

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HM 95

51st Legislature, 1st Session, 2013

Tracking Number: .191334.2

Short Title: NM School Curricula Diversity

Sponsor(s): Representative Antonio “Moe” Maestes and Others

Analyst: Kevin Force

Date: March 7, 2013

Bill Summary:

HM 95 notes that, in 2011, Arizona approved legislation that required the Tucson Unified School District to suspend its Mexican-American studies program in 2012. As a result, the following seven books that “embody the spirit of diversity, tolerance and acceptance” were removed from classrooms and transferred to the district’s storage facility, effectively banning them for purposes of classroom instruction:

- *Occupied America: A History of Chicanos*, by Rodolfo Acuna;
- *500 Years of Chicano History in Pictures*, edited by Elizabeth Martinez;
- *Pedagogy of the Oppressed*, by Paulo Freire;
- *Rethinking Columbus: The Next 500 Years*, by Bill Bigelow;
- *Critical Race Theory*, by Richard Delgado;
- *Message to Aztlan*, by Rodolfo "Corky" Gonzales; and
- *Chicano!: The History of the Mexican American Civil Rights Movement*, by F. Arturo Rosales.

Further, HM 95 notes that:

- these seven books, in their examination of Mexican-American history, poetry, rhetoric and pedagogy, and the exploration of racial dynamics in our multicultural society, encourage New Mexicans to understand and take pride in their cultural history;
- it is essential that the students of New Mexico learn tolerance and acceptance of differing cultural perspectives; and
- New Mexican school curricula should reflect the accepting spirit of New Mexico, and celebrate cultural diversity.

Finally, HM 95 resolves to express support for these books and others like them, and directs copies of this memorial to be sent to the Governor of New Mexico, the Public Education Department, and the Governor of Arizona.

Fiscal Impact:

Legislative memorials do not carry appropriations.

Background:

In 2010, the Arizona legislature passed, and the Governor signed HB 2281,¹ which targeted the Mexican American Studies Program, prohibits schools to teach classes that promote the overthrow of the US government, promote racial resentment, encourage ethnic solidarity and are designed for students of a particular ethnic race. In 2011, the Superintendent of Public Instruction for Arizona declared that the courses taught under the Mexican American Studies Program violated the new state law and forced the program to shut down.

In February 2013, a federal judge ordered the Tucson Unified School District to end segregation and implement culturally relevant courses such as the ones in the banned Mexican American Studies Program. The Superintendent of Public Instruction responded to the ruling, saying, “We anticipated that the Tucson school district would respond . . . by building a culturally relevant curriculum that complies with state law.”² He went on to note that Arizona has two roles going forward:

- review the curriculum to ensure it complies with state standards and state law; and
- ensure what they teach in the classroom does not violate state law.

Committee Referrals:

HEC

Related Bills:

None as of March 7, 2013.

¹ Section 15-112 Arizona Revised Statutes

² “Victory Over Tucson School District Could Lead to Mexican American Studies Reinstatement,” Nevarez, *Huffington Post*, 2/08/13.