

1 SENATE BILL 233

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Linda M. Lopez

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9  
10 AN ACT

11 RELATING TO PUBLIC EDUCATION; ENACTING THE STUDENT BILL OF  
12 RIGHTS.

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

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

17 "[NEW MATERIAL] STUDENT BILL OF RIGHTS.--

18 A. Public school students have the right to a  
19 learning environment in which discrimination in all forms,  
20 including discrimination due to disability, sexual orientation,  
21 gender, race, ethnicity, age or class, is not tolerated by the  
22 school district or public school administration; school  
23 security personnel, school police or school resource officers;  
24 or students.

25 B. Students have the right to an environment in

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1 which students and school personnel are encouraged and given  
2 the means to participate in anti-racism, cultural sensitivity  
3 and tolerance training that promotes principles of equity,  
4 engages students in a culturally sensitive manner and supports  
5 a multicultural, multilingual and culturally relevant  
6 curriculum that includes access to bilingual education and  
7 ethnic studies.

8 C. Students and their families have the right to  
9 feel safe and comfortable in their school environments. In  
10 furtherance of that right:

11 (1) public schools shall provide access to  
12 translation and interpretation for students and their families  
13 in educational settings;

14 (2) students shall have access to the gender-  
15 assigned bathrooms they feel most comfortable using and access  
16 to those bathrooms when needed shall not be denied; and

17 (3) students shall be addressed by the gender  
18 pronouns and name that is self-indicated in educational  
19 settings.

20 D. Students have the right to have their teachers  
21 and other school personnel follow special plans that affect  
22 their educational settings, such as individualized educational  
23 plans, Section 504 plans pursuant to the federal Rehabilitation  
24 Act of 1973 or other accommodations as directed by the school  
25 assistance team or implemented pursuant to a doctor's orders.

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1           E. Students have the right to extracurricular and  
2 after-school programs and the means and support to access those  
3 programs and the right to request the formation of new clubs  
4 that fit their interests, because these programs and activities  
5 are important mechanisms through which students prepare for  
6 life after high school, including improving their ability to  
7 access higher education and otherwise develop their minds,  
8 talents and perspectives.

9           F. Students have the right to information,  
10 resources and support to prepare them for life after high  
11 school, including the encouragement to pursue higher education  
12 and to not be discouraged from pursuing higher education based  
13 on any discriminatory factors. Students who choose to pursue  
14 college shall have access to college readiness counselors to  
15 assist them in their transition into higher education, and  
16 students who choose vocational education or to enter the  
17 workforce shall have access to vocational counselors to assist  
18 them in their transition to further vocational education or the  
19 workforce, including information, training and job placement  
20 assistance, to make that transition.

21           G. Students have the right to equitable school and  
22 classroom environments, in which:

- 23                   (1) classroom sizes are small;  
24                   (2) buildings, technology and materials are  
25 current and in good condition;

1 (3) creative approaches to teaching are  
2 encouraged;

3 (4) respect and open communication among  
4 parents, teachers, community organizations and students are  
5 encouraged;

6 (5) building strong intergenerational  
7 relationships is valued; and

8 (6) public schools are fully funded in order  
9 to achieve these goals.

10 H. Students have the right to affordable,  
11 nutritious and culturally appropriate food in the school  
12 environment, because proper nutrition is essential to the  
13 development of physical, emotional and intellectual well-being.

14 I. Students have the right to bilingual education  
15 and bilingual after-school programs and to integrated  
16 multilingual classrooms and public schools that encourage  
17 students to speak their home languages while in school so that  
18 they may become fluent speakers and thinkers in the languages  
19 important to their development as fully rounded human beings  
20 who are able to excel in their cultural, familial and economic  
21 environments.

22 J. Students have the right to a learning  
23 environment that is free of cruel and unusual punishment,  
24 including:

25 (1) the use of excessive force by school

1 security personnel, school police, school resource officers or  
2 other law enforcement officers;

3 (2) freedom from over-policing in school;

4 (3) freedom of speech and of the press; and

5 (4) the right to petition and peacefully  
6 assemble with the purpose of improving the school, classroom  
7 and learning environments.

8 K. Students have the right to:

9 (1) due process and to be considered innocent  
10 until proven guilty;

11 (2) transparency within the discipline  
12 process; and

13 (3) freedom from searches of personal property  
14 by school security, school police, school resource officers or  
15 other school personnel without reasonable cause and to have  
16 their parents notified if such searches do occur.

17 L. Students have the right to public schools that:

18 (1) seek alternatives to a police presence,  
19 whether by school security, school resources or other law  
20 enforcement officers;

21 (2) are free of immigration enforcement;

22 (3) are free from the criminalization of  
23 youth; and

24 (4) seek alternatives to suspension and  
25 expulsion policies and in which students are given a clean

1 slate each year in alignment with restorative justice  
2 practices.

3 M. Students have the right to access gang and  
4 violence prevention, peer-based mediation and intervention  
5 programs on campus.

6 N. Students have the right and the opportunity to  
7 organize themselves and be represented by their peers in  
8 important school decision-making processes.

9 O. Students have the right to:

10 (1) self-representation in school district or  
11 charter school meetings, whether through a committee or a  
12 self-started group, without being tokenized or dismissed due to  
13 their youth; and

14 (2) notification of school district or charter  
15 school and school personnel meeting times and places and to  
16 organize collectively when issues arise that affect students  
17 and their families.

18 P. Students have the right to adequate access to  
19 and are encouraged to use mental health services in educational  
20 settings, including access to social workers, therapists and  
21 school counselors, and to be given resources to other mental  
22 health support services outside of the school when needed.

23 Q. Students have the right to engage in  
24 conversations with school personnel about aspects of their  
25 learning experience and to understand how the school budget

1 works and is allocated.

2 R. In times of emergencies, such as an epidemic or  
3 pandemic, natural disaster, national security threat or other  
4 unforeseen event, students shall be given the means to  
5 participate in public school in the way it is deemed necessary  
6 by the state and the school district that ensures the physical  
7 safety of students. Students shall have the access and means  
8 they need to participate in education, including quality access  
9 to internet and technology for online learning. Students shall  
10 not be graded, failed or penalized for lack of participation  
11 during these times. The public school shall maintain quality  
12 access to necessary services normally provided by the school,  
13 including mental health services, nutritional services and  
14 college or career readiness support.

15 S. In furtherance of the rights provided for in  
16 this section, public schools are encouraged to:

17 (1) become sanctuary schools and ensure the  
18 safety of undocumented communities; and

19 (2) seek out restorative justice or  
20 alternative practices instead of punitive punishments carried  
21 out by security, school resource officers and other school  
22 personnel.

23 T. Students have the right to access a copy of the  
24 school district's or charter school's student bill of rights  
25 and to seek public school- or school-district-specific changes

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1 to those rights when such changes will improve the learning  
2 environment."

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