. Does Article XII, Section 8, New Mexico Constitution require that all teachers in the State of New Mexico be proficient in both English and Spanish?
2. Does Article XII, Section 8, New Mexico Constitution require that all teachers in the State who teach Spanish-speaking pupils be proficient in both English and Spanish?

### CONCLUSION

1. No.
2. No.

### OPINION

#### {\*30} ANALYSIS

Article XII, Section 8, New Mexico Constitution provides as follows:

"The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the state, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students."

You ask whether this section requires **all** teachers in the State of New Mexico to be proficient in both English and Spanish. We do not believe the framers of our Constitution intended such a requirement.

We interpret Article XII, Section 8, to be a mere directive to the legislature to provide training in the several teachers' colleges and universities in the State of New Mexico to enable those who so desire to become proficient in both the English and Spanish languages. Section 8, *supra*, further requires that the legislature provide the proper means and methods to facilitate the teaching of English and other courses to the Spanish-speaking students. Again this is a directive to the legislature to assure that

facilities are always available to Spanish-speaking students to allow them to learn and advance in their studies the same as English-speaking students.

The clear intent of Section 8, supra, is to teach English to the Spanish-speaking students throughout the state. The framers of our Constitution apparently recognized that by assuring that the means were always available to teach Spanish-speaking students the English language, the students' assimilation into the social and economic life of the state would thereby be hastened. We find nothing in the Section, however, which prohibits the employment of non-Spanish-speaking teachers in {\*31} the public school system and educational institutions of the state nor do we find a requirement that only those teachers proficient in Spanish be allowed to teach Spanish-speaking students. As a practical matter however, only those teachers who are knowledgeable in Spanish would be able to teach a student who can only converse in Spanish.

In conclusion, we find that the founding fathers of our state intended to assure that the Spanish and English languages always be available to prospective teachers in our teachers' colleges and that the Spanish-speaking pupils in our public schools be provided the means and methods to learn the English language as well as other subjects of learning.

By: David R. Sierra

Assistant Attorney General