

HOUSE BILL 296

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

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AN ACT

RELATING TO EDUCATION; ENACTING THE PARENTAL BILL OF RIGHTS
ACT.

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

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

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Parental Bill of Rights Act"."

SECTION 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DUTIES OF THE DEPARTMENT--ACADEMIC
STANDARDS.--The department shall post on its publicly
accessible website, and widely disseminate to the public,
notice of any revisions to the state's academic standards in
English and in Spanish, including any revisions to the levels

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1 of achievement within the state's academic achievement
2 standards, and a copy of such revisions."

3 SECTION 3. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] DUTIES OF SCHOOL DISTRICTS.--

6 A. Every school district shall post curricula for
7 elementary and secondary school grade levels on a publicly
8 accessible website of the school district or, if the school
9 district does not operate a website, shall widely disseminate
10 to the public a description of such curricula and information
11 on how parents can review such curricula.

12 B. Every school district shall annually publicly
13 report the district's budget for each school year, including
14 all revenues and expenditures for the district as a whole and
15 for each elementary school and secondary school within the
16 school district. In addition to the detailed budget
17 information required by this subsection, the district shall
18 include a separate fact sheet that summarizes such information
19 in a clear and easily understandable format.

20 C. Every school district shall post on a publicly
21 accessible website of the school district or, if the district
22 does not operate a website, widely disseminate to the public
23 the plan for carrying out the parent and family engagement set
24 forth in 20 U.S.C. Section 6318 and all policies and procedures
25 that result from such engagement.

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1 D. Every school district shall ensure that each
2 elementary school served by the district notify the parents of
3 a student enrolled at the school when the student does not
4 score at grade-level in reading or language arts at the end of
5 kindergarten through third grade based on the reading or
6 language arts assessments administered pursuant to federal law
7 or another assessment administered to all students by the
8 school.

9 E. Every school district shall ensure that each
10 elementary school and secondary school served by the district
11 provide to the parents of students enrolled at the school,
12 before a person speaks in person or virtually to students in a
13 class, school assembly or any other school-sponsored event,
14 notice that includes the name of the speaker and the name of
15 the organization or other entity being represented by the
16 speaker.

17 F. Every school district shall ensure that each
18 elementary school and secondary school served by the district
19 provide the parents of each child who is a student in the
20 school:

21 (1) at the beginning of each school year, a
22 list of books and other reading materials available in the
23 library of the school; and

24 (2) the opportunity to inspect the books and
25 other reading materials.

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1 G. Every school district shall ensure that each
2 elementary school and secondary school served by the district
3 provide the parents of each child who is a student in the
4 school timely notification of any violent activity occurring on
5 school grounds or at school-sponsored activities in which one
6 or more individuals suffer injuries, including whether the
7 district is aware of videos or recordings of the violent
8 activity; provided that the notification shall not contain
9 names or the grade level of any students involved in the
10 activity.

11 H. Every school district shall ensure that each
12 elementary school and secondary school served by the district
13 provide the parents of each child who is a student in the
14 school timely notification of a plan to eliminate gifted and
15 talented or college credit programs in the school, including
16 advanced placement and dual-enrollment classes.

17 I. Every school district shall ensure that each
18 elementary school and secondary school served by the district
19 provide the parents of each child who is a student in the
20 school the information described in Subsection O of Section 4
21 of the Parental Bill of Rights Act.

22 J. Every school district shall ensure that each
23 elementary school and secondary school served by the district
24 provide the parents of each child who is a student in the
25 school the information described in Subsection F of Section 4

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1 of the Parental Bill of Rights Act, including the enrollment
2 and transfer options described in that subsection.

3 K. Every school district shall ensure that each
4 elementary school and secondary school served by the district
5 notify the parents of a child who is a student in the school if
6 a school employee or contractor takes, with respect to the
7 student, an action set forth in Subsection L of Section 4 of
8 the Parental Bill of Rights Act.

9 L. Every school district shall ensure that each
10 elementary school and secondary school served by the district
11 notify the parents of a child who is a student in the school if
12 a:

13 (1) school employee or contractor takes, with
14 respect to the student, an action described in Paragraph (1) of
15 Subsection M of Section 4 of the Parental Bill of Rights Act;
16 and

17 (2) student takes the action described in
18 Paragraph (2) of Subsection M of Section 4 of the Parental Bill
19 of Rights Act.

20 M. Every school district shall ensure that each
21 elementary school and secondary school served by the district
22 provide the parents of a child who is a student in the school
23 the opportunity to review professional development materials to
24 ensure the parental right described in Subsection J of Section
25 4 of the Parental Bill of Rights Act.

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1 N. Every school district shall ensure that each
2 elementary school and secondary school served by the district
3 provide the parents of a child who is a student in the school
4 the information described in Subsections P and Q of Section 4
5 of the Parental Bill of Rights Act.

6 O. Every school district shall ensure that each
7 elementary school and secondary school served by the district
8 provide the parents of a child who is a student in the school
9 notifications described in Subsection R of Section 4 of the
10 Parental Bill of Rights Act.

11 P. Every school district shall provide the parents
12 of a child who is a student in an elementary school or a
13 secondary school served by the district:

14 (1) the opportunity to meet in-person or
15 virtually via video conference with each teacher of the student
16 not less than twice during each school year and a notification
17 at the beginning of each school year of the opportunity for
18 such meetings, including the option to attend such meetings
19 virtually via video conference; and

20 (2) the opportunity to address the local
21 school board of the school district on issues impacting the
22 education of children in the district and on any violations of
23 the rights specified in Paragraph (1) of this subsection.

24 Q. In developing a privacy policy or procedure,
25 every school district shall engage meaningfully with parents of

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1 students in attendance at the schools served by the district.

2 R. Every school district or authorized
3 representative of the district shall, upon request from a
4 parent of a student, disclose to the parent the identity of an
5 individual or entity with whom information is shared from the
6 education record of the student or any response of the student
7 to a survey.

8 S. Every school district shall make each of the
9 following available for inspection by the parents of the
10 children in attendance at schools served by the district, and
11 the availability of the following for inspection shall not be
12 conditioned on any requirement that parents sign a
13 nondisclosure agreement:

14 (1) all instructional materials, including
15 teacher's manuals, films, tapes or other supplementary material
16 that will be used in a school or in connection with any survey,
17 analysis or evaluation;

18 (2) any books or other reading materials made
19 available to students in a school or through the school library
20 of that school; and

21 (3) any professional development materials.

22 T. Every school district shall provide comment
23 periods during which parents of the children in attendance at
24 the schools served by the school district may inspect and
25 provide feedback on any of the materials referred to in

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1 Subsection S of this section that:

2 (1) are expected to be used to teach students
3 at the school during the three weeks following the comment
4 period; or

5 (2) were used to teach students at the school
6 during preceding portions of the school year.

7 U. The comment periods described in Subsection T of
8 this section shall be held not less frequently than once every
9 sixteen weeks during the school year, and each comment period
10 shall be not less than three school days in duration.

11 V. Whenever this section requires a school district
12 to post information on a website, provide or publicly report
13 information or notify or disclose information to parents, the
14 school district shall do so in English and in Spanish."

15 SECTION 4. A new section of the Public School Code is
16 enacted to read:

17 "[NEW MATERIAL] PARENTAL RIGHTS--PUBLICATION.--A school
18 district shall ensure that each elementary school and secondary
19 school served by the district post on a publicly accessible
20 website of the school or, if the school does not operate a
21 website, widely disseminate to the public in English and in
22 Spanish a summary notice of the rights of parents to
23 information about their children's education as required
24 pursuant to the Parental Bill of Rights Act, which shall be in
25 an understandable format for parents and include:

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1 A. the right to review and make copies of, at no
2 cost, the curricula of the child's school;

3 B. the right to know if the state alters the
4 state's academic standards;

5 C. the right to meet with each teacher of the
6 student not less than twice during each school year;

7 D. the right to review the budget, including all
8 revenues and expenditures, of the child's school;

9 E. the right to:

10 (1) receive a list of the books and other
11 reading materials available in the library of the child's
12 school; and

13 (2) inspect such books or other reading
14 materials;

15 F. the right to information about all schools in
16 which the student can enroll, including options for enrolling
17 in or transferring to:

18 (1) other schools served by the school
19 district;

20 (2) charter schools; and

21 (3) schools served by a different school
22 district in the state;

23 G. the right to address the local school board;

24 H. the right to information about violent activity
25 in the child's school;

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1 I. the right to information about any plans to
2 eliminate gifted and talented or college credit programs in the
3 child's school, including advanced placement and dual-
4 enrollment classes;

5 J. the right to review any professional development
6 materials;

7 K. the right to know if the student is not grade-
8 level proficient in reading or language arts at the end of
9 kindergarten through third grade;

10 L. the right to know if a school employee or
11 contractor acts to:

12 (1) change a minor child's gender markers,
13 pronouns or preferred name; or

14 (2) allow a student to change the student's
15 sex-based accommodations, including locker rooms or bathrooms;

16 M. the right to know if:

17 (1) a school employee or contractor acts to
18 treat or address:

19 (a) the cyberbullying of a student;

20 (b) the bullying or hazing of a student;

21 (c) a student's mental health, suicidal
22 ideation or instances of self-harm;

23 (d) a specific threat to the safety of a
24 student;

25 (e) the possession or use of drugs and

1 other controlled substances; or

2 (f) an eating disorder; or

3 (2) a student brings a weapon to school;

4 N. the right to the notice described in Subsection
5 E of Section 3 of the Parental Bill of Rights Act before a
6 person speaks in person or virtually to the student in a class,
7 school assembly or any other school-sponsored event;

8 O. the right to be informed of the total number of
9 school counselors in the child's school;

10 P. the right to know if the child's school
11 operates, sponsors or facilitates athletic programs or
12 activities that:

13 (1) permit an individual whose biological sex
14 is male to participate in an athletic program or activity that
15 is designated for individuals whose biological sex is female;
16 or

17 (2) permit an individual whose biological sex
18 is female to participate in an athletic program or activity
19 that is designated for individuals whose biological sex is
20 male;

21 Q. the right to know if:

22 (1) the child's school allows an individual
23 whose biological sex is male to use restrooms or changing rooms
24 designated for individuals whose biological sex is female; or

25 (2) the child's school allows an individual

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1 whose biological sex is female to use restrooms or changing
2 rooms designated for individuals whose biological sex is male;
3 and

4 R. the right to timely notice of any major
5 cyberattack against the child's school that may have
6 compromised student or parent information."

7 SECTION 5. A new section of the Public School Code is
8 enacted to read:

9 "[NEW MATERIAL] SCHOOL DISTRICTS--PROHIBITED ACTIONS.--

10 A. A school district shall not act as the agent of
11 a parent of a student in attendance at a school of the district
12 for purposes of providing verifiable parental consent for the
13 use of technology in the classroom for purposes of educating
14 the student without providing notice and an opportunity for the
15 parent to object to the use of such technology.

16 B. A school district shall not act as the agent of
17 a parent of a student in attendance at a school of the district
18 for purposes of providing verifiable parental consent for a
19 vaccination.

20 C. A school district or authorized representative
21 of the district shall not sell student information for
22 commercial or financial gain except for products sold to
23 students by or on behalf of the district such as yearbooks,
24 prom tickets and school pictures.

25 D. A school district shall not administer medical

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1 examinations or screenings of students without prior notice to
2 and consent of parents of students; provided that in the event
3 of an emergency that requires a medical examination or
4 screening without time for parental notification and consent,
5 the district shall promptly notify parents of the examination
6 or screening.

7 E. A school district shall not collect, disclose or
8 use personal information collected from students for the
9 purpose of marketing or for selling that information, or
10 otherwise providing that information to others for those
11 purposes, other than for a legitimate educational purpose to
12 improve the education of students, and arrangements shall be
13 provided by the district to protect student privacy in the
14 event of such collection, disclosure or use for a legitimate
15 educational purpose."

16 SECTION 6. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2024.