SENATE BILL 26

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Michael Padilla

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO STANDARDIZE STUDENT BATHROOM USE POLICIES; PROHIBITING WITHDRAWAL OF BATHROOM PRIVILEGES AS A FORM OF DISCIPLINE; SEC➡**PROHIBITING WITHDRAWAL OR WITHHOLDING OF ANY PRIVILEGE AS DISCIPLINE FOR REQUESTING BATHROOM USE;**⬅SEC PROVIDING FOR DIGNIFIED AND INCREMENTAL INTERVENTION BY SCHOOL STAFF DURING STUDENTS' BATHROOM USE.

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] STANDARDIZATION OF BATHROOM USE POLICIES REQUIRED--DEPARTMENT TO ISSUE RULES.--The department shall issue rules for development of standardized student bathroom use policies by public and charter schools that take into account factors that include the student's age, SEC→**sexual orientation, gender identity,**←SEC special needs, psychological and physical abilities and impairments and respect for the dignity and autonomy of the student. The rules HEC→shall←HEC HEC→**may**←HEC:

A.   require public and charter schools to adhere to the student bathroom use polices developed pursuant to this section;

B.   include recommendations of parents, pediatricians, child psychologists and early childhood educators;

C.   require that permission for bathroom use be given timely when a child requests it;

D.   prohibit withdrawal or withholding of:

(1)   bathroom use for any reason; or

(2)   any other privilege, including food, rest or outdoor activities, as a means to punish or discipline a student for using or requesting to use the bathroom; and

E.   provide for incremental and respectful intervention, if required, during the bathroom use of a student, which may include actions taken by public school staff

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to check on or address any issues perceived by staff during a student's bathroom use time, including knocking on the bathroom door, unlocking the bathroom door, entering the bathroom, knocking on a bathroom stall door or speaking to a student."

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