

underscored material = new
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1 another student or staff member does not become the victim of
2 an assault or other serious crime; and

3 WHEREAS, the prospect of requiring notification to
4 certain school personnel when a student is the subject of a
5 delinquency petition presumes a corresponding action by the
6 school personnel and implies a level of responsibility and
7 liability that may not exist otherwise; and

8 WHEREAS, the New Mexico Children's Code and the federal
9 Family Educational Rights and Privacy Act restrict the
10 dissemination of information about juveniles; and

11 WHEREAS, delinquency petitions are public records open to
12 public inspection at the court of jurisdiction; and

13 WHEREAS, all persons, including juveniles, charged with
14 serious crimes are presumed innocent until proven guilty; and

15 WHEREAS, a policy that governs the release to a public or
16 private school of information contained in or related to a
17 delinquency petition necessitates a balance between preserving
18 the civil rights of the accused and ensuring the safety of
19 other students and staff; and

20 WHEREAS, the constitution of New Mexico requires that a
21 "uniform system of free public schools sufficient for the
22 education of, and open to, all the children of school age in
23 the state shall be established and maintained"; and

24 WHEREAS, the children, youth and families department and
25 the public education department are drafting a memorandum of

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1 understanding regarding the notification of school personnel
2 when adjudicated youth are attending public or private
3 schools;

4 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
5 STATE OF NEW MEXICO that the children, youth and families
6 department and the public education department, in
7 consultation with the office of the attorney general and with
8 representatives of public school districts, charter schools,
9 private schools, district attorneys, law enforcement agencies
10 and other appropriate entities, study the issues surrounding
11 the timely notification of public and private schools when a
12 student is the subject of a delinquency petition; and

13 BE IT FURTHER RESOLVED that the children, youth and
14 families department and the public education department report
15 findings and recommendations of the study to the legislative
16 education study committee no later than November 1, 2007; and

17 BE IT FURTHER RESOLVED that copies of this memorial be
18 transmitted to the secretary of children, youth and families,
19 the secretary of public education and the attorney general.

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