

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 587

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Clemente Sanchez

AN ACT

RELATING TO EDUCATION; PROVIDING FOR A PARENTS' BILL OF RIGHTS
IN PUBLIC SCHOOL EDUCATION.

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

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

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Parents' Bill of Rights in Public School Education Act"."

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

"[NEW MATERIAL] PURPOSE.--The purpose of the Parents' Bill
of Rights in Public School Education Act is to encourage
parents to actively participate in creating and implementing
educational programs for their children and to provide specific
rights to parents regarding the education of their children in

underscored material = new
[bracketed material] = delete

1 public schools."

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

4 "[NEW MATERIAL] ACCESS TO STUDENT RECORDS.--A parent is
5 entitled to access to all written records of a school district
6 concerning the parent's child, including:

- 7 A. attendance records;
- 8 B. test scores;
- 9 C. grades;
- 10 D. disciplinary records;
- 11 E. counseling records;
- 12 F. health and immunization information; and
- 13 G. teacher and school counselor evaluations."

14 SECTION 4. A new section of the Public School Code is
15 enacted to read:

16 "[NEW MATERIAL] LOCAL SCHOOL BOARDS' RESPONSIBILITY TO
17 PARENTS.--

18 A. A local school board, in consultation with
19 parents, teachers and school administrators, shall develop and
20 adopt policies to promote the involvement of parents of
21 children enrolled in the schools within the school district,
22 including:

- 23 (1) a plan for parent participation in the
- 24 schools that is designed to improve parent and teacher
- 25 cooperation in such areas as homework, attendance and

.199533.2

underscoring material = new
~~[bracketed material] = delete~~

1 discipline;

2 (2) procedures by which parents may learn
3 about the course of study for their children and review
4 learning materials, including the source of any supplemental
5 educational materials;

6 (3) procedures by which parents who object to
7 any learning material or activity on the basis that it is
8 harmful may withdraw their children from the activity or from
9 the class or program in which the material is used. Objection
10 to a learning material or activity on the basis that it is
11 harmful includes objection to a material or activity because it
12 questions the parents' beliefs or practices in sex, morality or
13 religion;

14 (4) procedures by which parents may learn
15 about the nature and purpose of clubs and activities that are
16 part of the school curriculum, as well as extracurricular clubs
17 and activities that have been approved by the school;

18 (5) procedures that govern which students are
19 allowed to enroll in concurrent educational opportunities at a
20 local college, university or community college and which cases
21 are allowed for students to take concurrent classes in place of
22 high school classes;

23 (6) procedures that govern which students are
24 allowed to take advanced placement or honors courses; and

25 (7) procedures to allow parents the right to:

.199533.2

underscoring material = new
~~[bracketed material] = delete~~

- 1 (a) review test results;
2 (b) inspect instructional materials used
3 in connection with any research or experimentation program or
4 project;
5 (c) receive a school report card;
6 (d) publicly review courses of study and
7 textbooks; and
8 (e) opt out of the collection of
9 biometric data used for student identification.

10 B. A parent shall submit a written request for
11 information pursuant to this section during regular business
12 hours either to the school principal at the school site or to
13 the local superintendent at the office of the school district.
14 Within ten days of receiving the request for information, the
15 recipient shall either provide the requested information to the
16 parent or provide the parent a written explanation of the
17 reason for the denial of the requested information. If the
18 request for information is denied or the parent does not
19 receive the requested information within fifteen days after
20 submitting the request, the parent may submit a written request
21 for the information to the local school board, which shall
22 formally consider the request at the next scheduled public
23 meeting of the local school board at which the request can be
24 properly noticed on the agenda.

25 C. A local school board shall adopt a grievance

.199533.2

underscored material = new
[bracketed material] = delete

1 procedure under which the board shall address each complaint
2 that the board receives concerning violation of a right
3 guaranteed by the Parent's Bill of Rights in Public Education
4 Act."

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

7 "[NEW MATERIAL] CONSENT FOR CERTAIN ACTIVITIES.--

8 A. A school employee shall obtain the written
9 consent of a child's parent before the school employee may:

10 (1) conduct a psychological examination, test
11 or treatment, unless the examination, test or treatment is
12 required by law regarding requirements for special education;
13 or

14 (2) make or authorize the making of a
15 videotape of a child or record or authorize the recording of a
16 child's voice.

17 B. A school employee is not required to obtain the
18 consent of a child's parent before the school employee may make
19 or authorize a videotape of a child or make or authorize the
20 recording of a child's voice if the videotape or voice
21 recording is to be used only for:

22 (1) purposes of safety, including the
23 maintenance of order and discipline in common areas of the
24 school or on school buses;

25 (2) a purpose related to a co-curricular or

.199533.2

underscored material = new
[bracketed material] = delete

1 extracurricular activity;

2 (3) a purpose related to regular classroom
3 instruction; or

4 (4) media coverage of the school."

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

7 "[NEW MATERIAL] PARENTAL CONSENT REQUIRED FOR QUESTIONING
8 BY LAW ENFORCEMENT OFFICERS.--

9 A. A law enforcement officer who wishes to
10 interview a child at school for law enforcement purposes shall
11 obtain the child's parent's prior consent for the interview.

12 B. The interview shall not occur in the absence of
13 the parent's prior consent unless, in the sole opinion of the
14 law enforcement officer, an emergency justifies the interview.

15 C. If in the sole opinion of the law enforcement
16 officer an emergency exists that justifies conducting an
17 interview absent parental consent, prior to conducting the
18 interview, the law enforcement officer shall complete and sign
19 a form stating that parental consent was sought and not
20 obtained and that the law enforcement officer nonetheless
21 conducted the interview because the law enforcement officer, in
22 the officer's sole opinion, considered the interview to be
23 justified because of emergency.

24 D. Except as provided in Subsections B and C of
25 this section, parents have the right to be present when a child

.199533.2

underscored material = new
[bracketed material] = delete

1 is questioned by a law enforcement officer, including an on-
2 site school resource officer, on school property."

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

5 "[NEW MATERIAL] SCHOOL RESOURCE OFFICERS.--

6 A. School districts that employ school resource
7 officers shall:

8 (1) have written policies describing the
9 objectives of the school resource officer program and the rules
10 that will govern its operation. The policies shall define when
11 a school resource officer acts in the role of a school employee
12 and when a school resource officer acts in the role of a law
13 enforcement officer and shall prohibit school resource officers
14 from changing from one role to the other role during an
15 interview or investigation;

16 (2) have written agreements between the school
17 district and the commissioning authority that clearly establish
18 each party's duties and make the written agreements publicly
19 available; and

20 (3) annually assess and report the success of
21 its school resource officer program, with particular attention
22 to the rate and nature of school-based arrests.

23 B. As used in this section, "school resource
24 officer" means a certified law enforcement officer commissioned
25 by the appropriate authority of the community where the public

.199533.2

underscored material = new
[bracketed material] = delete

1 school is located whose post of duty is at the public school."

2 SECTION 8. A new section of the Public School Code is
3 enacted to read:

4 "[NEW MATERIAL] REFUSAL OF PSYCHIATRIC OR PSYCHOLOGICAL
5 TREATMENT OF CHILD AS BASIS OF REPORT OF NEGLECT.--

6 A. A school employee shall not use or threaten to
7 use the refusal of a parent to administer or consent to the
8 administration of a psychotropic drug to the parent's child, or
9 to consent to any other psychiatric or psychological testing or
10 treatment of the child, as the sole basis for making a report
11 of neglect of the child pursuant to Section 32A-4-3 NMSA 1978
12 unless the school employee has cause to believe that the
13 refusal:

14 (1) presents a substantial risk of death,
15 disfigurement or bodily injury to the child; or

16 (2) has resulted in an observable and material
17 impairment to the growth, development or functioning of the
18 child.

19 B. As used in this section, "psychotropic drug"
20 means a substance that is:

21 (1) used in the diagnosis, treatment or
22 prevention of a disease or as a component of a medication; and

23 (2) intended to have an altering effect on
24 perception, emotion or behavior."

25 SECTION 9. A new section of the Public School Code is

.199533.2

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

enacted to read:

"[NEW MATERIAL] EXEMPTION FROM INSTRUCTION.--

A. A parent is entitled to remove the parent's child temporarily from a class or other school activity that conflicts with the parent's religious or moral beliefs if the parent provides the teacher a written statement authorizing the removal of the child from the class or other school activity. A parent is not entitled to remove the parent's child from a class or other school activity to avoid a test or to prevent the child from taking a subject for an entire semester.

B. This section does not exempt a child from satisfying grade level or graduation requirements."