

1 SENATE BILL 148

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Mimi Stewart

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9
10 AN ACT

11 RELATING TO PUBLIC EDUCATION; CREATING THE COMMISSION ON
12 DIVERSITY, EQUITY AND EXCELLENCE IN EDUCATION; REQUIRING THE
13 COMMISSION TO DEVELOP A LONG-TERM PLAN TO TRANSFORM PUBLIC
14 EDUCATION IN NEW MEXICO; MAKING AN APPROPRIATION.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "[NEW MATERIAL] COMMISSION ON DIVERSITY, EQUITY AND
20 EXCELLENCE IN EDUCATION--MEMBERS--DUTIES--INTERIM AND FINAL
21 REPORTS.--

22 A. The "commission on diversity, equity and
23 excellence in education" is created to address educational
24 equity for students in the New Mexico educational system.

25 B. Six legislators shall be appointed to the

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1 commission on diversity, equity and excellence in education as
2 follows:

3 (1) two members shall be appointed by the
4 president pro tempore of the senate;

5 (2) one member shall be appointed by the
6 minority floor leader of the senate;

7 (3) two members shall be appointed by the
8 speaker of the house of representatives; and

9 (4) one member shall be appointed by the
10 minority floor leader of the house of representatives.

11 C. The secretaries of public education, early
12 childhood education and care and workforce solutions or their
13 designees shall serve on the commission on diversity, equity
14 and excellence in education.

15 D. In addition to the members listed in Subsections
16 B and C of this section, an additional eighteen members who
17 represent the ethnic, cultural, linguistic and geographical
18 diversity of the state shall be appointed as follows:

19 (1) one representative of the national
20 education association New Mexico who is a current teacher,
21 appointed by the president of that association;

22 (2) one representative of the American
23 federation of teachers New Mexico who is a current teacher,
24 appointed by the president of that federation;

25 (3) one school principal, appointed by the

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1 chair and vice chair of the legislative education study
2 committee;

3 (4) one local school board member, appointed
4 by the New Mexico school boards association;

5 (5) one local superintendent, appointed by the
6 New Mexico school superintendents' association;

7 (6) one school business official, appointed by
8 the New Mexico association of school business officials;

9 (7) one representative from the oil and gas
10 business sector located in the state, appointed by the minority
11 floor leader of the house of representatives;

12 (8) one representative from the business
13 community, appointed by the New Mexico chamber of commerce;

14 (9) one chief executive or owner of a business
15 located in the state, appointed by the minority floor leader of
16 the senate;

17 (10) a president of a public post-secondary
18 educational institution, appointed by the secretary of higher
19 education;

20 (11) one representative from a traditional
21 department-approved teacher preparation program, appointed by
22 the New Mexico association of colleges of teacher education;

23 (12) one representative from an alternative
24 department-approved teacher preparation program, appointed by
25 the New Mexico association of colleges of teacher education;

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1 (13) four tribal leaders, appointed by the
2 secretary of Indian affairs in consultation with the
3 department's assistant secretary for Indian education, the
4 assistant secretary for Native American early education and
5 care of the early childhood education and care department and
6 the director of the American Indian post-secondary education
7 division of the higher education department;

8 (14) one parent of a student who attends a
9 public school in the state, appointed by the New Mexico parent
10 teacher association; and

11 (15) one representative of transform education
12 New Mexico, appointed by that organization.

13 E. To the extent practicable, appointments shall be
14 made to ensure regional representation and ethnic, economic and
15 gender diversity on the commission on diversity, equity and
16 excellence in education.

17 F. The governor, the speaker of the house of
18 representatives and the president pro tempore of the senate
19 shall jointly appoint the chair of the commission on diversity,
20 equity and excellence in education by unanimous agreement. If
21 the chair is not appointed by July 1, 2021, the speaker of the
22 house of representatives and the president pro tempore of the
23 senate shall make the appointment.

24 G. All appointments to the commission on diversity,
25 equity and excellence in education shall be made within thirty

1 days of the effective date of this section, and the commission
2 shall hold its first meeting by September 1, 2021. A vacancy
3 on the commission may be filled by appointment by the
4 appointing authority.

5 H. To carry out the duties of the commission on
6 diversity, equity and excellence in education, and after
7 consultation with other commission members, the chair may
8 appoint subcommittees and may appoint topical experts who are
9 not members of the commission to serve on those subcommittees.
10 Noncommission members may vote on motions in the subcommittees
11 but have no voting privileges on the commission.

12 I. The legislative education study committee, the
13 legislative finance committee and the department shall provide
14 staff for the commission on diversity, equity and excellence in
15 education.

16 J. If funds are appropriated for the commission on
17 diversity, equity and excellence in education, public members
18 of the commission and its subcommittees are entitled to per
19 diem and mileage at the same rate as public employees pursuant
20 to the Per Diem and Mileage Act and shall receive no other
21 compensation, perquisite or allowance. The commission may also
22 pay for expert witnesses and other necessary expenses approved
23 by the commission.

24 K. The commission on diversity, equity and
25 excellence in education is charged with developing a long-term

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1 vision and plan with associated goals, action steps and
2 accountability metrics that is student-centered for the
3 legislature, the executive, school districts, public schools
4 and colleges of education to consider methods and means to
5 narrow the achievement gap and opportunity gap and to ensure
6 public education students are prepared to meet the challenges
7 of a changing national and global economy, prepared for
8 post-secondary education and the workforce and prepared to be
9 successful, civic-minded citizens in the twenty-first century.
10 The long-term plan shall include short- and long-term
11 implementation goals that continually move the education system
12 toward the end goal.

13 L. The commission on diversity, equity and
14 excellence in education shall review the decision and order,
15 the findings of fact and conclusions of law, the final judgment
16 issued by the first judicial district court and pleadings filed
17 after the February 2019 order in the *Martinez and Yazzie v.*
18 *State of New Mexico* lawsuit; study high-performing education
19 systems internationally, nationally and in New Mexico to learn
20 best practices; and study how the department, school districts
21 and public schools are using state and federal funding to close
22 the achievement gap, address institutional racism and improve
23 student learning for all students.

24 M. The commission on diversity, equity and
25 excellence shall hear from plaintiffs of the *Martinez and*

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1 Yazzie v. New Mexico lawsuit, advocacy organizations, charter
2 school representatives, nonprofit organizations that provide
3 educational opportunities, the business community, educational
4 experts, education advocates and the public.

5 N. The commission on diversity, equity and
6 excellence may work with philanthropic and nonprofit
7 organizations to accomplish its statutory purpose.

8 O. The commission on diversity, equity and
9 excellence in education shall make findings and recommendations
10 that:

11 (1) ensure equitable access to high-quality
12 curriculum, instructional time, instruction and instructional
13 resources to prepare all students for college, career and civic
14 engagement, including ensuring students have access to
15 curriculum, instruction and instructional resources that are
16 relevant to the cultures, languages, history and experiences of
17 multi-ethnic student bodies;

18 (2) ensure a diverse, culturally competent
19 educator workforce that is well prepared, stable and culturally
20 and linguistically representative of public school students in
21 the state;

22 (3) provide for culturally and linguistically
23 relevant whole-child supports, including access to high-quality
24 early childhood programs, trauma-informed teaching practices,
25 wraparound services and supportive community partnerships,

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1 integrated social and emotional learning and improved parent
2 and family engagement, for all children; and

3 (4) ensure effective coordination and
4 collaboration among the multiple state agencies that affect
5 students and their families; local school boards and charter
6 school governing bodies; public schools; the public education
7 commission; tribal governments, tribally controlled schools and
8 bureau of Indian education of the United States department of
9 the interior schools; the business sector; and post-secondary
10 educational institutions.

11 P. On or before September 1, 2022 and September 1
12 of each succeeding year, the commission on diversity, equity
13 and excellence in education shall provide a preliminary report
14 of its findings and recommendations to the governor, the
15 legislative education study committee, the legislative finance
16 committee and the legislature through filing the report with
17 the legislative library of the legislative council service.

18 Q. On or before June 30, 2025, the commission on
19 diversity, equity and excellence in education shall provide its
20 final report to the governor and the legislature and shall
21 present its findings and recommendations to the legislative
22 education study committee and the legislative finance
23 committee."

24 SECTION 2. [NEW MATERIAL] COMMISSION FUND CREATED.--The
25 "commission on diversity, equity and excellence in education
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1 fund" is created as a nonreverting fund in the state treasury.
2 The fund consists of appropriations, gifts, grants and
3 donations. The fund shall be administered by the legislative
4 education study committee and money in the fund is appropriated
5 to the legislative education study committee to pay per diem
6 and mileage expenses of public members on the commission on
7 diversity, equity and excellence in education, expert witnesses
8 and other necessary expenses of the commission. Money from the
9 fund shall be expended on warrant of the secretary of finance
10 and administration in accordance with vouchers signed by the
11 director of the legislative education study committee or the
12 director's authorized representative.

13 SECTION 3. APPROPRIATION.--Two hundred thousand dollars
14 (\$200,000) is appropriated from the public education reform
15 fund to the commission on diversity, equity and excellence in
16 education fund for expenditure in fiscal years 2022 through
17 2025 to pay per diem and mileage expenses of the commission on
18 diversity, equity and excellence in education, expert witnesses
19 and other necessary expenses approved by the commission. Any
20 unexpended or unencumbered balance remaining at the end of
21 fiscal year 2025 shall revert to the public education reform
22 fund.

23 SECTION 4. SUNSET.--The commission on diversity, equity
24 and excellence in education is terminated July 1, 2025 pursuant
25 to the provisions of the Sunset Act. The commission shall

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continue to operate until July 1, 2026.

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