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HOUSE BILL 131

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

INTRODUCED BY

Christine Trujillo

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;
MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] ASSISTANT SECRETARY OF HISPANIC
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

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1 the diverse cultural wealth of Hispanic students, families and
2 communities;

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

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

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

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

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

25 (7) assist and be assisted by other staff in

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1 the higher education department to improve higher education
2 opportunities and outcomes, including career readiness for
3 Hispanic students;

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

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

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

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

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

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

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

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

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

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

5 (b) supporting leadership using an
6 interdependency method; and

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

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

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

17 "22-23B-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article
18 23B NMSA 1978 may be cited as the "Hispanic Education Act"."

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

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

24 A. provide for the ~~[study]~~ development, ~~[and]~~
25 implementation, assessment and accountability of equitable and

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1 effective educational systems that affect the educational
2 success of Hispanic students to close the achievement gap,
3 expand opportunities and increase graduation rates;

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

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

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

16 E. establish collaborative decision-making
17 processes through authentic family and community engagement and
18 incorporate those decisions in school district actions to
19 improve student outcomes and;

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

24 (2) recruit family and community members to
25 collaborate on creating a safe and welcoming environment,

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1 strengthening relationships and increasing capacity with
2 families, teachers, school and district administrators and
3 community partners;

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

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

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

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

25 "22-23B-3. DEFINITION.--As used in the Hispanic Education
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1 Act, [~~"liaison" means the Hispanic education liaison~~]
2 "assistant secretary" means the assistant secretary of Hispanic
3 education in the public education department."

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

7 "22-23B-4. [~~HISPANIC EDUCATION LIAISON~~] ASSISTANT
8 SECRETARY OF HISPANIC EDUCATION--CREATED--DUTIES.--

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

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

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

17 [~~(1)~~] (2) focus on issues related to Hispanic
18 education, Hispanic students, families and place-based
19 communities and advise the secretary on the development and
20 implementation of policy regarding the education of Hispanic
21 students, including undocumented students;

22 [~~(2)~~] (3) advise the department and the
23 [~~commission~~] governor on the development and implementation of
24 the five-year strategic plan for pre-kindergarten, public
25 elementary [~~and~~], secondary education and career readiness in

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1 the state as the plan relates to Hispanic student education;

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

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

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

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

16 [~~3~~] (8) assist and be assisted by other
17 staff in the department to improve pre-kindergarten,
18 elementary, secondary and post-secondary educational
19 opportunities and outcomes, including career readiness, for
20 Hispanic students;

21 [~~4~~] (9) serve as a resource to enable
22 school districts, [~~and~~] charter schools and public post-
23 secondary educational institutions to provide multicultural
24 education with historically accurate learning materials,
25 equitable and culturally relevant learning environments,

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1 culturally sustaining pedagogy, educational opportunities and
2 culturally and linguistically relevant instructional materials
3 for Hispanic students enrolled in public schools and their
4 families and communities;

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

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

11 [~~6~~] (12) support school districts [~~and~~],
12 charter schools and public post-secondary educational
13 institutions to recruit [~~parents~~] families on site-based and
14 school district committees that represent the ethnic diversity
15 of the community;

16 (13) collaborate, support and provide
17 professional development for on-site coordinators in public
18 schools and support representatives from public post-secondary
19 educational institutions;

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

22 (15) organize and oversee systemic and
23 sustainable opportunities for families, community and business
24 organizations, public schools, school districts, charter
25 schools, the department, the higher education department,

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1 public post-secondary educational institutions and state and
2 local policymakers to work together to improve education for
3 Hispanic students for the purpose of closing the achievement
4 gap, expanding opportunities, increasing graduation rates and
5 increasing post-secondary enrollment, retention and completion;

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

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

12 (18) provide professional development on
13 equity audits;

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

18 (20) provide funding for the hiring of
19 sufficient staff who coordinate with regional directors of the
20 regional education cooperatives; and

21 (21) assist with a community-based
22 participatory statewide consortium for intersectional racial
23 equity to collect data on the impact of the curriculum as it
24 intersects the demographics of the classroom, school, school
25 district and the educational institution. The assistant

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1 secretary and staff shall design an assessment plan that
2 includes qualitative and quantitative measures on teaching and
3 learning, which shall include:

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

8 (b) supporting leadership using an
9 interdependency method; and

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

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

17 "22-23B-5. HISPANIC EDUCATION ADVISORY COUNCIL.--

18 A. The "Hispanic education advisory council" is
19 created as an advisory council to the secretary and the
20 secretary of higher education. The council shall advise the
21 secretary and the secretary of higher education on matters
22 related to improving public school education for Hispanic
23 students, increasing [~~parent involvement~~] family and community
24 engagement in the education of Hispanic students and increasing
25 the number of Hispanic high school graduates who succeed in

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1 post-secondary academic, professional [~~or vocational~~] career
2 and technical education.

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

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

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

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

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

5 G. Members of the council may participate in and
6 hold a meeting by means of telephone conference, video
7 conference or similar communications systems and equipment by
8 means of which all persons participating in the meeting can
9 hear each other. Annual, regular or special meetings of the
10 members of the council do not need to be held at one geographic
11 location if the meeting is held by means of the internet or
12 other electronic communication technology in a fashion pursuant
13 to which the members have the opportunity to read or hear the
14 proceedings substantially concurrently with their occurrence,
15 vote on matters submitted to members, pose questions and make
16 comments. For members who are hearing impaired, deaf or blind,
17 the department will provide an interpreter, simultaneous
18 translations or other federal Americans with Disabilities Act
19 accommodations. For members who do not understand English, the
20 department will provide an interpreter and simultaneous
21 translations with an advance request."

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

25 "22-23B-6. STATEWIDE STATUS REPORT.--

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

16 B. The status report shall include the following
17 information, by school district, by charter school and
18 statewide, which may be compiled from data otherwise required
19 to be submitted to the department:

- 20 (1) Hispanic student achievement at all
21 grades;
- 22 (2) attendance for all grades;
- 23 (3) the graduation rates for Hispanic
24 students; ~~[and]~~
- 25 (4) the number and type of bilingual and

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1 multicultural programs in each school district and charter
2 school;

3 (5) the number of incidences of detentions,
4 suspensions, use of restraint and expulsions for any
5 infractions and a breakdown of incidences by race, ethnicity,
6 gender and other factors and a list of interventions used
7 instead of detentions, expulsion or suspension;

8 (6) qualitative data on incidents of
9 microaggressions and discrimination toward Hispanic students
10 and faculty;

11 (7) documentation of community engagement
12 processes; and

13 (8) the number of Hispanic teachers,
14 administrators and staff members.

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

19 (1) Hispanic student enrollment;
20 (2) Hispanic student retention; ~~and~~
21 (3) Hispanic student completion rates;
22 (4) educational outcomes of Hispanic students
23 in comparison with other student ethnic groups;

24 (5) degree program completion times for
25 Hispanic students at bachelor, master and doctoral levels;

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