

1 AN ACT

2 RELATING TO PUBLIC EDUCATION; ENACTING THE BLACK EDUCATION
3 ACT; CREATING A DEPARTMENT LIAISON; CREATING AN ADVISORY
4 COUNCIL; PROVIDING POWERS AND DUTIES; REQUIRING RACIAL
5 SENSITIVITY AND ANTI-RACISM TRAINING OR PROFESSIONAL
6 DEVELOPMENT FOR SCHOOL PERSONNEL; REQUIRING THE PUBLIC
7 EDUCATION AND HIGHER EDUCATION DEPARTMENTS TO COOPERATE IN
8 DEVELOPING PROGRAMS, CURRICULA AND INSTRUCTIONAL MATERIALS
9 THAT RECOGNIZE AND TEACH BLACK CULTURE AND ANTI-RACISM AND TO
10 IMPROVE JOB OPPORTUNITIES FOR BLACK PEOPLE IN PUBLIC AND
11 HIGHER EDUCATION; REQUIRING AN ANNUAL STATEWIDE STATUS
12 REPORT.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

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

21 "DEFINITIONS.--As used in the Black Education Act:

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

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

25 SECTION 3. A new section of the Public School Code is

1 enacted to read:

2 "BLACK EDUCATION ADVISORY COUNCIL APPOINTED.--

3 A. The "Black education advisory council" is
4 created as an advisory council to the secretary. The
5 secretary shall appoint no more than twenty-three members to
6 the council who are knowledgeable about and interested in the
7 education of Black students, including:

8 (1) three current teachers or school
9 administrators of public schools;

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

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

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

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

22 (6) one representative of the higher
23 education department;

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

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

3 (9) representatives of Black cultural,
4 community and business organizations, other community and
5 business organizations and other interested persons.

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

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

11 D. The council shall meet as necessary, but at
12 least twice each year.

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

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

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

1 education."

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

4 "BLACK EDUCATION LIAISON CREATED--DUTIES.--

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

7 B. The liaison shall:

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

12 (2) advise the department and the council on
13 the development and implementation of the five-year strategic
14 plan for public elementary and secondary education in the
15 state as the plan relates to Black student education;

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

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

22 (a) subject to funding, links to
23 a statewide hotline for reporting racially charged incidents;

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

1 and

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

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

9 (6) support and consult with the council;

10 (7) support school districts and charter
11 schools to recruit parents on site-based and school district
12 committees that represent the ethnic diversity of the
13 community; and

14 (8) implement activities that are
15 recommended and prioritized by the council within available
16 funding."

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

19 "ADDITIONAL DUTIES OF LIAISON AND COUNCIL--REPORT TO
20 SECRETARY AND OTHERS.--

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

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

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

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

12 (4) recommending curricula and instructional
13 materials that include the history and culture of Black
14 people in New Mexico, America and the world; and

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

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

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

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

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

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

12 D. White papers shall be submitted to the
13 secretary, the council, the governor, the legislature, school
14 districts, charter schools, the higher education department,
15 public post-secondary educational institutions and interested
16 persons."

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

19 "BLACK EDUCATION STATEWIDE STATUS REPORT.--

20 A. The department, in collaboration with the
21 higher education department, shall submit an annual preschool
22 through post-secondary statewide Black education status
23 report no later than November 15 to the governor and the
24 legislature through the legislative education study
25 committee. A copy shall be provided to the legislative

1 library in the legislative council service.

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

5 (1) ethnicity by grade by school;

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

9 (3) student achievement by ethnicity at all
10 grades measured by a statewide test or other measure of
11 proficiency approved by the department;

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

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

16 (6) licensed school employees by ethnicity
17 by school.

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

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

- 1 (2) student retention by class;
- 2 (3) student completion rates;
- 3 (4) degrees or certificates earned by
- 4 ethnicity;
- 5 (5) faculty hired in tenure-track positions
- 6 by ethnicity;
- 7 (6) adjunct faculty hired by ethnicity;
- 8 (7) number of tenured faculty by ethnicity;
- 9 and
- 10 (8) faculty or administration leadership
- 11 positions by ethnicity."

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

14 "22-5-4.3. SCHOOL DISCIPLINE POLICIES--RACIAL
15 SENSITIVITY AND ANTI-RACISM TRAINING--HOTLINE FOR REPORTING
16 RACIALLY CHARGED INCIDENTS AND RACIALIZED AGGRESSION
17 INVOLVING STUDENTS OR SCHOOL PERSONNEL--STUDENTS MAY SELF-
18 ADMINISTER CERTAIN MEDICATIONS.--

19 A. Local school boards shall establish student
20 discipline policies and shall file them with the department.
21 The local school board shall involve parents, school
22 personnel and students in the development of these policies,
23 and public hearings shall be held during the formulation of
24 these policies in the high school attendance areas within
25 each school district or on a district-wide basis for those

1 school districts that have no high school.

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

10 C. An individual school within a school district
11 may establish a school discipline policy, provided that
12 parents, school personnel and students are involved in its
13 development and a public hearing is held in the school prior
14 to its adoption. If an individual school adopts a discipline
15 policy in addition to the local school board's school
16 district discipline policy, it shall submit its policy to the
17 local school board for approval.

18 D. All school discipline policies shall define and
19 include a specific prohibition against racialized aggression
20 involving a student or school personnel. Every school
21 district and every charter school shall provide links to the
22 statewide hotline to report racially charged incidents or
23 racialized aggression.

24 E. No school employee who in good faith reports
25 any known or suspected violation of the school discipline

1 policy or in good faith attempts to enforce the policy shall
2 be held liable for any civil damages as a result of such
3 report or of the employee's efforts to enforce any part of
4 the policy.

5 F. All public school and school district
6 discipline policies shall allow students to carry and self-
7 administer asthma medication and emergency anaphylaxis
8 medication that has been legally prescribed to the student by
9 a licensed health care provider under the following
10 conditions:

11 (1) the health care provider has instructed
12 the student in the correct and responsible use of the
13 medication;

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

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

24 (4) the student's parent has completed and
25 submitted to the school any written documentation required by

1 the school or the school district, including the treatment
2 plan required in Paragraph (3) of this subsection and other
3 documents related to liability.

4 G. The parent of a student who is allowed to carry
5 and self-administer asthma medication and emergency
6 anaphylaxis medication may provide the school with backup
7 medication that shall be kept in a location to which the
8 student has immediate access in the event of an asthma or
9 anaphylaxis emergency.

10 H. Authorized school personnel who in good faith
11 provide a person with backup medication as provided in this
12 section shall not be held liable for civil damages as a
13 result of providing the medication."

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

16 "ANTI-RACISM AND RACIAL SENSITIVITY TRAINING AND
17 PROFESSIONAL DEVELOPMENT.--Each year, all school personnel
18 shall successfully complete an online or in-person anti-
19 racism, racial awareness and sensitivity training or
20 professional development approved by the department that
21 addresses race, racism and racialized aggression and
22 demonstrates how to create and foster an equitable and
23 culturally responsive learning environment for racial minority
24 students."
