

HOUSE BILL 131

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

INTRODUCED BY

Christine Trujillo and Patricia Roybal Caballero

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 EDUCATION; CREATING THE ASSISTANT SECRETARY OF HISPANIC EDUCATION IN THE HIGHER EDUCATION DEPARTMENT; PROVIDING DUTIES; CREATING THE ASSISTANT SECRETARY OF HISPANIC EDUCATION IN THE PUBLIC EDUCATION DEPARTMENT; PROVIDING DUTIES HAFC →; ~~MAKING AN APPROPRIATION~~ ← HAFC .

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

SECTION 1. [NEW MATERIAL] ASSISTANT SECRETARY OF HISPANIC

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EDUCATION--CREATED--DUTIES.--

A. The "assistant secretary of Hispanic education" is created in the higher education department.

B. The assistant secretary shall:

(1) have a proven record of accomplishments rooted in the state that demonstrates knowledge and commitment to advancing equity for Hispanic students of the state through the diverse cultural wealth of Hispanic students, families and communities;

(2) focus on issues related to Hispanic education, Hispanic students, families and place-based communities and advise the secretary of higher education on the development and implementation of policy regarding the education of Hispanic students, including undocumented students;

(3) advise the higher education department and the governor on the development and implementation of the five-year strategic plan for higher education in the state as the plan relates to Hispanic student education;

(4) support families and communities on the development and implementation of multicultural education, historically accurate materials, place-based and culturally sustainable curricula and pedagogy and cultural activities in the schools, including how the school is utilized year-round to support community and family engagement;

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(5) advise the higher education department and collaborate with the Hispanic education advisory council;

(6) provide resources for family and community engagement to enhance Hispanic higher education opportunities, including providing resources and tools in the primary language of the Hispanic student and the student's family;

(7) assist and be assisted by other staff in the higher education department to improve higher education opportunities and outcomes, including career readiness for Hispanic students;

(8) serve as a resource to enable public post-secondary educational institutions to provide multicultural education with historically accurate learning materials, equitable and culturally relevant learning environments, culturally sustaining pedagogy, educational opportunities and culturally and linguistically relevant instructional materials for Hispanic students enrolled in public post-secondary educational institutions and their families and communities;

(9) provide recommendations from the Hispanic education advisory council and communicate the council's work to public post-secondary educational institutions and the general public;

(10) support public post-secondary educational institutions to recruit students that represent the ethnic diversity of the community;

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(11) collaborate, support and provide professional development on multicultural education and equity audits for faculty at public post-secondary educational institutions;

(12) collaborate with the public education department to prepare annual Hispanic education reports for post-secondary education;

(13) organize and oversee systemic and sustainable opportunities for families, community and business organizations, the higher education department, public post-secondary educational institutions and state and local policymakers to work together to improve higher education for Hispanic students for the purpose of closing the achievement gap, expanding opportunities, increasing graduation rates and increasing post-secondary enrollment, retention and completion;

(14) assist the public education department in establishing a process by which degreed or credentialed teachers from Spanish-speaking countries can become licensed teachers in New Mexico;

(15) create a common application for public post-secondary educational institutions throughout the state that collects parental educational attainment and other important data points for intersectional racial equity practice and policy;

(16) assist with a community-based

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participatory statewide consortium for intersectional racial equity to collect data on the impact of the curriculum as it intersects the demographics of the classroom and the educational institution. The secretary of higher education and staff shall design an assessment plan that includes qualitative and quantitative measures on teaching and learning, which shall include:

(a) identifying barriers in policy and practice that deter effective implementation of a culturally relevant and culturally sustaining curriculum for post-secondary students;

(b) supporting leadership using an interdependency method; and

(c) during the alignment process, facilitating the sharing of program knowledge and collaboration opportunities to co-create and develop a successful curriculum; and

(17) provide for the implementation of teacher, administrator and Hispanic leadership preparation programs in institutions of higher education."

SECTION 2. Section 22-23B-1 NMSA 1978 (being Laws 2010, Chapter 108, Section 1 and Laws 2010, Chapter 114, Section 1) is amended to read:

"22-23B-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article 23B NMSA 1978 may be cited as the "Hispanic Education Act"."

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SECTION 3. Section 22-23B-2 NMSA 1978 (being Laws 2010, Chapter 108, Section 2 and Laws 2010, Chapter 114, Section 2) is amended to read:

"22-23B-2. PURPOSE.--The purpose of the Hispanic Education Act is to:

A. provide for the [~~study~~] development, [~~and~~] implementation, assessment and accountability of equitable and effective educational systems that affect the educational success of Hispanic students to close the achievement gap, expand opportunities and increase graduation rates;

B. encourage and foster [~~parental involvement~~] family engagement in the education of their children and cultivate family and community engagement, partnerships and trust while valuing the knowledge, building upon the assets and embracing the wisdom of the community;

C. provide sustainable frameworks and systemic opportunities to identify resource materials and communication tools for student, family and community engagement and empowerment;

D. ensure inclusion and transparency for family and community members to be informed and involved in decision-making processes;

E. establish collaborative decision-making processes through authentic family and community engagement and incorporate those decisions in school district actions to

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improve student outcomes and:

(1) provide an on-site family and community engagement coordinator at each school to work with school administrators, stakeholders and students to enhance communication; and

(2) recruit family and community members to collaborate on creating a safe and welcoming environment, strengthening relationships and increasing capacity with families, teachers, school and district administrators and community partners;

~~[G. provide mechanisms for parents]~~ F. co-create sustainable systems and systemic opportunities with families, community and business organizations, public schools, school districts, charter schools, public post-secondary educational institutions, the department and state and local policymakers to work together to improve educational opportunities for Hispanic students for the purpose of closing the achievement [gap] and opportunity gaps, increasing graduation rates and increasing post-secondary enrollment, retention and completion;

G. provide culturally sustaining pedagogy and culturally relevant materials through one or more multicultural education models proven to be effective with Hispanic students and align the curriculum between community, school districts and the state pre-kindergarten through post-secondary educational system; and

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H. provide for the study and development of new educational initiatives when current methods are proven unsuccessful for overall student success."

SECTION 4. Section 22-23B-3 NMSA 1978 (being Laws 2010, Chapter 108, Section 3 and Laws 2010, Chapter 114, Section 3) is amended to read:

"22-23B-3. DEFINITION.--As used in the Hispanic Education Act, [~~"liaison" means the Hispanic education liaison~~] "assistant secretary" means the assistant secretary of Hispanic education in the public education department."

SECTION 5. Section 22-23B-4 NMSA 1978 (being Laws 2010, Chapter 108, Section 4 and Laws 2010, Chapter 114, Section 4) is amended to read:

"22-23B-4. [~~HISPANIC EDUCATION LIAISON~~] ASSISTANT SECRETARY OF HISPANIC EDUCATION--CREATED--DUTIES.--

A. The [~~"Hispanic education liaison"~~] "assistant secretary of Hispanic education" is created in the department.

B. The [~~liaison~~] assistant secretary shall:

(1) have a proven record of accomplishments rooted in the state that demonstrates knowledge and commitment to advancing equity for Hispanic students of the state through centering the diverse cultural wealth of Hispanic students, families and communities;

[~~(1)~~] (2) focus on issues related to Hispanic education, Hispanic students, families and place-based

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communities and advise the secretary on the development and implementation of policy regarding the education of Hispanic students, including undocumented students;

[~~(2)~~] (3) advise the department and the [~~commission~~] governor on the development and implementation of the five-year strategic plan for pre-kindergarten, public elementary [~~and~~], secondary education and career readiness in the state as the plan relates to Hispanic student education;

(4) support families and communities on the development and implementation of multicultural education, historically accurate materials, place-based and culturally sustainable curricula and pedagogy and cultural activities in the schools, including how the school is utilized year-round to support community and family engagement;

(5) advise the department and collaborate with the Hispanic education advisory council for family and community engagement;

(6) provide effective tools for open and honest communication in the primary language of the family;

(7) provide resources for family and community engagement and support their alignment to enhance Hispanic education;

[~~(3)~~] (8) assist and be assisted by other staff in the department to improve pre-kindergarten, elementary, secondary and post-secondary educational

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opportunities and outcomes, including career readiness, for Hispanic students;

[~~(4)~~] (9) serve as a resource to enable school districts, [~~and~~] charter schools and public post-secondary educational institutions to provide multicultural education with historically accurate learning materials, equitable and culturally relevant learning environments, culturally sustaining pedagogy, educational opportunities and culturally and linguistically relevant instructional materials for Hispanic students enrolled in public schools and their families and communities;

[~~(5)~~] (10) support and consult with the Hispanic education advisory council; [~~and~~]

(11) provide recommendations from the Hispanic education advisory council and communicate the council's work to school districts, charter schools, public post-secondary educational institutions and the general public;

[~~(6)~~] (12) support school districts [~~and~~], charter schools and public post-secondary educational institutions to recruit [~~parents~~] families on site-based and school district committees that represent the ethnic diversity of the community;

(13) collaborate, support and provide professional development for on-site coordinators in public schools and support representatives from public post-secondary

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educational institutions;

(14) prepare annual Hispanic education reports for pre-kindergarten through post-secondary education;

(15) organize and oversee systemic and sustainable opportunities for families, community and business organizations, public schools, school districts, charter schools, the department, the higher education department, public post-secondary educational institutions and state and local policymakers to work together to improve education for Hispanic students for the purpose of closing the achievement gap, expanding opportunities, increasing graduation rates and increasing post-secondary enrollment, retention and completion;

(16) establish a process by which degreed or credentialed teachers from Spanish-speaking countries can become licensed teachers in New Mexico;

(17) support alignment and collaboration between communities, school districts and the department on curriculum and pedagogy;

(18) provide professional development on equity audits;

(19) monitor the statewide textbook adoption process to ensure the adoption of historically accurate, locally written and culturally relevant materials and resources;

(20) provide funding for the hiring of

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sufficient staff who coordinate with regional directors of the regional education cooperatives; and

(21) assist with a community-based participatory statewide consortium for intersectional racial equity to collect data on the impact of the curriculum as it intersects the demographics of the classroom, school, school district and the educational institution. The assistant secretary and staff shall design an assessment plan that includes qualitative and quantitative measures on teaching and learning, which shall include:

(a) identifying barriers in policy and practice that deter effective implementation of a culturally relevant and culturally sustaining curriculum for pre-kindergarten through post-secondary students;

(b) supporting leadership using an interdependency method; and

(c) during the alignment process, facilitating the sharing of program knowledge and collaboration opportunities to co-create and develop the successful curriculum."

SECTION 6. Section 22-23B-5 NMSA 1978 (being Laws 2010, Chapter 108, Section 5 and Laws 2010, Chapter 114, Section 5) is amended to read:

"22-23B-5. HISPANIC EDUCATION ADVISORY COUNCIL.--

A. The "Hispanic education advisory council" is

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created as an advisory council to the secretary and the secretary of higher education. The council shall advise the secretary and the secretary of higher education on matters related to improving public school education for Hispanic students, increasing [~~parent involvement~~] family and community engagement in the education of Hispanic students and increasing the number of Hispanic high school graduates who succeed in post-secondary academic, professional [~~or vocational~~] career and technical education.

B. The secretary shall appoint no more than twenty-three members, at least two of which shall be students, to the council who are knowledgeable about Hispanic education and [~~interested in~~] have a demonstrated commitment to equity, inclusion and the advancement of the education of Hispanic students [~~including~~]. Members shall include representatives of public schools; post-secondary education and teacher preparation programs; [~~parents~~] family members; Hispanic cultural, community and business organizations; [~~other community and business organizations~~] advocates, scholars, researchers, students and other interested persons with a record of knowledge in equity and inclusion for Hispanic students. The secretary shall give due regard to geographic, gender, disability, first generation college students and socioeconomic representation. [~~Members shall serve at the pleasure of the secretary.~~]

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C. The council shall elect a chairperson and such other officers as it deems necessary.

D. The council shall meet as necessary, but at least twice each year.

E. The council shall advise the governor, the secretary and the secretary of higher education on matters related to Hispanic education in New Mexico.

F. Members of the council [~~shall not~~] may receive per diem and mileage [~~or other compensation for their services~~] as provided for nonsalaried public officers in the Per Diem and Mileage Act.

G. Members of the council may participate in and hold a meeting by means of telephone conference, video conference or similar communications systems and equipment by means of which all persons participating in the meeting can hear each other. Annual, regular or special meetings of the members of the council do not need to be held at one geographic location if the meeting is held by means of the internet or other electronic communication technology in a fashion pursuant to which the members have the opportunity to read or hear the proceedings substantially concurrently with their occurrence, vote on matters submitted to members, pose questions and make comments. For members who are hearing impaired, deaf or blind, the department will provide an interpreter, simultaneous translations or other federal Americans with Disabilities Act

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accommodations. For members who do not understand English, the department will provide an interpreter and simultaneous translations with an advance request."

SECTION 7. Section 22-23B-6 NMSA 1978 (being Laws 2010, Chapter 108, Section 6 and Laws 2010, Chapter 114, Section 6, as amended) is amended to read:

"22-23B-6. STATEWIDE STATUS REPORT.--

A. The department, in collaboration with the higher education department, shall submit an annual preschool through post-secondary statewide Hispanic education status report no later than November 15 to the governor and the legislature through the legislative education study committee. A copy shall be provided to the legislative library in the legislative council service and be publicly available online in both English and Spanish. The department, in collaboration with the council and the higher education department, shall have biannual statewide meetings, accessible through an online platform, with the community, the secretary, the secretary of higher education, the assistant secretary, the assistant secretary of higher education and members of the council for the purpose of releasing and discussing the annual Hispanic education status report.

B. The status report shall include the following information, by school district, by charter school and statewide, which may be compiled from data otherwise required

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to be submitted to the department:

- (1) Hispanic student achievement at all grades;
- (2) attendance for all grades;
- (3) the graduation rates for Hispanic students; [~~and~~]
- (4) the number and type of bilingual and multicultural programs in each school district and charter school;
- (5) the number of incidences of detentions, suspensions, use of restraint and expulsions for any infractions and a breakdown of incidences by race, ethnicity, gender and other factors and a list of interventions used instead of detentions, expulsion or suspension;
- (6) qualitative data on incidents of microaggressions and discrimination toward Hispanic students and faculty;
- (7) documentation of community engagement processes; and
- (8) the number of Hispanic teachers, administrators and staff members.

C. The status report shall include the following information, by post-secondary educational institution, which may be compiled from data otherwise required to be submitted to the higher education department:

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- (1) Hispanic student enrollment;
- (2) Hispanic student retention; [~~and~~]
- (3) Hispanic student completion rates;
- (4) educational outcomes of Hispanic students in comparison with other student ethnic groups;
- (5) degree program completion times for Hispanic students at bachelor, master and doctoral levels;
- (6) Hispanic faculty and leadership hired in tenure-track positions; and
- (7) Hispanic faculty and leadership retained in tenure-track positions at post-secondary educational institutions."

H AFC → ~~SECTION 8. APPROPRIATION. --One hundred ten thousand dollars (\$110,000) is appropriated from the general fund to the higher education department for expenditure in fiscal year 2022 to hire and provide benefits for an assistant secretary of Hispanic education. Any unexpended or unencumbered balance remaining at the end of fiscal year 2022 shall revert to the general fund.~~ ← H AFC

SECTION H AFC → ~~9.~~ ← H AFC H AFC → ~~8.~~ ← H AFC EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2021.