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SENATE MEMORIAL 69

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Bill B. O'Neill

A MEMORIAL

REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO DEVELOP A
COMPREHENSIVE STRATEGY FOR EDUCATING CHILDREN WHO HAVE BEEN
SUSPENDED, EXPELLED OR DETAINED IN THE JUVENILE OR CRIMINAL
JUSTICE SYSTEMS FOR MISCONDUCT.

WHEREAS, Article 12, Section 1 of the constitution of New
Mexico guarantees all students the right to a free public
education; and

WHEREAS, public education department rules deny education
services to students while suspended, expelled or referred to
the juvenile or criminal justice systems; and

WHEREAS, state statutes give local school districts broad
authority to determine how students will be disciplined,
including the authority to adopt zero-tolerance discipline
policies; and

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1 WHEREAS, some school districts have implemented zero-
2 tolerance discipline policies that tend to result in higher
3 rates of suspension, expulsion and referrals to the juvenile
4 and criminal justice systems; and

5 WHEREAS, zero-tolerance policies are often referred to as
6 a "school to prison pipeline" or a "schoolhouse to jailhouse
7 track"; and

8 WHEREAS, a defining feature of zero-tolerance school
9 disciplinary policies is a shift to a "criminal justice"
10 approach with greater interaction between schools and law
11 enforcement agencies; and

12 WHEREAS, research suggests that zero-tolerance policies
13 have not been effective in improving school safety or the
14 quality of the learning environment; and

15 WHEREAS, zero-tolerance policies in New Mexico have a
16 disproportionate impact on students from some racial-ethnic
17 minority groups; and

18 WHEREAS, the rate of suspensions and expulsions in the
19 state is highest for Native American students, with New Mexico
20 ranking fourth nationally in the percentage of Native American
21 students suspended from school; and

22 WHEREAS, zero-tolerance policies disproportionately and
23 adversely affect students living in poverty, thus perpetuating
24 family cycles of impoverishment;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE

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1 OF NEW MEXICO that the public education department be requested
2 to develop a comprehensive strategy and budget for educating
3 children who have been suspended, expelled or detained in the
4 juvenile or criminal justice systems for misconduct; and

5 BE IT FURTHER RESOLVED that the public education
6 department be requested to pursue a dynamic planning process
7 that builds upon previous reports and recommendations of the
8 interagency behavioral health purchasing collaborative, the
9 children, youth and families department, the public education
10 department and legal experts in the community; and

11 BE IT FURTHER RESOLVED that a working group be convened to
12 develop a recommended comprehensive strategy for educating
13 children who have been suspended, expelled or detained in the
14 juvenile or criminal justice systems for misconduct and that
15 the working group include a state senator from each of the
16 minority and majority parties, a state representative from each
17 of the minority and majority parties, school district
18 administrators, parents of schoolchildren, educators, childhood
19 development experts, interested individuals, families and
20 organizations; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to each member of the New Mexico legislature, the
23 secretary of public education and the secretary of children,
24 youth and families.