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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 1st Session, 2019**

<b>Bill Number</b>	<u>SB26/aSEC/aHEC</u>	<b>Sponsor</b>	<u>Padilla</u>
<b>Tracking Number</b>	<u>.211462.1</u>	<b>Committee Referrals</b>	<u>SEC/SPAC; HEC</u>
<b>Short Title</b>	<u>Standardize School Bathroom Use Policies</u>		
<b>Analyst</b>	<u>Terrazas</u>	<b>Original Date</b>	<u>1/22/19</u>
		<b>Last Updated</b>	<u>3/4/19</u>

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**BILL SUMMARY**

Synopsis of HEC Amendment

The House Education Committee Amendment for Senate Bill 26 (SB26/aSEC/aHEC) would not require public schools to adhere to the standardized student bathroom policies the bill requires the Public Education Department (PED) to issue rules for. The amendment gives PED the option to include recommendations of parents, pediatricians, child psychologists, and early childhood educators in its rules. PED may require that permission for bathroom use be given timely when a child requests it. Finally, PED may prohibit schools from withholding bathroom privileges from students as a form of student discipline.

Synopsis of SEC Amendment

The Senate Education Committee Amendment for Senate Bill 26 (SB26/aSEC) adds language to ensure standardized student bathroom policies take into account a student's sexual orientation and gender identity.

Synopsis of Original Bill

Senate Bill 26 (SB26) would add a new section to the Public School Code to require PED to standardize student bathroom use policies. The bill would prohibit schools from withholding bathroom privileges from students as a form of student discipline.

**FISCAL IMPACT**

The bill does not contain an appropriation.

**SUBSTANTIVE ISSUES**

SB26/aSEC/aHEC would require PED to develop rules for the development of standardized student bathroom use policies. The rules must include recommendations of parents, pediatricians, child psychologists, and early childhood educators, and must require that permission for bathroom

use be given timely when a child requests it. The bill would prohibit schools from withdrawing bathroom use for any reason and cannot withdraw any other privilege, including food, rest, or outdoor activities, as a means to discipline a student for using or requesting to use the bathroom.

Title IX of the Education Amendments of 1972, is a comprehensive federal law that protects all students from sex-based discrimination, including discrimination against a transgender student based on that student's gender identity or transgender status. However, a 2012 report of Lambda Legal, a national legal organization, found 19 percent of 18- to 24-year-old lesbian, gay, bisexual, and transgender (LGBT) students felt they were treated harshly by school officials because of their LGBT identity. Respondents who were transgender or non-conforming were even more likely to feel like they were treated harshly because of their sexual orientation, gender identity, or gender expression.

### **ADMINISTRATIVE IMPLICATIONS**

SB26/aSEC/aHEC would require PED to issue rules for public schools, including charter schools, to develop standardized student bathroom use policies that take into account a student's age, sexual orientation, gender identity, special needs, psychological and physical abilities and impairments, and respect for the dignity and autonomy of the student.

### **SOURCES OF INFORMATION**

- LESC Files

**DT/mc/mhg**