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HOUSE BILL 591

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE MENTAL, SOCIAL AND  
EMOTIONAL LEARNING ACT; REQUIRING MENTAL, EMOTIONAL AND SOCIAL  
HEALTH EDUCATION STANDARDS TO BE INTEGRATED INTO ALL  
INSTRUCTION FOR KINDERGARTEN THROUGH TWELFTH GRADE; PROVIDING  
FOR PREVENTION OF AND EARLY INTERVENTION FOR ACADEMIC AND  
BEHAVIORAL CHALLENGES FROM ADVERSE CHILDHOOD EXPERIENCES OR  
MENTAL ILLNESS AND FOR EMOTIONAL AND SOCIAL COMPETENCE FOR  
TEACHERS AND FOR STUDENTS IN ALL GRADES; DECLARING AN  
EMERGENCY.

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] SHORT TITLE.--This act may be cited as the  
"Mental, Social and Emotional Learning Act"."

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1           SECTION 2. A new section of the Public School Code is  
2 enacted to read:

3           "[NEW MATERIAL] FINDINGS.--The legislature finds that:

4           A. extensive research has shown that children who  
5 are exposed to adverse childhood experiences such as  
6 maltreatment, extreme poverty, neglect, homelessness, illegal  
7 drugs and crime are often vulnerable to addiction, suicide,  
8 mental illness, low educational outcomes and dropping out of  
9 school without a diploma, which may lead to a renewal of a  
10 family cycle of un- or under-employment, substance abuse,  
11 homelessness, violence and crime and a high dependency on  
12 government subsidies;

13           B. adverse childhood experiences are the greatest  
14 health care threat to New Mexico children and certainly an area  
15 of need for future research and in-depth study in New Mexico;

16           C. for the state to address and arrest these  
17 cycles, it must focus on delivering critical interventions  
18 throughout the entirety of each child's educational  
19 experiences, especially through mental, social and emotional  
20 health strategies, skills and techniques, because research  
21 shows that these can prevent and treat many of the effects of  
22 adverse childhood experiences before they compound and present  
23 as extreme academic or behavioral difficulties in school or  
24 result in unhealthy behaviors for the rest of their lives;

25           D. treating unhealthy behavioral choices and habits

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1 or even mental health disorders with prescription drugs may  
2 lead to opioid addiction and other substance abuse;

3 E. the use of medications to change behavior and  
4 treat signs of possible mental health conditions in children  
5 can create detrimental effects on the cognitive, executive  
6 functioning of a child's brain, temporarily or permanently  
7 decreasing or impairing that child's ability to learn and  
8 negatively influencing the child's behavior choices;

9 F. New Mexico is consistently either even with the  
10 national trend or higher in some areas of mental illness  
11 indicators, especially in suicides;

12 G. New Mexico is experiencing a critical shortage  
13 of teachers in both general and special education, and recent  
14 research suggests that building teachers' social-emotional  
15 competence can improve their overall effectiveness and well-  
16 being by helping equip them with the tools needed to respond to  
17 the unique stressors of the teaching profession and potentially  
18 reduce burn-out and attrition;

19 H. although New Mexico has kindergarten through  
20 twelfth grade health education standards for health education  
21 teachers in New Mexico, research demonstrates the need for  
22 mental, social and emotional health strategies, skills and  
23 techniques to be taught, practiced and mastered across all  
24 settings and in many different circumstances in education and  
25 in life for mastery and healthy life-long habits to be

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1 developed and maintained; and

2 I. adding these health strategies, skills and  
3 techniques into regular classroom instruction is a bold  
4 statement by the legislature and the governor that the state  
5 cares deeply about New Mexico children and their teachers  
6 enough to require the enactment of the Mental, Social and  
7 Emotional Learning Act and that New Mexico's economic success  
8 and quality of life for all its residents will benefit from  
9 intentional, embedded mental, social and emotional health  
10 education of public school students and what they will take  
11 home to their families from this instruction."

12 SECTION 3. A new section of the Public School Code is  
13 enacted to read:

14 "[NEW MATERIAL] MENTAL, SOCIAL AND EMOTIONAL HEALTH--  
15 INTEGRATED INTO ALL INSTRUCTION.--

16 A. The department shall require that mental, social  
17 and emotional health strategies, skills and techniques that are  
18 culturally and linguistically responsive be integrated into all  
19 general and special education instruction.

20 B. The curriculum and the requirement for a  
21 schoolwide focus on mental, social and emotional health shall  
22 include classroom instruction that is preventive, explicit,  
23 embedded and delivered through daily instruction.

24 C. Students shall be assessed for mental, social  
25 and emotional growth on a regular basis, and that data shall be

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1 used intentionally to plan for and address needs with  
2 interventions using the response to intervention framework as  
3 required. Mental, social and emotional health shall imbue an  
4 intentional schoolwide, districtwide and statewide climate and  
5 culture of mental, social and emotional skills reinforcement  
6 necessary for students to master necessary life skills.  
7 Assessments and data shall not be used for punitive purposes  
8 for either students or teachers."

9 SECTION 4. A new section of the Public School Code is  
10 enacted to read:

11 "[NEW MATERIAL] TEACHER PRACTICES TO SUPPORT MENTAL,  
12 SOCIAL AND EMOTIONAL LEARNING--SCHOOL USE OF FEDERAL MONEY TO  
13 SUPPORT.--

14 A. The department shall work with all public post-  
15 secondary teacher preparation programs to ensure that future  
16 teachers are taught evidence-based best practices that support  
17 age-appropriate educational, mental, social and emotional  
18 learning that is culturally and linguistically responsive and  
19 strengthened through public school programs, including teacher-  
20 induction, mentorship practices, ongoing teacher coaching and  
21 professional development plans and access to professional  
22 resources. Best practices include:

- 23 (1) student-centered discipline;  
24 (2) teacher language that encourages student  
25 effort and work;

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- 1 (3) responsibility and choice given to
- 2 students in the classroom;
- 3 (4) warmth and support shown by teachers and
- 4 peers;
- 5 (5) cooperative learning strategies, such as
- 6 supported group work;
- 7 (6) classroom discussions;
- 8 (7) self-reflection and self-assessment;
- 9 (8) an appropriate balance between direct
- 10 instruction, group learning and independent work;
- 11 (9) high expectations for students' academic
- 12 performance and behavior; and
- 13 (10) competence-building instruction,
- 14 including modeling, practicing, feedback and coaching.

15 B. Strategies for teachers to use to promote

16 effective culturally and linguistically responsive mental,

17 social and emotional health include:

- 18 (1) free-standing lessons that teach mental,
- 19 social and emotional learning explicitly, following a script or
- 20 a program;
- 21 (2) integration of mental, social and
- 22 emotional learning instruction and skills practice within the
- 23 context of normal classroom curriculum delivery; and
- 24 (3) classroom and schoolwide systems and
- 25 routines to create and support a climate that is heavily

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1 focused on mental, social and emotional development in  
2 students.

3 C. School districts and charter schools may use  
4 their Title 1, Title 2, Title 3 and Title 4 funds for teacher  
5 training in techniques and supports for addressing the needs of  
6 at-risk youth in areas such as safety, peer interaction, drug  
7 and alcohol abuse and chronic absenteeism through prevention,  
8 intervention and referral for additional mental health services  
9 recognized by need."

10 SECTION 5. A new section of the Public School Code is  
11 enacted to read:

12 "[NEW MATERIAL] ACCOUNTABILITY--SCHOOL AND DISTRICT  
13 REPORT CARDS.--The department shall design and require the  
14 collection of accountability data on the implementation of the  
15 provisions of the Mental, Social and Emotional Learning Act in  
16 public schools and school districts. The data shall be  
17 reported as required by the department in school and school  
18 district report cards."

19 SECTION 6. APPLICABILITY.--The provisions of this act  
20 apply to the 2019-2020 and subsequent school years.

21 SECTION 7. EMERGENCY.--It is necessary for the public  
22 peace, health and safety that this act take effect immediately.