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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>SB251/a SJC</u>	Sponsor	<u>Lopez</u>
Tracking Number	<u>.205045.1</u>	Committee Referrals	<u>SEC/SJC</u>
Short Title	<u>Certain Student Misconduct Reports to Parents</u>		
Analyst	<u>Force</u>	Original Date	<u>2/8/17</u>
		Last Updated	<u>3/1/17</u>

BILL SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee (SJC) amendment makes minor changes, requiring reports to a parent “of” a student involved in alleged misconduct, rather than “if” a student is involved in alleged misconduct.

Synopsis of Original Bill

Senate Bill 251 (SB251) would add a new section to the Inspection of Public Records Act (IPRA) to require that a parent be provided with the findings and disposition of any investigation into a school district law enforcement officer’s misconduct if a student was involved in the alleged misconduct. This report should include witness statements, and field and forensic investigation reports, which either will not include or include only redacted personally identifiable information.

FISCAL IMPACT

SB251/aSJC does not contain an appropriation.

Presumably, there would be minimal administrative costs associated with the dissemination of the required information to parents, but they are uncertain at this time.

SUBSTANTIVE ISSUES

The State Commission of Public Records notes that the bill would create an exception to IPRA’s exception to disclosure of public records in Section 14-2-1(A)(3) NMSA 1978, pertaining to memoranda in personnel or student files. Simultaneously, the bill may conflict with Section 14-2-1(A)(4), prohibiting the disclosure of law enforcement records that reveal information related to individuals accused, but not charged, of a crime.

The terms of SB251/aSJC do not address which party is to provide the parent with the required information. The sponsor may wish to consider amending the bill to specify whether a local school district, state-chartered charter schools, law enforcement agencies, or other parties, are tasked with providing the report to parents.

TECHNICAL ISSUES

SB251/aSJC would require that parents be notified with the listed information, but makes no notice of guardians or guardians *ad litem*, or other parties who might be standing *in loco parentis* to the student. The sponsor may wish to consider amending the bill to include guardians.

SB251/aSJC bill requires notice to a parent, but does not specify that it be the parent of the student involved in the alleged incident; the bill simply indicates that the information be provided to “*a* parent if *a* student was involved in the alleged misconduct” (emphasis added). The sponsor may wish to consider amending the bill to clarify that it is the parent of the student actually involved to whom the report must be supplied.

RELATED BILLS

Relates to SB93, IPRA Exceptions for Employment

Relates to SB149/aSJC, Crime Victim & Witness Confidentiality

Relates to CS/HB10/aHSIVC, Public Accountability Act

Relates to CS/CS/HB75/HECS/HEJCS/aHF1#1, Limit School Use of Restraint & Seclusion

SOURCES OF INFORMATION

- Legislative Education Study Committee Files
- State Commission of Public Records

RKF/rab