

SENATE BILL 148

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

INTRODUCED BY

Mimi Stewart

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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 SFC→; ~~MAKING AN APPROPRIATION~~←SFC .

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:

.218634.4AIC March 6, 2021 (8:52am)

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"[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:

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(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

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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

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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.

SFC→G. The governor, the speaker of the house of representatives and the president pro tempore of the senate shall jointly appoint, by unanimous agreement, the vice chair of the commission on diversity, equity and excellence in education, who shall be one of the four tribal leaders appointed to the commission. If the vice chair has not been appointed by July 1, 2021, the speaker of the house of representatives and the president pro tempore of the senate shall make the appointment.←SFC

SFC→G.←SFC SFC→H.←SFC 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.

SFC→H.←SFC SFC→I.←SFC To carry out the duties of the commission on diversity, equity and excellence in education, and after consultation with other commission members, the chair SFC→may←SFC SFC→shall←SFC appoint subcommittees and may appoint topical experts who are not

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members of the commission to serve on those subcommittees.

SFC→The chair shall appoint members who have expertise in each subcommittee issue area, including bilingual professionals, Indian education experts, English language learner specialists and experts, special education teachers and instructional support providers and students considered at risk by the *Martinez and Yazzie v. State of New Mexico* lawsuit.←SFC

Noncommission members may vote on motions in the subcommittees but have no voting privileges on the commission.

SFC→I.←SFC SFC→J.←SFC 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.

SFC→J.←SFC SFC→K.←SFC 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.

SFC→K.←SFC SFC→L.←SFC 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-

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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.

SFC→L.←SFC SFC→M.←SFC The commission on diversity, equity and excellence in education shall SFC→:

(1)←SFC 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;

SFC→(2) review plans developed by researchers, stakeholders and the department in response to the lawsuit;

(3)←SFC study high-performing education systems internationally, nationally and in New Mexico to learn best practices; and

SFC→(4)←SFC study how the department, school districts and public schools are using state and federal

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funding to close the achievement gap, address institutional racism and improve student learning for all students.

SFC→M.←SFC SFC→N.←SFC 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.

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

SFC→O.←SFC SFC→P.←SFC 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

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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; SFC→and←SFC

(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 SFC→.←SFC SFC→; and←SFC

SFC→(5) provide adequate funding for the public school system, including the funding recommendations to support implementation of other recommendations of the commission.←SFC

SFC→P.←SFC SFC→Q.←SFC 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

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legislative finance committee and the legislature through filing the report with the legislative library of the legislative council service.

SFC→Q.←SFC SFC→R.←SFC 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 "commission on diversity, equity and excellence in education 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.

SFC→~~SECTION 3. APPROPRIATION.--Two hundred thousand dollars (\$200,000) is appropriated from the public education~~

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~~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.~~ ←SFC

SECTION SFC→4. ←SFC SFC→3. ←SFC 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.