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HOUSE BILL 19

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO EDUCATION; ENACTING THE HISPANIC EDUCATION ACT;
CREATING THE HISPANIC EDUCATION DIVISION OF THE PUBLIC
EDUCATION DEPARTMENT; CREATING AN ADVISORY COUNCIL; PROVIDING
POWERS AND DUTIES.

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

Section 1. Section 9-24-4 NMSA 1978 (being Laws 2004,
Chapter 27, Section 4, as amended) is amended to read:

"9-24-4. DEPARTMENT CREATED.--

A. The "public education department" is created in
the executive branch. The department is a cabinet department
and includes the following divisions:

- (1) the administrative services division;
- (2) the assessment and accountability

division;

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- 1 (3) the charter schools division;
2 (4) the educator quality division;
3 (5) the Hispanic education division;
4 [~~5~~] (6) the Indian education division;
5 [~~6~~] (7) the information technology division;
6 [~~7~~] (8) the instructional support and
7 vocational education division;
8 [~~8~~] (9) the program support and student
9 transportation division;
10 [~~9~~] (10) the quality assurance and systems
11 integration division;
12 [~~10~~] (11) the rural education division; and
13 [~~11~~] (12) the vocational rehabilitation
14 division.

15 B. The secretary may organize the department and
16 divisions of the department and may transfer or merge functions
17 between divisions and bureaus in the interest of efficiency and
18 economy."

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

21 "[NEW MATERIAL] SHORT TITLE.--Sections 2 through 6 of this
22 act may be cited as the "Hispanic Education Act"."

23 Section 3. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] PURPOSE.--The purpose of the Hispanic
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1 Education Act is to:

2 A. ensure equitable and culturally relevant
3 learning environments, educational opportunities and culturally
4 relevant instructional materials for Hispanic students enrolled
5 in public schools;

6 B. provide for the study, development and
7 implementation of educational systems that positively affect
8 the educational success of Hispanic students;

9 C. encourage and foster parental involvement in the
10 education of their children; and

11 D. provide mechanisms for parents, community and
12 business organizations, public schools, school districts,
13 public post-secondary educational institutions, the department
14 and state and local policymakers to work together to improve
15 educational opportunities for Hispanic students."

16 Section 4. A new section of the Public School Code is
17 enacted to read:

18 "[NEW MATERIAL] HISPANIC EDUCATION DIVISION--CREATED--
19 DUTIES.--

20 A. The "Hispanic education division" is created in
21 the department.

22 B. The division shall:

23 (1) focus on issues related to Hispanic
24 education and advise the secretary on the development of policy
25 regarding the education of Hispanic students;

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1 (2) advise the commission on the commission's
2 development of the five-year strategic plan for public
3 elementary and secondary education in the state as the plan
4 relates to Hispanic student education;

5 (3) assist and be assisted by every other
6 division and bureau in the department to improve elementary,
7 secondary and post-secondary educational outcomes for Hispanic
8 students;

9 (4) serve as a resource to enable school
10 districts to provide equitable and culturally relevant learning
11 environments, educational opportunities and culturally relevant
12 instructional materials for Hispanic students enrolled in
13 public schools;

14 (5) assist at the state level in the
15 implementation of the Bilingual and Multicultural Education Act
16 and provide support for implementation of that act so Hispanic
17 students have the opportunity to become bilingual and
18 biliterate in English and Spanish;

19 (6) work with school districts on strategies
20 to:

21 (a) recruit and retain Spanish-speaking
22 teachers and instructional support providers;

23 (b) mitigate the effects of poverty and
24 mobility on Hispanic student success;

25 (c) lower truancy rates and increase

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1 graduation rates among Hispanic students; and

2 (d) improve health statistics for
3 Hispanic students;

4 (7) work with school districts, the higher
5 education department and public post-secondary educational
6 programs to facilitate the successful and seamless transition
7 of Hispanic students to post-secondary education and training;

8 (8) support and consult with the Hispanic
9 education advisory council; and

10 (9) conduct research into any matters related
11 to its duties and make periodic reports to the secretary, the
12 governor and the legislature."

13 Section 5. A new section of the Public School Code is
14 enacted to read:

15 "[NEW MATERIAL] HISPANIC EDUCATION ADVISORY COUNCIL--
16 CREATED.--

17 A. The "Hispanic education advisory council" is
18 created as an advisory council to the Hispanic education
19 division. The council shall advise the division and the
20 department on matters related to improving public school
21 education for Hispanic students and increasing the number of
22 Hispanic high school graduates who succeed in post-secondary
23 academic, professional or vocational education.

24 B. The secretary shall name members to the council
25 who are knowledgeable about and interested in the education of

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1 Hispanic students, including representatives of public schools,
2 post-secondary education, teacher preparation programs,
3 parents, Hispanic cultural, community and business
4 organizations, other community and business organizations and
5 interested citizens. The secretary shall give due regard to
6 geographic representation. Members serve at the pleasure of
7 the secretary.

8 C. The council shall elect a chairperson and such
9 other officers as it deems necessary. As the department's
10 budget permits, members who are not public or school employees
11 may receive per diem and mileage pursuant to the Per Diem and
12 Mileage Act, but shall receive no other compensation,
13 perquisite or allowance.

14 D. The council shall meet as necessary, but at
15 least once each year.

16 E. The council shall advise the division, the
17 department and the commission on matters related to Hispanic
18 education in New Mexico."

19 Section 6. A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] STATEWIDE STATUS REPORT.--

22 A. The Hispanic education division, in
23 collaboration with other divisions of the department, the
24 Hispanic education advisory council, the commission and school
25 districts, shall submit an annual statewide Hispanic education

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1 status report no later than November 15 to the governor and the
2 legislature through the legislative education study committee.
3 A copy shall be provided to the legislative library in the
4 legislative council service.

5 B. The status report shall include the following
6 information, by school district, charter school and statewide,
7 which may be compiled from data otherwise required to be
8 submitted to the department:

- 9 (1) Hispanic student achievement at all
10 grades;
- 11 (2) school safety;
- 12 (3) attendance, all grades;
- 13 (4) graduation rate for Hispanic students;
- 14 (5) parent and community involvement;
- 15 (6) educational programs in each school
16 district targeting Hispanic students;
- 17 (7) school district initiatives to decrease
18 truancy and dropout rates;
- 19 (8) results of experimental initiatives to
20 improve educational opportunities and student achievement for
21 Hispanic students;
- 22 (9) number of Hispanic students in schools
23 that make adequate yearly progress and in schools at each level
24 of school improvement or restructuring; and
- 25 (10) number and type of bilingual and

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1 multicultural programs in each school district."

2 Section 7. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2010.

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