

HOUSE BILL 43

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

INTRODUCED BY

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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.

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE BLACK EDUCATION ACT;
CREATING A DEPARTMENT LIAISON; CREATING AN ADVISORY COUNCIL;
PROVIDING POWERS AND DUTIES; REQUIRING RACIAL SENSITIVITY AND
ANTI-RACISM TRAINING OR PROFESSIONAL DEVELOPMENT FOR SCHOOL
PERSONNEL; REQUIRING THE PUBLIC EDUCATION AND HIGHER EDUCATION
DEPARTMENTS TO COOPERATE IN DEVELOPING PROGRAMS, CURRICULA AND
INSTRUCTIONAL MATERIALS THAT RECOGNIZE AND TEACH BLACK CULTURE
AND ANTI-RACISM AND TO IMPROVE JOB OPPORTUNITIES FOR BLACK

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PEOPLE IN PUBLIC AND HIGHER EDUCATION; REQUIRING AN ANNUAL STATEWIDE STATUS REPORT H AFC →; ~~MAKING AN APPROPRIATION~~ ←H AFC .

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.--Sections 1 through 7 of this act may be cited as the "Black Education Act"."

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

"[NEW MATERIAL] DEFINITIONS.--As used in the Black Education Act:

A. "council" means the Black education advisory council; and

B. "liaison" means the Black education liaison."

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

"[NEW MATERIAL] BLACK EDUCATION ADVISORY COUNCIL APPOINTED.--

A. The "Black education advisory council" is created as an advisory council to the secretary. The secretary shall appoint no more than twenty-three members to the council who are knowledgeable about and interested in the education of Black students, including Sfl1 → ~~representatives of public schools; post-secondary education and teacher preparation programs; parents; the office on African American affairs;~~

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~~Black cultural, community and business organizations; other
community and business organizations; and other interested
persons.~~←Sf11 Sf11→:←Sf11

Sf11→(1) three current teachers or school
administrators of public schools;

(2) three current teachers or school
administrators of charter schools;

(3) two representatives of post-secondary
education, including one representative of teacher preparation
programs, appointed in collaboration with the higher education
department;

(4) three parents of currently enrolled
students in public schools, appointed in collaboration with the
office on African American affairs;

(5) three students currently attending a
public secondary school, appointed in collaboration with the
office on African American affairs;

(6) one representative of the higher education
department;

(7) one representative of the office on
African American affairs;

(8) one representative of the developmental
disabilities planning council; and

(9) representatives of Black cultural,

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community and business organizations, other community and business organizations and other interested persons.

B. Sfl1 The secretary shall give due regard to geographic representation. Members shall serve at the pleasure of the secretary.

Sfl1 B. Sfl1 Sfl1 C. Sfl1 The council shall elect a chair and such other officers as it deems necessary.

Sfl1 C. Sfl1 Sfl1 D. Sfl1 The council shall meet as necessary, but at least twice each year.

Sfl1 B. Sfl1 Sfl1 E. Sfl1 Members of the council Sfl1 who are not paid with public money Sfl1 are entitled to receive per diem and mileage but shall receive no other compensation, perquisite or allowance for their service on the council."

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

"[NEW MATERIAL] COUNCIL DUTIES.--The council shall advise the secretary, school districts and charter schools on matters related to improving public school education for Black students, increasing parent involvement and community engagement in the education of Black students and increasing the number of Black high school graduates who succeed in post-secondary academic, professional or vocational education."

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

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"[NEW MATERIAL] BLACK EDUCATION LIAISON CREATED--DUTIES.--

A. The "Black education liaison" is created in the department.

B. The liaison shall:

(1) focus on issues related to Black education and advise the secretary and the council on the development and implementation of public policy regarding the education of Black students;

(2) advise the department and the ~~Sf11~~→~~commission~~←Sf11 Sf11→~~council~~←Sf11 on the development and implementation of the five-year strategic plan for public elementary and secondary education in the state as the plan relates to Black student education;

(3) assist and be assisted by other staff in the department and in the higher education department to improve elementary, secondary and post-secondary educational outcomes for Black students;

(4) maintain and update information on the department's website or a separate website that includes:

(a) Sf11→~~links to school district and charter school hotlines~~←Sf11 Sf11→~~subject to funding, links to a statewide hotline~~←Sf11 for reporting racially charged incidents;

(b) links to the department's Black education white papers as well as other pertinent research; and

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(c) information on and links to historically Black colleges and universities;

(5) serve as a resource to enable school districts and charter schools to provide equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for Black students enrolled in public schools;

(6) support and consult with the council;
Sf11→and←Sf11

(7) support school districts and charter schools to recruit parents on site-based and school district committees that represent the ethnic diversity of the community
Sf11→."←Sf11 Sf11→; and ←Sf11

Sf11→(8) implement activities that are recommended and prioritized by the council within available funding."←Sf11

SECTION 6. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] ADDITIONAL DUTIES OF LIAISON AND COUNCIL--REPORT TO SECRETARY AND OTHERS.--

A. As part of their duties pursuant to the Black Education Act, the liaison and the council shall study and prepare white papers on current research on methods and practices that will improve educational outcomes and school experiences for Black students by:

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(1) identifying best practices for strengthening educational outcomes for Black students;

(2) addressing the Black student achievement gap in a holistic and systemic manner that includes clearly articulated measures to improve public education for Black students that result in substantially improved graduation rates, college or career readiness and higher education completion rates at the undergraduate and graduate levels;

(3) combating discrimination and racism in the public school system, including creating and sustaining equitable and culturally responsive learning environments;

(4) recommending curricula and instructional materials that include the history and culture of Black people in Sfl1→New Mexico,←Sfl1 America Sfl1→and the world←Sfl1 ; and

(5) providing mechanisms for parents, community and business organizations, public schools, public post-secondary educational institutions and state and local policymakers to work together to improve educational opportunities for Black students.

B. The liaison and advisory council shall develop or recommend anti-racism and cultural sensitivity training and professional development programs for all school personnel.

C. The department, through the liaison and advisory council, shall establish a formal cooperative relationship with

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the higher education department and public post-secondary educational institutions in the state to help:

(1) improve the education of Black students in the kindergarten through sixteen educational system in New Mexico, including the recruitment and retention of Black teachers, educational support providers, faculty and educational and administrative leaders in the system; and

(2) improve teacher preparation programs by recruiting Black students and including curricula that demonstrate cultural awareness and sensitivity to matters of race and promote anti-racism.

D. White papers shall be submitted to the secretary, the ~~Sfll~~→**commission**←~~Sfll~~ ~~Sfll~~→**council**←~~Sfll~~ , the governor, the legislature, school districts, charter schools, the higher education department, public post-secondary educational institutions and interested persons."

SECTION 7. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] BLACK EDUCATION STATEWIDE STATUS REPORT.--

A. The department, in collaboration with the higher education department, shall submit an annual preschool through post-secondary statewide Black 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

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service.

~~Sf11→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 to be submitted to the department, and which is disaggregated by ethnicity and highlights Black student data:~~

~~(1) ethnicity by grade by school;~~

~~(2) number and type of bilingual and multicultural programs in each school district and charter school;~~

~~(3) attendance and truancy for all grades;~~

~~(4) student achievement by ethnicity at all grades measured by a statewide test approved by the department;~~

~~and~~

~~(5) graduation rates by ethnicity.~~←Sf11

Sf11→B. In addition to the data required pursuant to Section 22-2C-11 NMSA 1978, the status report for public schools shall highlight Black student data and include:

(1) ethnicity by grade by school;

(2) the number and type of bilingual and multicultural programs in each school district and charter school;

(3) student achievement by ethnicity at all grades measured by a statewide test or other measure of

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proficiency approved by the department;

(4) attendance and truancy for all grades by ethnicity;

(5) diploma seals and distinctions earned by ethnicity; and

(6) licensed school employees by ethnicity by school. ←Sf11

C. The status report shall include the following information, by public post-secondary educational institution, which may be compiled from data otherwise required to be submitted to the higher education department, and which is disaggregated by ethnicity and highlights Black student or faculty data:

(1) enrollment by institution and by main or branch campus, if applicable;

(2) student retention by class;

(3) student completion rates;

(4) degrees or certificates earned by ethnicity;

(5) faculty hired in tenure-track positions by ethnicity;

(6) adjunct faculty hired by ethnicity;

(7) number of tenured faculty by ethnicity;

and

(8) faculty or administration leadership

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positions by ethnicity."

SECTION 8. Section 22-5-4.3 NMSA 1978 (being Laws 1986, Chapter 33, Section 9, as amended) is amended to read:

"22-5-4.3. SCHOOL DISCIPLINE POLICIES--RACIAL SENSITIVITY AND ANTI-RACISM TRAINING--HOTLINE FOR REPORTING RACIALLY CHARGED INCIDENTS AND RACIALIZED AGGRESSION INVOLVING STUDENTS OR SCHOOL PERSONNEL--STUDENTS MAY SELF-ADMINISTER CERTAIN MEDICATIONS.--

A. Local school boards shall establish student discipline policies and shall file them with the department. The local school board shall involve parents, school personnel and students in the development of these policies, and public hearings shall be held during the formulation of these policies in the high school attendance areas within each school district or on a district-wide basis for those school districts that have no high school.

B. Each school district discipline policy shall establish rules of conduct governing areas of student and school activity, detail specific prohibited acts and activities and enumerate possible disciplinary sanctions, which sanctions may include in-school suspension, school service, suspension or expulsion. Corporal punishment shall be prohibited by each local school board and each governing body of a charter school.

C. An individual school within a school district may establish a school discipline policy, provided that

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parents, school personnel and students are involved in its development and a public hearing is held in the school prior to its adoption. If an individual school adopts a discipline policy in addition to the local school board's school district discipline policy, it shall submit its policy to the local school board for approval.

D. All school discipline policies shall define and include a specific prohibition against racialized aggression involving a student or school personnel. Every school district and every charter school shall ~~Sfll~~ have a ~~Sfll~~ Sfll provide links to the statewide ~~Sfll~~ hotline to report racially charged incidents or racialized aggression.

~~[D.]~~ E. No school employee who in good faith reports any known or suspected violation of the school discipline policy or in good faith attempts to enforce the policy shall be held liable for any civil damages as a result of such report or of the employee's efforts to enforce any part of the policy.

~~[E.]~~ F. All public school and school district discipline policies shall allow students to carry and self-administer asthma medication and emergency anaphylaxis medication that has been legally prescribed to the student by a licensed health care provider under the following conditions:

(1) the health care provider has instructed the student in the correct and responsible use of the

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medication;

(2) the student has demonstrated to the health care provider and the school nurse or other school official the skill level necessary to use the medication and any device that is necessary to administer the medication as prescribed;

(3) the health care provider formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours or school-sponsored activities, including transit to or from school or school-sponsored activities; and

(4) the student's parent has completed and submitted to the school any written documentation required by the school or the school district, including the treatment plan required in Paragraph (3) of this subsection and other documents related to liability.

~~[F-]~~ G. The parent of a student who is allowed to carry and self-administer asthma medication and emergency anaphylaxis medication may provide the school with backup medication that shall be kept in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

~~[G-]~~ H. Authorized school personnel who in good faith provide a person with backup medication as provided in this section shall not be held liable for civil damages as a result of providing the medication."

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SECTION 9. A new section of the School Personnel Act is enacted to read:

"[NEW MATERIAL] ANTI-RACISM AND RACIAL SENSITIVITY TRAINING AND PROFESSIONAL DEVELOPMENT.--Each year, all school personnel shall successfully complete an online Sfill→or in-person←Sfill anti-racism, racial awareness and sensitivity training or professional development approved by the department that addresses race, racism and racialized aggression and demonstrates how to create and foster an equitable and culturally responsive learning environment for racial minority students."

H AFC→~~SECTION 10. APPROPRIATION.--Two hundred thousand dollars (\$200,000) is appropriated from the general fund to the public education department for expenditure in fiscal years 2022 and 2023 to carry out the purposes of the Black Education Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2023 shall revert to the general fund.~~←H AFC