

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 490

50th Legislature, 1st Session, 2011

Tracking Number: .184625.1

Short Title: Code of Conduct for Parents on School Grounds

Sponsor(s): Representatives Joseph Cervantes and Al Park

Analyst: James Ball

Date: March 1, 2011

Bill Summary:

HB 490 creates a new section of the *Public School Code* to require school districts to adopt policies regarding the appropriate conduct of parents on school grounds or at events sponsored by the New Mexico Activities Association (NMAA).

Among its provisions, HB 490 requires the policies to:

- set forth the expectation that parents behave civilly to students, teachers, other public school staff, other parents, and others on school grounds or at NMAA events; and
- require that parents who assault or batter another person on school grounds or at an NMAA event be barred from the school grounds or NMAA events for a period of time specified by the local superintendent or the NMAA.

Additionally, the bill:

- makes it a misdemeanor for a parent, upon conviction, to encourage the parent's child to engage in violence (assault or battery) against another student, a public school employee or another parent or any other person; and
- directs the Public Education Department (PED), with the assistance of the New Mexico Coalition of School Administrators (NMCSA), to develop a model parental code of conduct for local school boards.

Fiscal Impact:

HB 490 does not contain an appropriation.

Technical Issues:

The PED analysis of HB 490 notes that language on page 2, line 18 specifically references violence against a "public school employee." NMAA also sponsors sports competitions that involve private schools. These competitions often involve games between public and private schools.

The analysis of HB 490 by the Department of the Public Defender (DPD) suggests that in establishing a new crime (in this case a misdemeanor), the law should probably be included in the Initiatory Crimes chapter of the *Criminal Code* instead of in the *Public School Code*.

Substantive Issues:

PED states in its analysis of HB 490 that the department:

- currently requires every public school to develop and submit a Safe School Plan that include discipline policies and procedures; and
- would need to review these plans to determine whether the issues raised in HB 490 are addressed.

PED also notes that:

- NMAA has adopted a Code of Ethics for school personnel, student participants (in competitive athletics) and the general public who attend NMAA events that states:

Conduct that berates, intimidates, or threatens, has no place in interscholastic activities. Participants, students, and members of the general public who choose to act in this manner will be subject to penalty as determined by their local school district in conjunction with the approval of the Executive Director.

- the significant issue raised by HB 490 relates to enforcement;
- preventing a parent from entering school grounds or athletic playing fields during NMAA-sponsored games would require written notification that the parent is barred from entering the property for a period of time; and
- if the parent violated the trespass notice, law enforcement would have to be contacted unless the school district had its own resource officers.

DPD also notes in its analysis of HB 490 that:

- according to the *Public School Code*, the definition of “parent” includes “a guardian or other person having custody and control of a school-age person;” and
- language in the bill does not proscribe conduct by other family members, who frequently attend school events.

Following this same logic, HB 490 prohibits a parent from encouraging only the parent’s child to engage in violence on school grounds or NMAA events, but does not extend the prohibition to encouraging other children to engage in such violence. This might include, for example, a nephew or other relative or acquaintance of the adult.

Background:

A *New York Times* story from May 6, 2001 called attention to the growing problem of poor, and in some cases criminal, conduct by parents and fans at school sports events. The article noted several ways that schools, municipalities, and states have addressed the problem. For example, in El Paso, Texas, parents must take a class on appropriate fan behavior before their children can play in city-sponsored youth sports. Lawmakers are addressing the problem with more than two dozen state legislatures approving or debating bills that stiffen penalties for attacks on referees.

New Mexico has a statute prohibiting attacks on sports officials adopted in 2001.

The *Times* story also provided some statistics on the issue. Reports from the 2,200 chapters of the National Alliance for Youth Sports show that approximately 15 percent of youth games involve some sort of verbal or physical abuse from parents or coaches, compared with 5.0 percent just five years ago. In fact, the most common reason given by referees for quitting is antagonism from coaches and parents, according to a survey completed in March by the National Association of Sports Officials, which recently began offering free assault insurance to its 18,500 members.

Related Bills:

None as of March 1, 2011.