



What is the Role of a School Board in Issues Regarding Race & History?

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Not a Novel Question for NM Boards

- **This presentation provides boards with a review of the structural framework in New Mexico for managing issues involving the instruction of controversial issues such as race and history. The good news is that this is not a novel question and there are ample guidelines as well as historical references to help Boards.**

Perspectives Change with Time

- Treaty of Guadalupe Hidalgo
ARTICLE XI
- SUPPRESSION OF SAVAGE INDIAN RAIDS INTO MEXICO;
- PURCHASE OF CAPTIVES OR STOLEN PROPERTY PROHIBITED
- AGREEMENT FOR RETURN OF CAPTIVES TO MEXICO

Treaty of Guadalupe Hidalgo

- Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted - all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

Questions Raised and Informative Answers

- **Question#1: Is it the Board's responsibility to tell teachers what they can and cannot teach through its curriculum approval authority?**
- **A. The simple answer is that the Board is responsible for adopting and enforcing policies that assure courses of instruction are delivered in all district schools according to state approved curriculum and in a manner that is not discriminatory in content or in delivery.**
- ***Unlike some states, New Mexico acknowledges its diverse history and has statutes in place that include curricula on its many cultures.***

Answers continued

- **The Board is responsible for oversight to assure that unlawful discrimination is not permitted among school personnel or students.**
- **Because of New Mexico's unique multi-cultural history the Board is also responsible for assuring that the needs of all cultures, heritages and ethnicities are addressed in culturally relevant and historically accurate ways.**



Question #2: There is a lot of talk in the media about what teachers should or should not do in the classroom regarding instruction on controversial topics. If the Board is not initially responsible for approving curricula, who is?

- **A. At the first level, it is the Constitution:**
- **NM Constitution. ARTICLE XII**
- **Education**
- **Section 1. [Free public schools.]**
- **A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.**

LEGISLATIVE OVERSIGHT

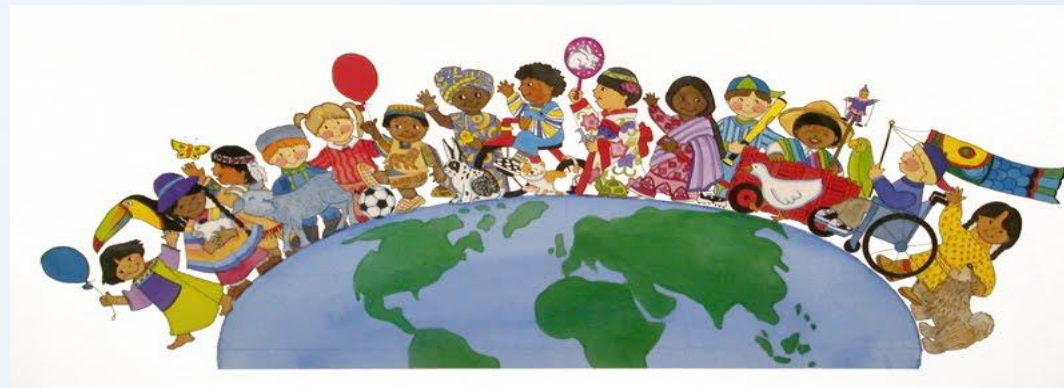
- **At the Second Level, it is the legislature:**
- **NM Constitution. ARTICLE XII**
- **Section 6.**
- **A. There is hereby created a “public education department” and a “public education commission” that shall have such powers and duties as provided by law.**
- **D. The secretary of public education shall have administrative and regulatory powers and duties, including all functions relating to the distribution of school funds and financial accounting for the public schools to be performed as provided by law.**
- Since 2003 it has been the express goal of the legislature to approve and promote a multicultural system that acknowledges and fosters all the diverse cultures of New Mexico.

22-1-1.2. Legislative findings and purpose.

- A. The legislature finds that no education system can be sufficient for the education of all children unless it is founded on the sound principle that every child can learn and succeed and that the system must meet the needs of all children by recognizing that student success for every child is the fundamental goal.

B. The legislature finds further that the key to student success in New Mexico is to have a multicultural education system that:

- (1) attracts and retains quality and diverse teachers to teach New Mexico's multicultural student population;
- (2) holds teachers, students, schools, school districts and the state accountable;
- (3) integrates the cultural strengths of its diverse student population into the curriculum with high expectations for all students;
- (4) recognizes that cultural diversity in the state presents special challenges for policymakers, administrators, teachers and students;
- (5) provides students with a rigorous and relevant high school curriculum that prepares them to succeed in college and the workplace; and
- (6) elevates the importance of public education in the state by clarifying the governance structure at different levels.



The legislature has charged the PED with the following statewide responsibilities:

- **22-2-2. Department; general duties.**
- The department shall:
 - A. properly and uniformly enforce the provisions of the Public School Code [Chapter 22 [except Article 5A] NMSA 1978];
 - B. determine policy for the operation of all public schools and vocational education programs in the state,...
 - C. supervise all schools and school officials coming under its jurisdiction, including taking over the control and management of a public school or school district that has failed to meet requirements of law or department rules or standards,...
 - D. prescribe courses of instruction to be taught in all public schools in the state, requirements for graduation and standards for all public schools,....

And Also

- **22-2-8. School standards.**

- The state board [department] shall prescribe standards for all public schools in the state. A copy of these standards shall be furnished by the department to each local school board, local superintendent and school principal. The standards shall include standards for the following areas:

- A. curriculum, including academic content and performance standards;

- B. organization and administration of education;

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- **22-13-1. Subject areas; minimum instructional areas required; accreditation.**

- A. The department shall require public schools to address department-approved academic content and performance standards when instructing in specific department-required subject areas as provided in this section. A public school or school district failing to meet these minimum requirements shall not be accredited by the department.

The first listed power of a Board is stated in Section 22-5-4A of the Public School Code:

- **A local school board shall have the following powers or duties:**
- A. subject to the rules of the department, develop educational policies for the school district;
- In Section 22-13-1.6 of the Code the legislature has declared that local school district "...
- shall align its curricula to meet the state standards for each grade level and subject area so that students who transfer between public schools within the school district receive the same educational opportunity within the same grade or subject area."

- History, literature and social science curricula therefore must meet statewide standards, and not be limited to topics or viewpoints that a local board desires to promote.
- In recent years the legislature has enacted specific statutes which address the goal of providing relevant curricula that acknowledges the diverse ethnic and cultural students in New Mexico and provides guidance and processes for school districts.
- The Board is given the responsibility of developing appropriate policies and establishing lines of communication so that different cultural and ethnic groups have meaningful participation in the development and delivery of education.

The Board's expanded role in disciplinary policies:

- In Section 22-5-4.3, the legislature has expressly addressed issues of racism in school discipline and mandates that at the district level and at the school site level public hearings shall be held so that school personnel, parents and students can have a voice:

Local Board Responsibility

- 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. No local school board shall allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of protective hairstyles or cultural or religious headdresses.

Discipline Policy

- 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.



Policies

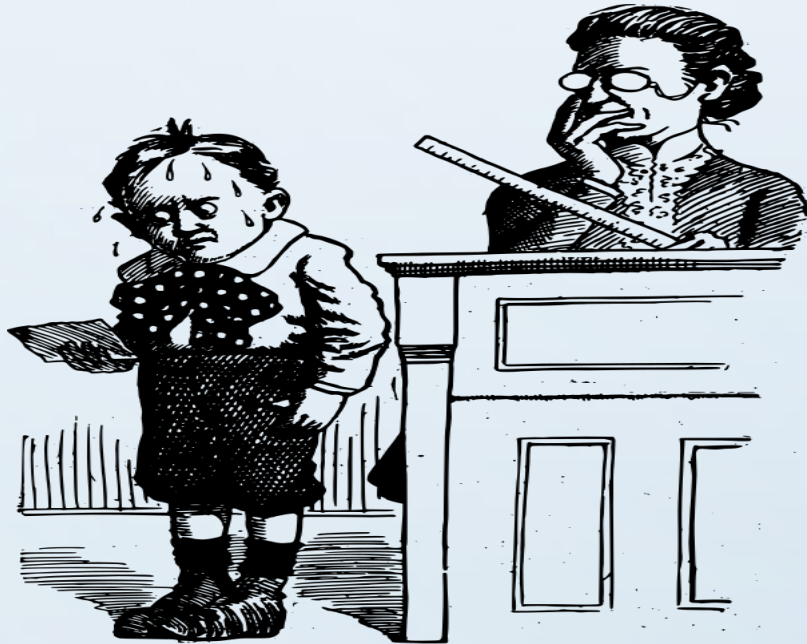
- C. An individual school within a school district may establish a school discipline policy, provided that parents, school personnel and students are involved in its development and a public hearing is held in the school prior to its adoption. If an individual school adopts a discipline policy in addition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

Board policies

- 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 provide links to the statewide hotline to report racially charged incidents or racialized aggression

Board Responsibilities

- 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.



The Black Education Act

- Sections, 22-23C-1 to 22-23C-7, NMSA 1978 establish a Black Education Advisory Council to the PED Secretary which includes school personnel, parents, students, post-secondary and higher education representatives as well as representatives of Black cultural, community business organizations and creates a Black education liaison in PED to advise the Secretary and assist the Council in the development and implementation of public policy on education of Black students. The liaison also serves as a resource to districts and charter schools to enable them to “provide equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for Black students enrolled in public schools”.

NM Black Education Act

- The New Mexico Black Education Act has become law.
- HB 43 has been signed into law and provides in part.
- District's are required to implement a culturally inclusive curriculum, anti-racism training for teachers and a hotline for reporting incidents of racial bias at any public school.
- The bill was passed unanimously by the New Mexico Legislature.

- The law also requires:
- Anti-racism policies in every district and state-chartered school;
- An advisory council to advise the secretary, districts and schools on ways to improve public school education for Black students;
- A liaison within the Public Education Department to coordinate this work;
- An annual report to the governor and legislature on progress.

The Indian Education Act,

- **The Indian Education Act, Sections 22-23A-1, et seq., NMSA 1978** was passed in 2003. It also establishes an advisory council and an Indian Education Division within PED. Among the Division's responsibilities is assistance to school districts and New Mexico tribes in the planning, development, implementation and evaluation of curricula in native languages, culture and history designed for tribal and nontribal students as approved by New Mexico tribes....

The Hispanic Education Act

- **The Hispanic Education Act, Sections 22-23B-1, et seq. NMSA 1978** was enacted in 2010 and establishes a Hispanic education liaison in PED. Its responsibilities also include providing “...equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for Hispanic students enrolled in public schools”. Section 22-23B-4B(4).

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Diversity of Viewpoints is Old News

- Since at least 2003, the legislature has had, as a focus and goal, the recognition of diverse cultures and the inclusion of studies in New Mexico school districts that present diverse viewpoints about both culture and history.



These Statutes Direct the Development of Materials That Speak to All Children



PED Educational Standards Address Multi-Cultural History Instruction

- 6.29.11.8; 6.29.11.9; 6.29.11.10 NMAC include identical “CONTENT STANDARDS WITH BENCHMARKS AND PERFORMANCE STANDARDS FOR THE SOCIAL STUDIES Strand 1: History.” FOR GRADES k-12:
- Content standard 1: Students are able to identify important people and events in order to analyze significant patterns, relationships, themes, ideas, beliefs and turning points in New Mexico, United States and world history, in order to understand the complexity of the human experience.

Board Policies Already Address Curriculum Alignment with PED Standards and Benchmarks

- **Curriculum examples:**

Alamogordo: I-0900 © **IGA CURRICULUM DEVELOPMENT:** The APS School Board will approve and support the districts Educational Plan for Student Success (EPSS) which requires the utilization of research based programs and strategies which are designed to meet the New Mexico Standards and Benchmarks. The Superintendent will ensure the alignment of district curricula and Instructional materials with the New Mexico Content Standards and Benchmarks.

Carlsbad, Central Consolidated, Carlsbad, Raton and Silver: I-0900 © **IGA CURRICULUM DEVELOPMENT:** It shall be the responsibility of the Superintendent to develop proposals relating to curriculum modifications and additions that, in the opinion of the professional staff and consultants, are essential to the maintenance of a standards based program of education from prekindergarten (PK) through grade twelve (12).

Rio Rancho Policy 401 CURRICULUM DEVELOPMENT, IMPLEMENTATION, EVALUATION: The design and implementation of the curriculum shall be consistent with state laws and the New Mexico Public Education Department. An environment to support curriculum delivery must be created and maintained by all functions of the organization.

- **Existing Policies also address the teaching of controversial issues with thoughtful consideration of all sides and perspectives:**

Alamogordo, Carlsbad, Central Consolidated, Raton and Silver: I-8000 © **IMB TEACHING ABOUT CONTROVERSIAL / SENSITIVE ISSUES,** " ... Teachers should place major emphasis upon "why" and "how" to think rather than "what" to think."

Rio Rancho Policy 404 TEACHING ABOUT CONTROVERSIAL OR SENSITIVE ISSUES: " 2. Direct the study of the issues in such a manner that the study will be objective and scholarly, with a minimum of emphasis on opinion, or a particular point of view. The teacher is responsible for presenting a balanced view."

Questions?

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