

1 A MEMORIAL

2 REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO CONVENE A TASK
3 FORCE TO IDENTIFY ISSUES OF CONCERN REGARDING ETHICAL
4 MISCONDUCT AND TO DEVELOP A STRATEGIC PLAN TO AMELIORATE
5 THOSE CONCERNS.

6
7 WHEREAS, it is the duty of the state and local education
8 agencies to ensure that the educational environment is safe
9 and conducive to learning; and

10 WHEREAS, the ethical misconduct of any public school
11 employee or contractor in the educational environment
12 jeopardizes the public's trust in public education and can
13 cause serious and irreparable harm to students; and

14 WHEREAS, there are limited resources for investigating
15 allegations of ethical misconduct involving moral turpitude
16 and limited options for reporting such allegations or
17 substantiated allegations to the public education department;
18 and

19 WHEREAS, without the resources to conduct a thorough
20 investigation to substantiate or disprove allegations of
21 ethical misconduct and with limited options for reporting
22 substantiated allegations to the public education department,
23 the educational environment is jeopardized; and

24 WHEREAS, absent a statewide process of recording
25 disciplinary action related to ethical misconduct, employees

1 and contractors may find other employment with no avenue for
2 employers to learn of past ethical misconduct; and

3 WHEREAS, there are existing laws and rules in New Mexico
4 that need to be modified and enforced more effectively in
5 order to better address issues of ethical misconduct; and

6 WHEREAS, other states have addressed similar issues and
7 legislated solutions that may serve as possible models for
8 New Mexico; and

9 WHEREAS, it is critical for the safety of all students
10 that the state address these issues;

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the public
13 education department be requested to convene a task force by
14 August 1, 2019 to identify issues of primary concern within
15 the state's education system regarding investigating,
16 reporting and documenting ethical misconduct involving moral
17 turpitude and to develop a strategic plan to ameliorate such
18 concerns; including hiring practices, training practices,
19 reporting practices and policies; and

20 BE IT FURTHER RESOLVED that the task force be requested
21 to study possible legislative changes to existing statutes
22 pertaining to the state's Public School Code regarding staff
23 ethical misconduct involving moral turpitude in relation to
24 investigations, reporting to the public education department
25 and a statewide process for recording disciplinary action

1 concerning ethical misconduct involving moral turpitude that
2 can be accessed by all local education agencies; and

3 BE IT FURTHER RESOLVED that the task force be composed
4 of one member of each of the following entities, appointed by
5 the secretary or leader of each:

6 A. the public education department, who shall
7 serve as chair;

8 B. the national education association;

9 C. the American federation of teachers;

10 D. the children, youth and families department;

11 E. school board associations;

12 F. the New Mexico coalition of educational
13 leaders;

14 G. the office of the attorney general;

15 H. the public school insurance authority;

16 I. the Albuquerque public school district;

17 J. a parent teacher association or a parent
18 teacher organization;

19 K. the New Mexico coalition of sexual assault
20 programs; and

21 L. cooperative educational services; and

22 BE IT FURTHER RESOLVED that the task force be requested
23 to present to the governor, the speaker of the house of
24 representatives and the president pro tempore of the senate a
25 report on its findings and recommendations, including its

1 specific recommendations for improvements for public school
2 investigations and reporting, no later than October 1, 2019;
3 and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the secretary of public education, the
6 governor, the speaker of the house of representatives and the
7 president pro tempore of the senate. _____

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