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SENATE BILL 26

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Michael Padilla

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION  
DEPARTMENT TO STANDARDIZE STUDENT BATHROOM USE POLICIES;  
PROHIBITING WITHDRAWAL OF BATHROOM PRIVILEGES AS A FORM OF  
DISCIPLINE; PROVIDING FOR DIGNIFIED AND INCREMENTAL  
INTERVENTION BY SCHOOL STAFF DURING STUDENTS' BATHROOM USE.

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] STANDARDIZATION OF BATHROOM USE POLICIES  
REQUIRED--DEPARTMENT TO ISSUE RULES.--The department shall  
issue rules for development of standardized student bathroom  
use policies by public and charter schools that take into  
account factors that include the student's age, special needs,  
psychological and physical abilities and impairments and

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1 respect for the dignity and autonomy of the student. The rules  
2 shall:

3 A. require public and charter schools to adhere to  
4 the student bathroom use polices developed pursuant to this  
5 section;

6 B. include recommendations of parents,  
7 pediatricians, child psychologists and early childhood  
8 educators;

9 C. require that permission for bathroom use be  
10 given timely when a child requests it;

11 D. prohibit withdrawal or withholding of:

12 (1) bathroom use for any reason; or

13 (2) any other privilege, including food, rest  
14 or outdoor activities, as a means to punish or discipline a  
15 student for using or requesting to use the bathroom; and

16 E. provide for incremental and respectful  
17 intervention, if required, during the bathroom use of a  
18 student, which may include actions taken by public school staff  
19 to check on or address any issues perceived by staff during a  
20 student's bathroom use time, including knocking on the bathroom  
21 door, unlocking the bathroom door, entering the bathroom,  
22 knocking on a bathroom stall door or speaking to a student."

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