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

Bill Number	<u>HM57</u>	Sponsor	<u>Trujillo, L./Romero, Andrea</u>
Tracking Number	<u>.213758.2</u>	Committee Referrals	<u>HEC</u>
Short Title	<u>School Ethical Conduct Task Force</u>		
Analyst	<u>Sena</u>	Original Date	<u>2/21/19</u>
		Last Updated	<u></u>

BILL SUMMARY

Synopsis of Bill

House Memorial 57 (HM57) requests the Public Education Department (PED) to convene a task force to identify issues of concern regarding ethical misconduct and to develop a strategic plan to ameliorate those concerns.

FISCAL IMPACT

Memorials do not contain appropriations.

SUBSTANTIVE ISSUES

HM57 asks PED to convene a task force by August 1, 2019 to identify issues of concern within the state's education system regarding investigating, reporting, and documenting ethical misconduct involving moral turpitude and to develop a strategic plan to address those concerns, including improving hiring practices, training practices, and reporting practices and policies.

The memorial requests that the task force study possible legislative changes to the Public School Code regarding staff ethical misconduct involving moral turpitude, including reporting to PED and a statewide process for recording disciplinary action that can be accessed by all local education agencies.

The task force would be made up of 12 members, including one from PED, the National Education Association, the American Federation of Teachers, the Children, Youth, and Families Department, the New Mexico School Boards Association, the New Mexico Coalition of Educational Leaders, the office of the Attorney General, the New Mexico Public School Insurance Authority, Albuquerque Public Schools, the New Mexico Coalition of Sexual Assault Programs, Cooperative Educational Services, and a member of a parent-teacher association.

HM57 requests the task force present its findings to the governor, the speaker of the house, and the president pro tempore of the Senate no later than October 1, 2019.

Current Statute. Section 22-10A-5 NMSA 1978 defines “ethical misconduct” as unacceptable behavior intended to induce a child into illegal, immoral, or prohibited behavior.

Statute requires applicants for licensure to undergo a Federal Bureau of Investigation background check and requires local school boards and regional education cooperatives to develop policies and procedures to require background checks of prospective employees, contractors, or a contractor’s employee with unsupervised access to students at a public school.

Statute also requires superintendents, charter school administrators, or regional education cooperatives to report to PED any know conviction of a felony or misdemeanor involving moral turpitude of a licensed school employee that results in any type of action against the licensed school employee.

Statute also requires that a local superintendent, charter school administrator, or director of a regional education cooperative or their respective designees to investigate all allegations of ethical misconduct about any licensed school employee who resigns, is being discharged or terminated, or otherwise leaves employment after an allegation has been made. If the investigation results in a finding of wrongdoing, the superintendent, charter school administrator, or director of a regional education cooperative shall report the identity of the licensed employee and attendant circumstances of the ethical misconduct to PED and the employee within 30 days following the separation from employment.

Relevance. In December 2018, a former teacher was found guilty of 12 criminal counts, including criminal sexual penetration, criminal sexual contact, and kidnapping after being accused of raping and molesting multiple girls in Santa Fe and Espanola between 2003 and 2009.

According to media reports, the teacher resigned in 2004 from Santa Fe Public Schools without a formal hearing after accusations of misconduct. He was then hired by the Espanola Public Schools, where he was accused of further misconduct. Students testified that they reported the teacher’s misconduct to their principal, but that nothing resulted from their reporting.

In addition to the conviction, the case also resulted in civil lawsuits that cost the Espanola school district \$9.2 million in settlements.

ADMINISTRATIVE IMPLICATIONS

PED would be responsible for convening the task force, as well as reporting findings.

SOURCES OF INFORMATION

- LESC Files

JDS/mhg