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HOUSE MEMORIAL 57

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

INTRODUCED BY

Linda M. Trujillo and Andrea Romero

A MEMORIAL

REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO CONVENE A TASK FORCE TO IDENTIFY ISSUES OF CONCERN REGARDING ETHICAL MISCONDUCT AND TO DEVELOP A STRATEGIC PLAN TO AMELIORATE THOSE CONCERNS.

WHEREAS, it is the duty of the state and local education agencies to ensure that the educational environment is safe and conducive to learning; and

WHEREAS, the ethical misconduct of any public school employee or contractor in the educational environment jeopardizes the public's trust in public education and can cause serious and irreparable harm to students; and

WHEREAS, there are limited resources for investigating allegations of ethical misconduct involving moral turpitude and limited options for reporting such allegations or substantiated

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1 allegations to the public education department; and

2 WHEREAS, without the resources to conduct a thorough
3 investigation to substantiate or disprove allegations of
4 ethical misconduct and with limited options for reporting
5 substantiated allegations to the public education department,
6 the educational environment is jeopardized; and

7 WHEREAS, absent a statewide process of recording
8 disciplinary action related to ethical misconduct, employees
9 and contractors may find other employment with no avenue for
10 employers to learn of past ethical misconduct; and

11 WHEREAS, there are existing laws and rules in New Mexico
12 that need to be modified and enforced more effectively in order
13 to better address issues of ethical misconduct; and

14 WHEREAS, other states have addressed similar issues and
15 legislated solutions that may serve as possible models for New
16 Mexico; and

17 WHEREAS, it is critical for the safety of all students
18 that the state address these issues;

19 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
20 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the public
21 education department be requested to convene a task force by
22 August 1, 2019 to identify issues of primary concern within the
23 state's education system regarding investigating, reporting and
24 documenting ethical misconduct involving moral turpitude and to
25 develop a strategic plan to ameliorate such concerns; including

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1 hiring practices, training practices, reporting practices and
2 policies; and

3 BE IT FURTHER RESOLVED that the task force be requested to
4 study possible legislative changes to existing statutes
5 pertaining to the state's Public School Code regarding staff
6 ethical misconduct involving moral turpitude in relation to
7 investigations, reporting to the public education department
8 and a statewide process for recording disciplinary action
9 concerning ethical misconduct involving moral turpitude that
10 can be accessed by all local education agencies; and

11 BE IT FURTHER RESOLVED that the task force be composed of
12 one member of each of the following entities, appointed by the
13 secretary or leader of each:

- 14 A. the public education department, who shall serve
15 as chair;
- 16 B. the national education association;
- 17 C. the American federation of teachers;
- 18 D. the children, youth and families department;
- 19 E. school board associations;
- 20 F. the New Mexico coalition of educational leaders;
- 21 G. the office of the attorney general;
- 22 H. the public school insurance authority;
- 23 I. the Albuquerque public school district;
- 24 J. a parent teacher association or a parent teacher
25 organization;

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1 K. the New Mexico coalition of sexual assault
2 programs; and

3 L. cooperative educational services; and

4 BE IT FURTHER RESOLVED that the task force be requested to
5 present to the governor, the speaker of the house of
6 representatives and the president pro tempore of the senate a
7 report on its findings and recommendations, including its
8 specific recommendations for improvements for public school
9 investigations and reporting, no later than October 1, 2019;
10 and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the secretary of public education, the governor,
13 the speaker of the house of representatives and the president
14 pro tempore of the senate.

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