SENATE BILL 148

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC EDUCATION; CREATING THE COMMISSION ON DIVERSITY, EQUITY AND EXCELLENCE IN EDUCATION; REQUIRING THE COMMISSION TO DEVELOP A LONG-TERM PLAN TO TRANSFORM PUBLIC EDUCATION IN NEW MEXICO; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] COMMISSION ON DIVERSITY, EQUITY AND EXCELLENCE IN EDUCATION--MEMBERS--DUTIES--INTERIM AND FINAL REPORTS.--

A. The "commission on diversity, equity and excellence in education" is created to address educational equity for students in the New Mexico educational system.

B. Six legislators shall be appointed to the
commission on diversity, equity and excellence in education as follows:

(1) two members shall be appointed by the president pro tempore of the senate;
(2) one member shall be appointed by the minority floor leader of the senate;
(3) two members shall be appointed by the speaker of the house of representatives; and
(4) one member shall be appointed by the minority floor leader of the house of representatives.

C. The secretaries of public education, early childhood education and care and workforce solutions or their designees shall serve on the commission on diversity, equity and excellence in education.

D. In addition to the members listed in Subsections B and C of this section, an additional eighteen members who represent the ethnic, cultural, linguistic and geographical diversity of the state shall be appointed as follows:

(1) one representative of the national education association New Mexico who is a current teacher, appointed by the president of that association;
(2) one representative of the American federation of teachers New Mexico who is a current teacher, appointed by the president of that federation;
(3) one school principal, appointed by the
chair and vice chair of the legislative education study
committee;

(4) one local school board member, appointed
by the New Mexico school boards association;

(5) one local superintendent, appointed by the
New Mexico school superintendents' association;

(6) one school business official, appointed by
the New Mexico association of school business officials;

(7) one representative from the oil and gas
business sector located in the state, appointed by the minority
floor leader of the house of representatives;

(8) one representative from the business
community, appointed by the New Mexico chamber of commerce;

(9) one chief executive or owner of a business
located in the state, appointed by the minority floor leader of
the senate;

(10) a president of a public post-secondary
educational institution, appointed by the secretary of higher
education;

(11) one representative from a traditional
department-approved teacher preparation program, appointed by
the New Mexico association of colleges of teacher education;

(12) one representative from an alternative
department-approved teacher preparation program, appointed by
the New Mexico association of colleges of teacher education;
(13) four tribal leaders, appointed by the secretary of Indian affairs in consultation with the department's assistant secretary for Indian education, the assistant secretary for Native American early education and care of the early childhood education and care department and the director of the American Indian post-secondary education division of the higher education department;

(14) one parent of a student who attends a public school in the state, appointed by the New Mexico parent teacher association; and

(15) one representative of transform education New Mexico, appointed by that organization.

E. To the extent practicable, appointments shall be made to ensure regional representation and ethnic, economic and gender diversity on the commission on diversity, equity and excellence in education.

F. The governor, the speaker of the house of representatives and the president pro tempore of the senate shall jointly appoint the chair of the commission on diversity, equity and excellence in education by unanimous agreement. If the chair is not appointed by July 1, 2021, the speaker of the house of representatives and the president pro tempore of the senate shall make the appointment.

G. All appointments to the commission on diversity, equity and excellence in education shall be made within thirty
days of the effective date of this section, and the commission
shall hold its first meeting by September 1, 2021. A vacancy
on the commission may be filled by appointment by the
appointing authority.

H. To carry out the duties of the commission on
diversity, equity and excellence in education, and after
consultation with other commission members, the chair may
appoint subcommittees and may appoint topical experts who are
not members of the commission to serve on those subcommittees.
Noncommission members may vote on motions in the subcommittees
but have no voting privileges on the commission.

I. The legislative education study committee, the
legislative finance committee and the department shall provide
staff for the commission on diversity, equity and excellence in
education.

J. If funds are appropriated for the commission on
diversity, equity and excellence in education, public members
of the commission and its subcommittees are entitled to per
diem and mileage at the same rate as public employees pursuant
to the Per Diem and Mileage Act and shall receive no other
compensation, perquisite or allowance. The commission may also
pay for expert witnesses and other necessary expenses approved
by the commission.

K. The commission on diversity, equity and
excellence in education is charged with developing a long-term
vision and plan with associated goals, action steps and accountability metrics that is student-centered for the legislature, the executive, school districts, public schools and colleges of education to consider methods and means to narrow the achievement gap and opportunity gap and to ensure public education students are prepared to meet the challenges of a changing national and global economy, prepared for post-secondary education and the workforce and prepared to be successful, civic-minded citizens in the twenty-first century. The long-term plan shall include short- and long-term implementation goals that continually move the education system toward the end goal.

L. The commission on diversity, equity and excellence in education shall review the decision and order, the findings of fact and conclusions of law, the final judgment issued by the first judicial district court and pleadings filed after the February 2019 order in the Martinez and Yazzie v. State of New Mexico lawsuit; study high-performing education systems internationally, nationally and in New Mexico to learn best practices; and study how the department, school districts and public schools are using state and federal funding to close the achievement gap, address institutional racism and improve student learning for all students.

M. The commission on diversity, equity and excellence shall hear from plaintiffs of the Martinez and
Yazzie v. New Mexico lawsuit, advocacy organizations, charter school representatives, nonprofit organizations that provide educational opportunities, the business community, educational experts, education advocates and the public.

N. The commission on diversity, equity and excellence may work with philanthropic and nonprofit organizations to accomplish its statutory purpose.

O. The commission on diversity, equity and excellence in education shall make findings and recommendations that:

(1) ensure equitable access to high-quality curriculum, instructional time, instruction and instructional resources to prepare all students for college, career and civic engagement, including ensuring students have access to curriculum, instruction and instructional resources that are relevant to the cultures, languages, history and experiences of multi-ethnic student bodies;

(2) ensure a diverse, culturally competent educator workforce that is well prepared, stable and culturally and linguistically representative of public school students in the state;

(3) provide for culturally and linguistically relevant whole-child supports, including access to high-quality early childhood programs, trauma-informed teaching practices, wraparound services and supportive community partnerships,
integrated social and emotional learning and improved parent
and family engagement, for all children; and

(4) ensure effective coordination and
collaboration among the multiple state agencies that affect
students and their families; local school boards and charter
school governing bodies; public schools; the public education
commission; tribal governments, tribally controlled schools and
bureau of Indian education of the United States department of
the interior schools; the business sector; and post-secondary
educational institutions.

P. On or before September 1, 2022 and September 1
of each succeeding year, the commission on diversity, equity
and excellence in education shall provide a preliminary report
of its findings and recommendations to the governor, the
legislative education study committee, the legislative finance
committee and the legislature through filing the report with
the legislative library of the legislative council service.

Q. On or before June 30, 2025, the commission on
diversity, equity and excellence in education shall provide its
final report to the governor and the legislature and shall
present its findings and recommendations to the legislative
education study committee and the legislative finance
committee."

SECTION 2. [NEW MATERIAL] COMMISSION FUND CREATED.--The
fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations. The fund shall be administered by the legislative education study committee and money in the fund is appropriated to the legislative education study committee to pay per diem and mileage expenses of public members on the commission on diversity, equity and excellence in education, expert witnesses and other necessary expenses of the commission. Money from the fund shall be expended on warrant of the secretary of finance and administration in accordance with vouchers signed by the director of the legislative education study committee or the director's authorized representative.

SECTION 3. APPROPRIATION.--Two hundred thousand dollars ($200,000) is appropriated from the public education reform fund to the commission on diversity, equity and excellence in education fund for expenditure in fiscal years 2022 through 2025 to pay per diem and mileage expenses of the commission on diversity, equity and excellence in education, expert witnesses and other necessary expenses approved by the commission. Any unexpended or unencumbered balance remaining at the end of fiscal year 2025 shall revert to the public education reform fund.

SECTION 4. SUNSET.--The commission on diversity, equity and excellence in education is terminated July 1, 2025 pursuant to the provisions of the Sunset Act. The commission shall
continue to operate until July 1, 2026.