

Suspend, Expel and Exclude:
*How Zero-Tolerance Discipline Policies
Deny New Mexico Students Access to an Education*

2012

By the New Mexico Center on Law and Poverty

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EXECUTIVE SUMMARY

This report provides an analysis of state and school district policies governing student discipline, as well as state and district level data on the number of suspensions and expulsions reported in the 2008-2009 school year.

This report also provides information on action taken by the New Mexico state legislature during its 2011 session on student discipline issues, and actions taken by the state department of Public Education (PED) in 2011 to make student suspension and expulsion data more accessible to the public

Data Findings:

- 1) The number of suspensions and expulsions has increased nationally over the past ten years. This has occurred in conjunction with schools adopting a zero-tolerance policy approach to student discipline that emphasizes the removal of students from the school environment as a way of dealing with student behavior.
- 2) While New Mexico has not seen a similar increase in the number of suspensions and expulsions, the rates of suspensions and expulsions are disproportionately high among both Native American and African American students.
- 3) While the Center was unable to attain suspension and expulsions data broken down by student ethnic group membership at the district level, districts with high Native American populations, as well as those with an above average proportion of students living in poverty, tend to have higher suspension and expulsion rates.

Policy Issues:

The report discusses these data findings in light of New Mexico's constitutional guarantee to a free, public education. Even though the state constitution clearly guarantees every child access to an education, state administrative rules published by the PED deny any education services to students that have been suspended or expelled from school during the period of their exclusion.

Further, under current state statutes, local school districts are provided broad authority to develop student codes of conduct, and ultimately decide how students will be disciplined. School district policies are not subject to review or approval by the PED, and some districts have used their discretion to implement zero-tolerance discipline policies. As discussed in chapter VII of this report, districts that have adopted zero-tolerance discipline policies, such as the Cuba school district, also tend to suspend students at above average rates.

2011 Legislative Action

During its 2011 session, the New Mexico legislature passed three pieces of legislation that directly addressed student discipline issues. All but one of these bills, however, was vetoed by Governor Susana Martinez:

- HB 172 bans the use of corporal punishment in New Mexico public schools. After weeks of public pressure from both state and national advocates, Governor Martinez signed HB 172, making New Mexico the 31st state to ban the use of corporal punishment in public schools.
- HB 321 would have required the PED to make student suspension and expulsion data more easily available to the public. The legislation would have required that student discipline data reported by the PED be broken down by student socio-economic class, gender, race/ethnicity, geography, special education classification and English language learner status; this would have provided the public with information necessary to hold school and district officials accountable for their discipline of students. HB 321 was pocket-vetoed by Governor Martinez.
- SB 418 would have required school discipline policy to clearly define acts that pose a substantial threat to school safety justifying an arrest, as well as petty acts of misconduct that should be treated as disciplinary infractions. The bill would also have required that school discipline policies prohibit the referral of petty acts of misconduct and misdemeanors to law enforcement agencies. In so doing, the bill would have provided an important check against zero-tolerance student discipline policies that needlessly funnel students into the juvenile and criminal justice system for behavior that would otherwise be best addressed by school officials. SB 418 was also pocket-vetoed by Governor Martinez.

Data Transparency

While Governor Martinez vetoed legislation that would require the PED to publically report on student suspension and expulsion data, the department did move to make this data available to the public in some form following the close of the 2011 legislative session. Discipline data currently published on the department's website, however, is not broken down along student socio-economic variables (e.g. poverty, race/ethnicity, special education status). As such, this data does not provide the information necessary to easily identify disparate trends in the application of suspensions and expulsions across groups of students, and thus denies the public the ability to hold school and district officials accountable for their application of student discipline policy.

The Center would like to thank The New Mexico Community Foundation for partnering with us on this research. Hopefully, these findings will serve as the basis for further research, discussion, advocacy and policy changes.

I. IMPLEMENTATION OF ZERO TOLERANCE POLICIES GOVERNING STUDENT BEHAVIOR NATIONALLY HAS OCCURRED IN CONJUNCTION WITH AN INCREASE IN SUSPENSIONS AND EXPULSIONS, ESPECIALLY AMONG AFRICAN AMERICAN STUDENTS

Various studies by civil rights organizations, such as the Advancement Project and the Southern Poverty Law center, have pointed to an increasingly ‘zero-tolerance’ or *get tough* orientation in school discipline policies nationally.¹ A defining feature of this shift in school discipline policy has been the introduction of practices associated with the criminal justice system as ways of dealing with student behavior within the school setting. These include the implementation of:

- Mandatory ‘Sentencing’ Laws: Many school districts now impose mandatory punishments for a wide range of student infractions. For example, under the discipline policy of Palm Beach County (Florida) Public Schools, schools are required to respond to a wide range of student infractions with automatic out-of-school suspensions or expulsions, with little regard for the circumstances surrounding individual cases. Furthermore, of the 80 potential infractions identified by the Florida State Department of Education, 38 of them require schools to contact law enforcement.²
- ‘Three-strikes’ Laws: Colorado, for example, has a law that allows teachers to permanently remove students from their classroom if they are disruptive three times over the course of a year, and another law that mandates expulsion if a student is suspended three times during a school year for causing a ‘material and substantial disruption’ to the educational process.³
- ‘Broken Windows Theory’: School districts have tended to require that punitive discipline actions must be taken against students for an increasing number of otherwise innocent student behaviors. For instance, in a Mississippi school district, an African American student received an out-of-school suspension for wearing a t-shirt with an image of then president-elect Obama shortly after the 2008 election; an act considered by school administrators to constitute ‘disruptive’ behavior.⁴

This national shift towards a criminal-justice approach in the administration of school discipline has also been marked by increased relationships between schools and law enforcement---either by the increased presence of peace officers (or school ‘safety officers’) within schools, or the development of policies that require school-level administrators to contact law enforcement in response to student behavior. In either case,

¹ The Advancement Project, *Test, Punish and Push Out; How Zero-Tolerance and High Stakes Testing Funnel Youth into the School to Prison Pipeline*, at <http://www.advancementproject.org/digital-library/publications/test-punish-and-push-out-how-zero-tolerance-and-high-stakes-testing-fu>, last accessed October 2010. See also, Southern Poverty Law Center, *Southern Poverty Law Center v. Louisiana Department of Education*, at <http://www.splcenter.org/get-informed/news/splc-launches-school-to-prison-reform-project-to-help-at-risk-children-get-special#>, last accessed October 2010.

² *Id.*, The Advancement Project.

³ *Id.*

⁴ *Id.*

the increased presence of law enforcement within schools has dramatically increased the number of juvenile and criminal justice referrals made by school administrators, and, inevitably, the number of students arrested for their behavior in school.⁵

Anecdotal evidence from around the country suggests that schools may be relying on police presence to deal with behavior that historically has been addressed within the school setting. For instance, students and parents in many communities are ticketed by police—resulting in fines or sanctions—for skipping school or arriving late to school. In Los Angeles, students are given \$225 truancy tickets not only if they skip school, but even if they are more than one-minute late for school. Thus, with this increasingly close relationship between school and law enforcement, the simple act of being late to school can bring students into contact with the juvenile justice system.⁶

A zero-tolerance approach to dealing with student behavior has thus had two distinct, yet related outcomes for individual students. On the one hand, students that exhibit behavioral problems are excluded from the educational setting, as opposed to receiving support and intervention to address the underlying causes of their actions. Furthermore, as noted above, some students are inappropriately excluded from school and/or placed in the cross-hairs of the criminal justice system for minor behavioral infractions.

Research also suggests that zero-tolerance policies have not been effective in improving school safety or the quality of the learning environment.⁷

The Trend Towards Adoption of Zero-Tolerance School Discipline Policies has Taken Place at the Same Time as an Increase in the Rate of Out-of-School Suspensions and Expulsions: As schools have increasingly adopted zero-tolerance discipline policies in light of tragedies that took place in schools during the late 1990s, the rate of out-of-school suspensions has increased nationally.

Table 1. National Rate of Out-of-School Suspensions, Expulsions (2000, 2006)				
	# Suspended	Suspensions per 1000	# Expelled	Expulsions per 1000
2000	3,053,449	65.94	97,177	2.10
2006	3,328,754	68.64	102,077	2.10

Source: OCR, US Dep of Ed and NMCLP

As shown in table 1 above, the rate of suspension in US schools increased from 65.94 suspensions per 1000 students in 2000 to 68.64 suspensions per 1000 students in 2006.

⁵ The Advancement Project, *Test, Punish and Push Out; How Zero-Tolerance and High Stakes Testing Funnel Youth into the School to Prison Pipeline*, at <http://www.advancementproject.org/digital-library/publications/test-punish-and-push-out-how-zero-tolerance-and-high-stakes-testing-fu>, last accessed October 2010.

⁶ Ibid.

⁷ American Psychological Association (APA) *Are zero tolerance policies effective in the schools. An evidentiary review and recommendations*, at <http://www.ncbi.nlm.nih.gov/pubmed/19086747>, last accessed October 2010.

This represents a 9% increase in the number of suspensions nationally, which translates into 270,000 more students being suspended in 2006 than were in 2000.

The national rate of expulsion has remained flat over this period of time. However, between 2000 and 2006, the total number of expulsions did increase by 4%--this means that 4,900 more students were expelled from school in 2006 than were in 2000.

While this data may be insufficient to establish a direct causal relationship between the increased use of zero-tolerance policies by school districts and the higher incidence of suspensions and expulsions nationally, it does raise significant concerns that punitive discipline policies may indeed be pushing more and more students out of school.

The Incidence of Suspensions and Expulsions are Disproportionately High Among African American Students: Most jurisdictions have explicit policy provisions that prohibit differential treatment in the administration of school discipline policies based on a student’s race, ethnicity, gender, national origin or religion. For instance, New Mexico administrative rules prohibit local school boards and administrative authorities from imposing disciplinary punishments in a manner which discriminates against any student on the basis of race, religion, color, national origin, ancestry, sex or disability.⁸

Table 2. National Suspension and Expulsion Rates by Student Race and Ethnicity (2000, 2006)

	2000			2006		
	% Total Population	% of Total Suspensions	% of Total Expulsions	% Total Population	% of Total Suspensions	% of Total Expulsions
White, Non-Hispanic	62%	48%	49%	56%	39%	37%
African American, Non-Hispanic	17%	34%	30%	17%	37%	38%
Hispanic	16%	15%	18%	20%	20%	22%
American Indian/Alaskan Native	1%	1%	2%	1%	1%	2%
Asian/Pacific Islander	4%	2%	2%	5%	2%	2%

Note: Figures may not total to 1 due to rounding

Source: OCR, US Dep of Ed and NMCLP

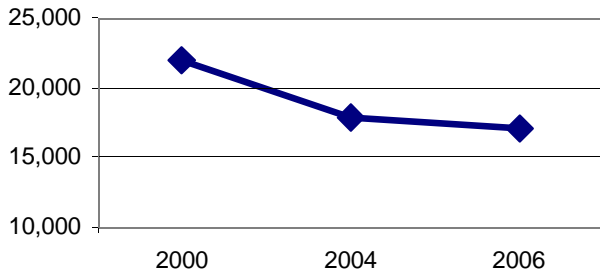
Regardless of these formal protections, however, national data shows that rates of suspension and expulsions are disproportionately high among students from racial and ethnic minority groups.

As shown in table 2 above, the rate of suspensions and expulsions is disproportionately high among African American students nationally. In 2006, while African American students comprised only 17% of the total school-going population, they accounted for 37% of total suspensions and 38% of total expulsions.

⁸ 6.11.2.10(D)(2) NMAC

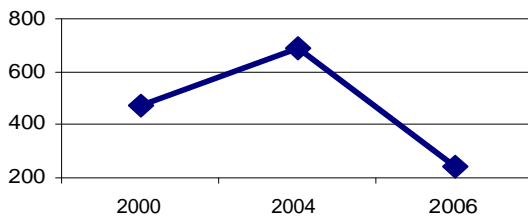
II. WHILE THE NUMBER OF SUSPENSIONS AND EXPULSIONS HAS DECREASED IN NEW MEXICO IN RECENT YEARS, RATES REMAIN DISPROPORTIONATELY HIGH AMONG NATIVE AMERICAN AND AFRICAN AMERICAN STUDENTS

Figure 1. Total Number of Out-of-School Suspensions, New Mexico (2000-2006)



Source: OCR, US Dep. of ED.

Figure 2. Total Number of Expulsions, New Mexico (2000-2006)



Source: OCR, US Dep. of Ed.

The Number of Out-of-School Suspensions and Expulsions from New Mexico Public Schools has Declined in Recent Years: As shown in figures 1 and 2, the number of out of school-suspensions in which a student was suspended from school from one-to-ten school days decreased by 21%, from an estimated 21,935 reported suspensions in school year (SY) 2000 to 17,135 in SY 2006.⁹

Despite a sharp increase in SY 2004, the total number of expulsions—in which a student was removed from school for a period of greater than ten school days, ranging up to a semester or a full school year—decreased from 425 in SY 2000 to 273 in SY 2006.

⁹ 2006 is the most recent year for which state-level data is available from the US Department of Education, Office of Civil Rights. As discussed at the end of this report, state suspension and expulsion data may be secured directly from the PED as a future research step.

Suspension and Expulsion Rates are Disproportionately High Among Native American and African American Students:

While the total number of suspensions and expulsions statewide may have declined in recent years, the rate of punitive disciplinary actions taken against racio-ethnic minority students remains disproportionately high.

Table 3. Variance in School Suspension and Expulsion Rates by Student Race and Ethnicity, New Mexico (2006)

Racial-Ethnic Group	% of Total Student Population	% of total Out of School Suspensions	% of Total Out of School Expulsions
White (non-Hispanic)	31%	23%	14%
Hispanics	54%	56%	46%
Native Americans	11%	17%	32%
African American	3%	4%	5%

Source: OCR, US Dep of Ed

As shown in table 3 above, the rate of suspensions and expulsions is higher among Native American students than any other student racial/ethnic group. While Native American students comprise only 11% of the student population, in 2006 they were 17% of the students suspended from school, and 32% of those expelled. As represented in figure 3 below, the opposite is true for white, non-Hispanic students—in 2006, white students comprised 31% of the total student population, but accounted for 23% of suspended students and only 14% of those students expelled from school.¹⁰

Figure 3. Variance in School Discipline Outcomes by Race, New Mexico (2006)

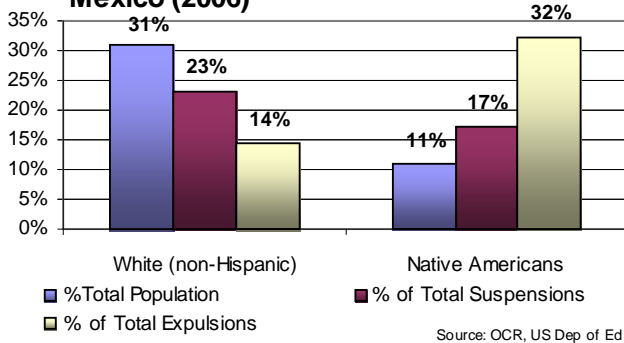


Table 3, above, also provides some indication that African American students tend to be suspended and expelled at disproportionate rates.

These findings support previous research conducted by researchers at the University of New Mexico that found disproportionate rates of suspensions and expulsions among African American students at a school district in southern New Mexico.¹¹

¹⁰ A state-level breakdown of the number of suspensions and expulsions by student racial and ethnic group for SY 2006 can be found at Appendix 1.

¹¹ Hood, Jane, *Untangling School Segment of the School-to-Prison Pipeline.*, at <http://healthpolicy-test.unm.edu/resources/untangling-school-segment-school-prison-pipeline>, last accessed November 2010.

Table 4. Suspension Rates Among Native American Students (2006)

	Suspensions per 1000 Students	Ranking
North Carolina	149	1
Arizona	100	2
Montana	96	3
New Mexico	83	4
Alaska	82	5
North Dakota	80	6
Oregon	72	7
South Dakota	68	8
Wyoming	64	9
Oklahoma	40	10
Nation	79	

Source: OCR, US Dep of Ed

Suspension Rates among Native American Students Exceed the National Average:

In 2006, 83 out of every 1000 Native American students were suspended from school in New Mexico. This ratio exceeds the national average of 79 suspensions for every 1000 Native American students. This indicates that Native American students in New Mexico are, on average, more likely to be suspended than their ethnic peers nationally. Furthermore, as shown in table 4, out of the ten states with the highest proportion of Native American students, New Mexico ranks 4th in the percentage of Native Americans suspended from school.

Expulsion Rates among Native American Students are Below the National Average:

In 2006, 3 out of every 1000 Native American students were expelled from school nationally. During the same year, 2 out of every 1000 Native American students in New Mexico were expelled from school. As shown in table 5, New Mexico ranks 5th in the proportion of Native Americans expelled from school.

Table 5. Expulsion Rates Among Native American Students (2006)

	Expulsions per 1000 students	Ranking
South Dakota	5	1
Oregon	5	1
Oklahoma	3	3
Montana	2	4
New Mexico	2	4
North Dakota	1	6
Alaska	1	6
North Carolina	1	6
Arizona	1	6
Wyoming	0	7
Nation	3	

Source: OCR, US Dep of Ed

III. IN NEW MEXICO, STUDENTS THAT HAVE BEEN SUSEPENDED OR EXPELLED FROM SCHOOL ARE DENIED THEIR STATE CONSTITUTIONAL RIGHT TO A FREE, PUBLIC EDUCATION

New Mexico Guarantees all Students the Constitutional Right to a Free, Public Education: The Constitution of the State of New Mexico guarantees school aged children the unconditional right to receive a free, public education and requires that the state fund a system of uniform public schools that may sufficiently achieve this purpose:

*A uniform system of free public schools sufficient for the education of, and open to all the school aged children of the state shall be established and maintained.*¹²

The state's constitutional guarantee is further incorporated into state law at 21-1-4 NMSA (1978), which requires that the state provide education services to any school aged person who is a resident of the State of New Mexico and has not received a high school diploma or is equivalent.

State Laws and Regulations Un-Constitutionally Deny Education Services to Students that Have been Suspended or Expelled from School: New Mexico administrative rules governing student conduct and behavior consider the state constitutional right to an education to be conditioned upon a student's willingness to abide by state, district and school policies regarding student conduct---a condition that is neither expressly mentioned, nor contemplated, by the state constitution.¹³

Specifically, under New Mexico administrative rules a student who does not receive special-education services that has been validly suspended or expelled from school is not entitled to receive any education services from the local school district during the period of their exclusion. A local school board *may* provide excluded students with alternative educational arrangements, including correspondence courses at the student's or parent's expense if the board deems such arrangements appropriate.^{14 15}

This administrative rule appears to be in direct conflict with the education clause of the state constitution, which does not provide for any conditions upon which the state may totally deny students access to educational services.

¹² Article XII § 1, New Mexico Constitution

¹³ 6.11.2.4 NMAC

¹⁴ Id.

¹⁵ While state law does not require school districts to provide alternative education services to non-special education students during a period of disciplinary exclusion from school, federal law requires that local education agencies (i.e. school districts, charter schools) provide alternative education services to students receiving special education services who have been suspended or expelled from school for more than ten- school days (see 34 CFR 300.530). Federal law, however, does not require New Mexico to offer alternative educational services to special education students who have been suspended or expelled for fewer than ten school days, as the state does not provide alternative education services to non-special education students who have been suspended or expelled for fewer than ten school days (34 CFR 300.530).

While the state may have a valid interest in maintaining safe school environments by excluding certain students for a period of time, this interest does not outweigh a student's constitutionally protected interest in receiving some form of educational services.

In North Carolina, a state with a similar constitutional right to an education, that state's supreme court recently ruled that while students are not entitled to receive alternative education services during a period of disciplinary exclusion, "school administrators must articulate an important or significant reason for denying students access to alternative education services [during a period of exclusion]"¹⁶ because any burden encountered by the state in articulating such reasons is outweighed by considerations of fairness, transparency and public trust.

New Mexico Statutes Governing Student Enrollment in Public Schools Create Additional Barriers to an Education for Students that have been Previously Suspended or Expelled from School: State law regarding enrollment in public schools provides schools the ability to deny students access to an education within the school setting on the basis of past behavior.¹⁷

Under state law, schools may consider two factors dealing with past student behavior as grounds for denial of enrollment or re-enrollment in a public school:

1. A student's expulsion from any school district or private school in New Mexico or any other state during the preceding twelve months;
2. A student's behavior in another school district or private school in this state or any other state during the preceding twelve months that is detrimental to the welfare or safety of other students of school employees.^{18 19}

This law impermissibly conditions a student's access to a public education in New Mexico in a manner not contemplated by the education clause of the state constitution.

¹⁶ *King v. Beaufort County Board of Education*, 364 N.C. 368, 377 (2010)

¹⁷ 22-1-4-5 NMSA

¹⁸ *Id.*

¹⁹ Unlike school districts, state law does not allow charter schools to consider a student's past behavior when making enrollment decisions. According to statute, newly established charter schools must admit students on the basis of a lottery process. Once established, charter schools must then continue admitting students on the basis of a lottery process, but may additionally consider a student's prior-enrollment in the charter school or familial relationship with an enrolled student (22-8B-4.1 NMSA)

IV. PRIOR TO EXCLUDING STUDENTS FROM SCHOOL, FEDERAL CASE LAW REQUIRES THE STATE AND LOCAL SCHOOL DISTRICT TO PROVIDE STUDENTS WITH PROCEDURAL DUE PROCESS PROTECTIONS

While the United States Supreme Court ruled in *San Antonio School District v Rodriguez*²⁰ that the federal constitution does not provide a right to an education, the Court ruled in *Goss v. Lopez*²¹ that states may create a property interest in an education by state constitutional provision and statute. Once created, states cannot deny a student of their property interest in receiving an education within the school setting—either by suspension or expulsion--absent basic due process procedures as required by the procedural due process clause of the 14th amendment.²²

New Mexico State Regulations for Imposing Short Term Suspensions are in Compliance with the Due Process Minimums Required by Goss: When dealing with short term suspensions—those lasting fewer than 10 school days—*Goss* requires that school administrators provide students with the following procedural due process guarantees *prior* to executing a suspension:

- Notice, either written or verbal, of the intent to suspend;
- An informal hearing prior to suspension, at which time the student has the right to hear the rule that the student has allegedly violated by virtue of their behavior that may give rise to a suspension, the evidence brought against him or her that the alleged behavior took place and a chance to refute said evidence.

Since *Goss* provides for only an informal hearing; students do not possess the right to obtain counsel or a representative to aid them in the hearing process, to cross examine witnesses or to other more formal administrative hearing procedures. Furthermore, *Goss* is silent as to whether or not students are entitled to an administrative appeal of a school authority's decision regarding disciplinary action.

In keeping with the Court's ruling in *Goss*, New Mexico administrative rules require that school authorities provide students with at least a verbal warning of their impending short-term suspension. After notice has been provided, the student must be provided with an informal hearing at which time s/he has the right to hear the evidence brought against him/her, as well as the opportunity to refute said evidence.

²⁰ *San Antonio Independent School District v Rodriguez*, 411 U.S. 1 (1973)

²¹ *Goss v. Lopez*, 419 U.S. 565 (1975)

²² In reference to the issues raised in chapter III of this report, *Goss* dealt exclusively with the procedural due process protections that states must offer students when seeking to exclude them from the school setting. The case did not address whether states that have created a substantive right to an education may deny students *all* education services during the time of their exclusion.

New Mexico rules governing short term suspensions, however, do not provide enhanced procedural due process protections apart from those required by *Goss*. As such, New Mexico administrative rules do not:

- Guarantee students the right to counsel or representation;
- Require that school administrators contact a student’s parent or guardian prior to imposing a suspension;
- Require that the school or district secure language translation services for students that are not English language proficient.

The limited due process guarantees afforded students in regards to short-term suspensions raise several concerns. For one, students may be subject to multiple short term suspensions within a given school year. Thus, while no individual suspension may last more than ten-school days, a student may nevertheless be excluded from school for more than ten school days due to the accumulation of several short term suspensions. Without more substantive due process guarantees in place for short term suspensions, students may be deprived of significant periods of education services without the enhanced due process protections that the *Goss* Court said may apply to instances of long-term suspension or expulsions.

New Mexico could adopt greater procedural due process guarantees for students facing short-term suspensions than those required in *Goss*, since the Court’s decision in that case outlines only the bare-minimum procedural due process protections that must be afforded students, and does not restrict the authority of local and state jurisdictions to adopt additional protections.

State Rules Regarding Long-term Suspensions and Expulsions Lasting Greater than Ten School Days Provide Students with Enhanced Procedural Due Process Guarantees:

The *Goss* court did not address due process requirements required for long-term suspensions or expulsions lasting greater than ten-school days. The justices did, however, contemplate that ‘more formal [due process] procedures’ may be required in these instances.²³ As shown in the following table, New Mexico administrative rules do provide increased procedural due process protections to students facing a long-term suspension or expulsion.

²³ *Goss v. Lopez*, 419 U.S. 565 (1975)

<i>Procedural Due Process Element</i>	Short-term Suspension (lasting fewer than ten-school days)	Long-term Suspension, Expulsion (lasting greater than ten-school days)
Notice	Verbal notice prior to an informal hearing	Students must be provided with written notice prior to a formal hearing*; parents or guardians may waive the right to a hearing; failure to appear at hearing results in proposed disciplinary action being taken against student by default
Hearing	Informal hearing may immediately follow the alleged behavior; student has right to hear evidence against him/her and counter it; student has no right to counsel or representation or other more formal hearing procedures (i.e. cross examine witnesses)	Students have the right to [^] : <ul style="list-style-type: none"> • appear before an unbiased hearing authority; • Secure counsel or other representative; • Have a decision based solely on the evidence presented at hearing
Appeal	No guaranteed right to an administrative appeal	Students have a right to review over disciplinary actions in cases where the local school board has not acted as the disciplinarian. If the school board has acted as the disciplinarian, then the actions taken against a student are not reviewable administratively Review is generally limited to the appropriateness of the penalty imposed. Decision of school board is the final administrative action to which aggrieved student is entitled.

* Exception to notice/hearing formula: Goss recognizes that there may be times when students must be removed from the school setting immediately, ie student presents an immediate danger to the health or safety of other students, faculty or staff, or to the administration of the academic process. In these cases, hearing and notice should follow the student's removal within a reasonable period of time.

[^] Students may be placed on short term suspension while procedures for long term suspension are put in place. Generally, a student must be allowed to return to school after a short term suspension expires and prior to a determination being made re: long term suspension. Administrative rule allows, but does not require, districts to develop enhanced due process procedures to keep a student out of school after a short term suspension has ended and prior to a determination being made re: a long term suspension if those two disciplinary actions stem from the same incident.

While New Mexico administrative rules provide for greater due process procedures in cases of possible long-term suspensions and/or expulsions, they fail to adequately protect the interests of students by omitting provisions that would:

- *Require school authorities to provide language interpreters to aid students of limited English language proficiency.* Language barriers that arise during the administrative hearings process may compromise a participants' ability to fully participate in the administrative hearings process, and thus deny students the fullness of procedural due process protections.
- *Require the New Mexico Public Education Department or local school districts to publish any policies, rules or regulations in any language other than English.* While state regulations presume that students should be aware of school policies—and require that districts make said policies available publically, and distribute them to students—publication in an English-only format inadequately informs students from non-English proficient households.

V. NEW MEXICO STATUTES AND ADMINISTRATIVE RULES GRANT LOCAL SCHOOL DISTRICTS, AND EVEN SCHOOLS, BROAD AUTHORITY TO DEVELOP STUDENT CODES OF CONDUCT AND DISCIPLINE POLICIES

New Mexico statutes and administrative rules allow local school districts—and even individual schools—to determine what shall constitute prohibited conduct within the school setting, and how students will be disciplined for failing to adhere to stated codes of conduct.

While this level of flexibility allows district and school administrators to adapt disciplinary practices to local culture, conditions and beliefs, as well as the circumstances of individual behavior incidents, the lack of oversight and guidance from the state department of education or statutory language regarding when a student may be lawfully disciplined creates the danger of differential treatment for students that have committed similar offenses.

Furthermore, this discretion has also allowed individual districts to adopt zero tolerance discipline policies that prescribe automatic and/or harsher punishments for students than may be required by state statutes or administrative rules. Either legislative or rule changes could be enacted in order to prevent the adoption of zero-tolerance discipline policies by local school districts (or schools).

PED administrative rules identify a broad range of student behavior that is prohibited in all state-supported public schools. These include the commission of, or participation in, the following actions:

- Gang related activity;
- Sexual harassment;
- Disruptive conduct;
- Refusal to identify self;
- Refusal to cooperate with school personnel.²⁴

In addition to these behaviors, state administrative rules grant local school boards broad authority to regulate all other areas of student and school activity.²⁵ Among these, state rules specify the following areas of student and school activity that are subject to school board regulation:

- School attendance;
- Use of and access to public schools;
- Reasonable standards of conduct for all persons attending school-sponsored activities or other activities on school property;
- Students' dress and personal appearance;
- Use of controlled substances, alcohol and tobacco in public schools;
- Speech and assembly within public schools;
- Publications distributed in public schools;
- The existence, scope and conditions of availability of student privileges, including extracurricular activities and rules governing participation;

²⁴ 6.11.2.9 (A) NMAC

²⁵ 6.11.2.9 NMAC

- The discipline of students for out-of-school conduct having a direct and immediate effect on school discipline or the general safety and welfare of the school.²⁶

State law and administrative rules, however, generally do not require that districts or individual schools associate specific disciplinary consequences (e.g. denial of school privileges, suspensions, expulsions or contacting law enforcement) with these actions.

As such, decisions about how students are disciplined for engaging in behavior that is prohibited by either state or local policy is left to the discretion of district and/or school administrators. Generally, state administrative rules state that the discipline of a student is appropriate in the following circumstances:

- Committing any act which endangers the health and safety of students, school personnel or others for whose safety the public school is responsible, or for conduct which reasonably appears to threaten such dangers if not restrained, regardless of whether an established rule of conduct has been violated;
- For violating valid rules of student conduct established by local school board or by an administrative authority whom the board has delegated rulemaking authority, when the student knew or should have known of the rule in question or that the conduct was prohibited;
- For committing acts prohibited by state rule.²⁷

There is, however, one important exception to local control over student discipline policies. Pursuant to the New Mexico Weapons-Free Schools Act, school boards are required to adopt a policy providing for the expulsion from school, for a period of not less than one year, of any student who is determined to have knowingly brought a weapon to school. Under the terms of the act, “weapon” includes any firearm, explosive or incendiary device.²⁸ A school board or superintendent may, however, modify the expulsion requirement on a case-by-case basis.

Additionally, due to the broad authority granted to school districts under state law to establish and enforce policies governing student behavior and discipline, school districts may broaden the scope of the Act by mandating suspensions or expulsions for students that are in possession of other weapons such as knives.²⁹

Individual Schools May Develop School-Specific Discipline Policies: Pursuant to state statute, the responsibility of developing and enforcing school discipline policies belongs primarily to school districts.³⁰ However, individual schools within a school district may

²⁶ 6.11.2.9 (B) NMAC

²⁷ 6.11.2.10.C NMAC

²⁸ 22-5-4.7 NMSA

²⁹ 6.11.2.10.C NMAC

³⁰ 25-4-3-A NMSA

establish site-specific discipline policies, provided that parents, school personnel and students are involved in their development and a public hearing is held in the school prior to their adoption.³¹ School-site discipline policies must also be submitted to the local board of education for approval. It is clear, however, that state laws and regulations that require district policies to provide students with the basic procedural due process guarantees contained in state law are sometimes not applied to school specific policies. This is a concerning failure of oversight and guidance.

State Administrative Rules Provide Little Guidance on Interpreting Broad Statutory Language Regarding Student Behavior: As noted above, school districts retain considerable authority under state law in deciding codes of student conduct, when and how a student shall be disciplined, and whether to contact law enforcement in response to incidents of student behavior.

This level of discretion may theoretically provide district and school level administrators with the ability to adapt discipline policies and practices to local culture, practices and conditions—as well as the circumstances of individual student behavior incidents. However, the absence of state-level policy guidance in these areas also creates the danger that students across districts will encounter differential treatment.

While this general grant of authority to districts is based on the notion that stated policies can never conceive of, or provide the legal basis for, all disciplinary actions that a district may need to pursue in response to student behavior, it nevertheless raises concerns regarding how district administrators may subjectively interpret what behavior ‘endangers the health and safety of other students’. In some cases, otherwise innocuous behavior—e.g. throwing some toy or book in a classroom—may be considered a ‘suspendable’ offense, while the same behavior may be subject to a less severe disciplinary response depending upon the preference of the individual disciplinarian.

Furthermore, while New Mexico law does not *require* districts to contact law enforcement officials in any instance, it also fails to protect students from frivolous reports. The Florida legislature considered—but failed to pass--legislation that would prevent school administrators from contacting law enforcement if the student behavior in question would, if reported to law enforcement, result in a misdemeanor being filed against the student. Such protection would prevent students from being introduced into the criminal justice system for behavior that should, and historically has been, addressed in the school house.

As discussed in section VIII of this report, during its 2011 session the state legislature passed a bill that would have prohibited school and district officials from reporting students to the juvenile or criminal justice system for minor behavioral infractions or misdemeanors. The bill was, however, pocket-vetoed by Governor Martinez.

³¹ 25-4-3-A NMSA

VI. SOME DISTRICTS HAVE USED THEIR AUTHORITY TO INSTITUTE ZERO-TOLERANCE SCHOOL DISCIPLINE POLICIES

New Mexico has eighty-nine autonomous public school districts that vary in terms of their total student enrollment and socio-demographics, as well as geographic location (i.e. urban vs. rural). A breakdown of student enrollment and socio-demographics for each district can be found at Appendix 2.

The Center reviewed the discipline policies, as well as student suspension and expulsion data for twelve New Mexico school districts. School districts were selected using three criteria:

1. Poverty rates, as measured by the proportion of students (grades K-12) that qualified for ‘free and reduced lunch’;
2. Racial-ethnic composition of the school district population;
3. Total district enrollment size.

Additionally, the Center attempted to ensure that the selected districts were geographically diverse---consisting of both rural and urban school districts. A map of New Mexico school districts can be found at Appendix 3.

The selected districts are:

1. Albuquerque
2. Bernalillo
3. Central Consolidated
4. Cuba
5. Espanola
6. Gadsden
7. Gallup-McKinley
8. Grants-Cibola
9. Los Alamos
10. Santa Fe
11. Socorro
12. Tularosa

A description of selected-district student enrollment and socio-demographics can be found at Appendix 4.

Several School Districts have Incorporated Zero Tolerance Elements Into their Student Discipline Policies:

Several districts currently use the discretion provided to them under state law to adopt zero-tolerance student discipline policies in regards to various student behaviors:

- Cuba school district has adopted a three-strike policy for dealing with various student infractions. For instance, students that have ‘disrupted class’ on three occasions must be suspended for three days. This is the same punishment required for three instances of ‘disrespect towards staff’ and ‘assault’. Students accused of ‘bullying’ may be subject to a 10 day suspension for their third offense. As discussed in the following chapter, the Cuba school district had the highest incidence of student suspensions among the sample school district.

- Albuquerque Public Schools requires mandatory suspension or expulsion for a limited number of behaviors, including acts of vandalism resulting in damage of school property costing \$1000 or more.
- All 12 of the school districts expanded the reach of the state Weapons Free Schools Act. State law *requires*, generally, that school boards suspend, for up to one school year, any student that has knowingly brought a gun or explosive to school. These districts all have policies that require administrators to expel students for up to a year for knowingly bringing a knife or other knife-like instruments onto school property.

Another troubling deficit in state-oversight is that while districts must file discipline policies with the state department of education, the department does not have the authority under current administrative rule to either approve or reject a district's policy.

Districts Do Not Provide Enhanced Procedural Process Guarantees to Students Facing Suspension or Expulsion, Beyond those Required by State Administrative Rule: All sample districts have policies that provide for the basic due process guarantees required by state law to students facing either suspension or expulsions. No district, however, has opted to provide students with substantively *enhanced* due process protections—something that would be within the rights of local school boards to do in light of the state regulations discussed in chapter II, as well as relevant US Supreme Court rulings.

Districts do not provide students facing multiple short term suspensions in one year—even though the cumulative exclusion of those suspensions may exceed 10 school days—the same due process protections otherwise afforded to students facing an expulsion for more than ten school days. Nor do school district policies require administrators to provide language minority students with access to a language interpreter during the administrative hearing process, or require that school district policies be published in any language other than English.

VII. DISTRICTS THAT HAVE IMPLEMENTED ZERO-TOLERANCE DISCIPLINE POLICIES APPEAR TO HAVE HIGHER SUSPENSION AND EXPULSION RATES³²

Table 6. Suspension Rate Among Sample Districts (2009)	
District	Suspensions per 1000 Students
Albuquerque	48
Bernalillo	72
Central	72
Cuba	153
Espanola	84
Gadsden	13
Gallup-McKinley	41
Grants-Cibola	60
Los Alamos	8
Santa Fe	28
Socorro	60
Tularosa	21
Cohort Average	55
<small>Source: PED, NMCLP</small>	

Out-of-School Suspension Rates Vary Significantly Between Selected School Districts and are Higher In Districts with Zero-Tolerance Discipline Policies: In school year (SY) 08-09, sample districts recorded a total of 12,448 student ‘infractions’ that warranted discipline action in the PED STARS student data management system. 94% of these infractions (n=11,723) resulted in an out of school suspension ranging from 1-10 school days. On average, reported out-of-school suspensions lasted for 5 school days. 40% of suspended students were in high school, 38% were in middle school and 14% were enrolled in elementary school.

As shown table 6, 55 out of every 1000 students in the sample districts was suspended from school during SY 08-09.

Cuba school district reported the highest suspension rate (153 suspensions per 1000 students). As noted in chapter VI of this report, Cuba is one of the few sample districts to have incorporated elements of a zero-tolerance approach to student discipline into its district policies. Furthermore, as noted in Appendix 4, Cuba has one of the highest proportions of Native American students in the state (62%), and a very high level of students living in poverty; 100% of Cuba students qualify for Free and Reduced Lunch.

³² *Notes on Data Availability and Reliability* NMCLP staff requested that student discipline data be disaggregated on the basis of student race and ethnicity, as well as student socio-economic status, in order to research this trend at the district level.

The NMPED, however, denied the Center’s request, citing that this level of specificity in the data could be a possible violation of the Federal Education Rights Privacy Act (FERPA). T Act essentially prevents education authorities from reporting information in such a way so as to make identification of an individual student by a third party reasonably likely. The Center disagrees that any confidentiality would have been breached given the scope of our request.

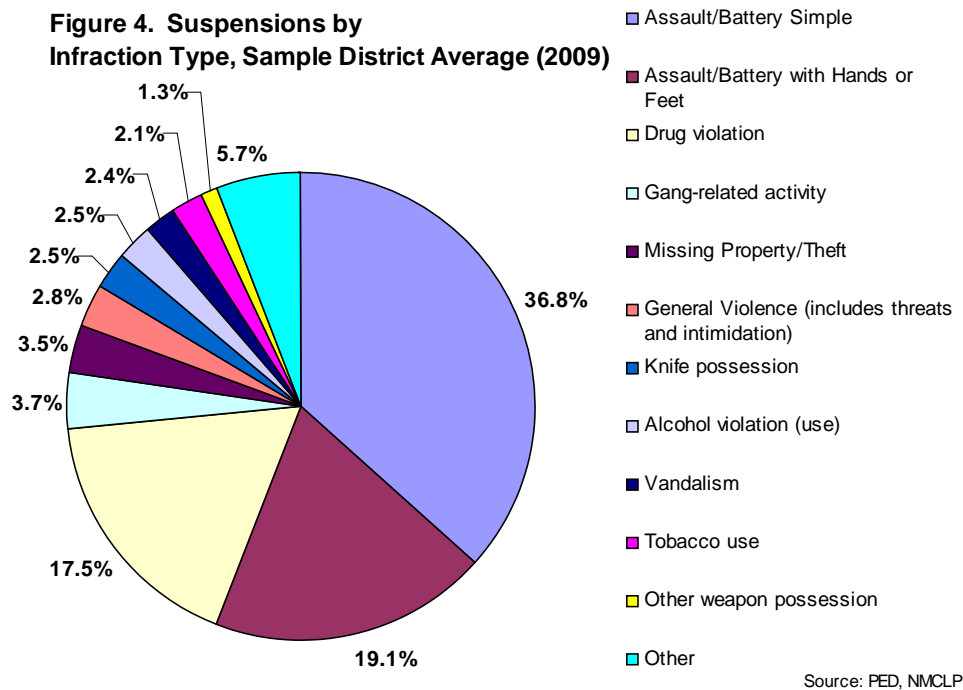
PED also failed to provide Center staff with a way determining whether or not the number of suspensions and expulsions directly correlate with the total number of students that faced these discipline actions, as it is possible that the same student may have been suspended or expelled multiple times in a given school year.

Lastly, NMCLP staff requested data from PED on the number of times law enforcement was contacted by school officials in response to student behavior incidents. While the department did provide this data, these numbers may be unreliable, due in large part to the way PED collects this data within the structure of its STARS data reporting system.

Data contained in the PED’s STARS data system is also self-reported by individual districts. This raises some questions regarding the external reliability of the data, as it is impossible at this time to guarantee the manner or consistency with which districts report incidents. Overall, the Center is troubled that this important data may not be maintained in a way that allows for appropriate review – either by PED, or by the public.

Conversely, Los Alamos had the lowest suspension rate relative to the sample-district average (8 suspensions per 1000 students). Unlike Cuba, Los Alamos has not incorporated zero-tolerance elements into its student discipline policies. Los Alamos is also one of the few school districts in the state where racial/ethnic minority students do not constitute a majority of the total district population—77% of Los Alamos students are white. Furthermore, according to the US Census Bureau, Los Alamos school district has the lowest proportion of families with school-aged children living in poverty in the state.^{33 34}

Students From Across the Sample Districts are More Likely to be Suspended for Acts of Simple Battery than Any other Infraction: As shown in figure 4 below, 55.9% of all suspensions resulted from instances of ‘simple assault and battery,’ either between students, or by a student towards a school district employee. 17.5% of suspensions resulted from some violation (e.g. possession, use or distribution) of school drug policies.



Expulsion Rates Were Highest Among Districts with Relatively High Native American, Low-Income Student Populations: During SY 08-09, only four of the sample school districts (Albuquerque, Central Consolidated, Gallup and Santa Fe) reported expelling a student for more than ten-school days. In total, these districts reported 97 expulsions.

³³ US Census Bureau, Small Area Income and Poverty Estimates, accessed, December 2010. Data available at: <http://www.census.gov/cgi-bin/saiper/saiper.cgi>

³⁴ Note: Typically, poverty levels in school districts are estimated by referring to the percentage of students that qualify for the federal, free and reduced lunch program. This measure does not work in the case of Los Alamos, as the district does not participate in the program. As such, Census data was used to estimate poverty levels for Los Alamos.

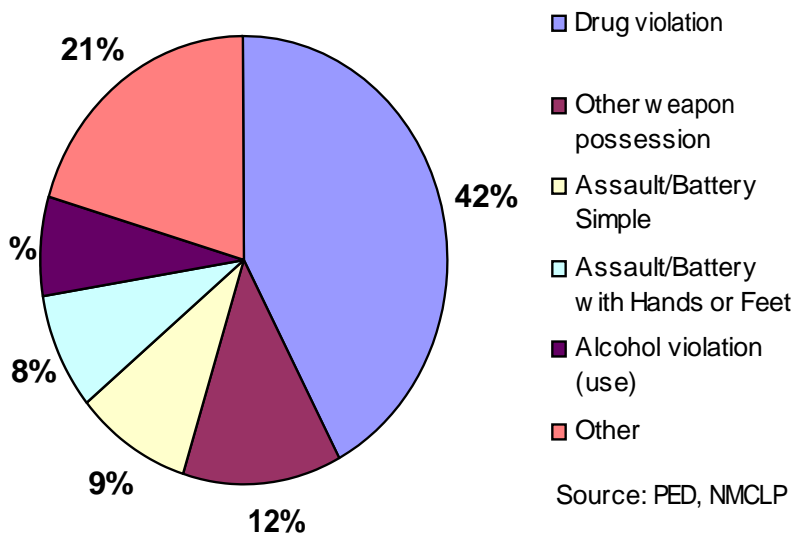
The average length of expulsion across these four districts was 74 school days. Of students expelled, 2% were in elementary school, 31% were in middle school and 66% were enrolled in high school.

As shown in table 7 below, Gallup school district had the highest rate of expulsions (56 per 1000). Expulsions from this one school district accounted for approximately 60% of total expulsions reported by the sample-school districts. While Gallup has not adopted zero-tolerance school discipline policies, Native American students comprise 81% of the total district population. Further, Gallup is a very low-income district, with 83% of all district students qualifying for Free and Reduced Lunch.

Table 7. Expulsions per 1000 Students, Sample School Districts that Reported an Expulsion (SY08-09)			
District	Total Enrollment	Total Expulsions	Expulsions per 1000
Albuquerque	94485	30	0.32
Central Consolidated	6236	3	0.48
Gallup	11776	56	4.76
Santa Fe	13684	8	0.58

Source: PED, NMCLP

Figure 5. Expulsions by Infraction Type, Sample District Average (2009)



Source: PED, NMCLP

Students from Across the Sample Districts are More Likely to be Suspended for Violating District Drug Policies than any other Infraction: As shown in figure 5, 42% (n=41) of all reported expulsions resulted from student violations of district drug policies.

VIII. 2011 LEGIATIVE UPDATE

During its 2011 legislative session, the state legislature passed three bills that specifically dealt with student discipline issues:

- HB 172 introduced by Rep. Rick Miera banned the use of corporal punishment in New Mexico public schools. The US Department of Education, Office of Civil Rights has consistently found that students that are low-income, are part of an racio-ethnic minority group, or those with disabilities are hit more frequently in schools, and that there is little evidence to suggest that corporal punishment acts as an effective deterrent to school violence. After weeks of public pressure from both state and national advocates Governor Martinez signed HB 172, making New Mexico the 31st state to ban the use of corporal punishment in public schools. Since passage of this law, the PED has amended state administrative rules to ban the use of corporal punishment in public schools.³⁶
- HB 321 introduced by Rep. Roger Madalena would have required the PED to make student suspension and expulsion data available to the public. The legislation would have also required that data reported by PED be broken down by student socio-economic class, gender, race/ethnicity, geography, special education classification and English language learner status, which would have provided the public the information necessary to hold school and district officials accountable for the application of student discipline policies. While the bill initially met some opposition, a compromise was reached and the bill passed both houses with large majorities. However, HB 321 was pocket-vetoed by Governor Martinez, meaning that she vetoed the bill simply by not signing it and without issuing an explanatory message. .
- SB 418 introduced by Sen. Jerry Ortiz y Pino would have required school discipline policy to clearly define acts that pose a substantial threat to school safety justifying an arrest, as well as petty acts of misconduct that should be treated as disciplinary infractions. The bill would also have required that school discipline policy prohibit the referral of petty acts of misconduct and misdemeanors to law enforcement agencies. In so doing, the bill would have provided an important check against the implementation of zero-tolerance student discipline policies that needlessly funnel students into the juvenile and criminal justice system for behavior that would otherwise be best addressed by school officials. SB 418, however, was also pocket-vetoed by Governor Martinez.

Following Governor Martinez's veto of SB 418, a 13 year old student of the Albuquerque Public Schools was arrested by local police for "burping loudly" in a physical education class. The student, who had been previously diagnosed with Autism, was then transferred (without his parent's knowledge) to the local juvenile detention center.³⁷ This incident clearly demonstrates how a punitive approach to student discipline can needlessly place students in the cross-hairs of the juvenile justice system.

Data transparency: While Governor Martinez vetoed legislation that would direct the PED

³⁵ 6.11.2.10 (E) NMAC

³⁶ Lawsuit Filed After New Mexico Teen Arrested for "Burping" in Class (1 December 2011). Retrieved from: <http://www.foxnews.com/us/2011/12/01/lawsuit-filed-after-new-mexico-teen-arrested-for-burping-in-class/>

to make student suspension and expulsion data more available to the public, the department has recently begun to publish this data on its website. Data provided by the department, however, does not report on the incidence of suspensions and expulsions by the class of student (i.e. poverty, race/ethnicity, special education status, English language learner status etc). As such, the department's current efforts do not provide the information necessary to identify any disparate trends in the application of school discipline policies, nor variation any meaningful variation in the rate of suspensions or expulsions. The data, therefore, does not provide the public with adequate information necessary to hold school and district officials accountable for their discipline of students.

The department should amend how it reports student suspension and expulsion data to conform with the requirements outlined by the legislature in HB 321. This would empower all stakeholders with the information necessary to better hold school, district and state education officials accountable for how students are disciplined in school.

IX. CONCLUSION: OPPORTUNITIES FOR FUTURE ADVOCACY AND RESEARCH

The information presented in this report reflects how New Mexico stands relative to broad nationwide concerns about how harsh school disciplinary practices deny students educational opportunity, and needlessly channel some into the corrections system. The information in this report may stimulate advocacy initiatives in several key areas and serve as a base to inform deeper analysis and research in further areas of concern.

Disciplinary Disparity as a Function of Race, Poverty or Inconsistent Policy:

This report represents an initial inquiry into whether New Mexico students are faced with disciplinary policies and practices that disproportionately punish students who are from low-income or racial minority backgrounds, as is seen nationally. Our research demonstrates that there are serious disparities in disciplinary outcomes for some of New Mexico's students. Suspension and expulsion rates vary widely among school districts and among racial and ethnic groups. This is particularly troubling with respect to Native American students, who are suspended and expelled at a rate far higher than are New Mexico's White and Hispanic students. There is also evidence that out-of-school discipline occurs more frequently in districts that have higher rates of poverty or that have adopted 'zero-tolerance' policies.

Work could begin immediately in the districts like Gallup and Cuba that have highly disproportionate student exclusion numbers. Advocates could demand that these districts – and others with troubling outcomes – engage in a serious review and reform of their disciplinary policies and practices. Addressing disciplinary outcomes for low-income and Native American students should be made a high priority.

Further research could be conducted in the identified districts to explain the correlation between the observed disparities and the factors of race, poverty and varied disciplinary policies. Researchers could also look into whether students subjected to harsh disciplinary measures are significantly more likely to drop-out of school. As noted in Section VII, fn 29, PED's reluctance to cooperate with the Center's requests for data, together with uncertainty about how (or even if) the relevant disciplinary data is kept, have made it difficult to draw definite conclusions regarding these correlations. The research could look at data collected at every administrative level: PED's suspension and expulsion data for multiple years and individual district and school data that is kept separately from PED and not maintained in the STARS database. Such research would require considerable additional time and resources.

Additionally, the passage of SB 418 clearly indicates the legislature's interest in preventing students from being needlessly funneled into the juvenile or criminal justice system for school yard behavior that would be best addressed in the school setting.

To this end, state policymakers should develop a better understanding of how the application of zero-tolerance school discipline policies impacts the likelihood that students will become involved with the juvenile or criminal justice system.

Adequacy of the Oversight and Review Process:

While students facing long-term suspensions are afforded due process rights as noted in Section IV, this appears to inadequately protect students' constitutional right to an education. For example, not only do individual school districts operate with little state oversight, but students can be excluded from school for long periods as a result of serial short-term suspensions for which no due process protection is provided.

Students can also be excluded from joining a new school based on past behavior. Advocacy could demand rigorous and transparent oversight by the PED of every level, as well as changes in law and regulation to ensure a more robust protection for students' rights. Further research and analysis could inform advocacy for these improvements in accountability, review and more generally, protecting students' right to a public education.

Connection Between Disciplinary Exclusion from School and Incarceration:

While this report documents some disturbing trends regarding the disciplinary exclusion of New Mexico's students from school, further research could be done to determine what happens to such students afterwards – whether, in fact, the school-to-prison pipeline operates here in the manner advocates hypothesize. Such research could look at school disciplinary referrals to law enforcement and any correlation between those incarcerated and whether they were excluded from school through disciplinary action.

The fact of significant disparity for New Mexico's impoverished and ethnic minority students is clear and should inspire bold and immediate advocacy. The causes of those disparities and the ultimate result for the students who suffer them – potentially intractable poverty and incarceration – are subjects open to further research and analysis. The design of advocacy strategies to combat the problems associated with the disparate outcomes we observe herein, would benefit greatly from such research.

Appendix 1

Number of Students Suspended or Expelled from NM Public Schools, by Race and Ethnicity (SY 06)			
Race/Ethnicity	Total (N)	Number Suspended	Number Expelled
American Indian	35,692	2,956	78
Hispanic	176,514	9,510	111
Black (non-Hispanic)	8,457	591	11
White (non-Hispanic)	100,565	3,973	35
All Students	325,424	17,135	243

Source: US Dep of Ed, OCR

Appendix 2

Enrollment and Socio-Demographic Profile of New Mexico School Districts (SY 09)						
District	Total Enrollment	Racial/Ethnic Demographics				Socio-Economic Demographics (%FRL)
		%African American	%White	%Hispanic	%Native American	
Central Cons.	6,236	0%	8%	2%	89%	100%
Chama	400	0%	14%	84%	2%	100%
Cobre Cons.	1,297	1%	12%	86%	1%	100%
Corona	83	4%	61%	35%	0%	100%
Cuba	672	0%	36%	1%	62%	100%
Deming	5,306	1%	16%	83%	0%	100%
Dulce	676	0%	1%	6%	94%	100%
Gadsden	13,859	0%	3%	97%	0%	100%
Hagerman	427	0%	27%	72%	0%	100%
Hatch	1,367	0%	8%	91%	0%	100%
Hondo	169	0%	12%	84%	4%	100%
Lake Arthur	139	1%	32%	68%	0%	100%
Loving	599	0%	24%	75%	0%	100%
Magdalena	444	2%	21%	27%	49%	100%
Maxwell	86	0%	50%	50%	0%	100%
Mora	497	0%	6%	94%	0%	100%
Questa	513	1%	19%	80%	0%	100%
Taos	3,030	1%	19%	72%	7%	100%
Tucumcari	1,044	3%	33%	62%	0%	100%
Tularosa	946	2%	29%	47%	21%	100%
W. Las Vegas	1,734	1%	6%	93%	0%	100%
Wagon Mound	71	0%	4%	96%	0%	100%
Pecos	667	2%	7%	90%	1%	99%
Espanola	4,384	0%	2%	90%	7%	99%

Highest Poverty Districts

High Poverty Districts

Appendix 2, cont.		Racial/Ethnic Demographics				Socio-Economic Demographics (%FRL)
District	Total Enrollment	%African American	%White	%Hispanic	%Native American	
Vaughn	103	0%	9%	91%	0%	98%
Santa Rosa	623	0%	6%	91%	1%	98%
Springer	208	0%	39%	61%	0%	97%
Bernalillo	3,118	0%	10%	49%	41%	96%
Jemez Mntn.	323	0%	13%	59%	28%	94%
Carrizozo	175	2%	31%	65%	2%	89%
Zuni	1,405	0%	0%	0%	99%	84%
Gallup	11,776	0%	6%	12%	81%	83%
Mountainair	316	3%	35%	62%	0%	83%
Belen	4,659	2%	25%	71%	2%	82%
Roswell	9,780	3%	31%	65%	0%	81%
Dexter	1,043	0%	24%	76%	0%	81%
Grants	3,518	1%	18%	39%	42%	77%
Truth or Cons.	1,366	1%	49%	49%	1%	77%
Penasco	501	0%	2%	92%	6%	75%
Mesa Vista	384	0%	4%	94%	2%	74%
Estancia	853	1%	41%	56%	2%	74%
Jemez Valley	492	0%	13%	22%	65%	73%
Quemado	177	1%	73%	7%	18%	72%
Lordsburg	600	1%	10%	89%	0%	72%
Socorro	1,884	2%	24%	67%	5%	72%
Lovington	3,086	2%	25%	72%	0%	72%
Santa Fe	13,684	1%	20%	75%	2%	72%
Portales	2,821	2%	41%	56%	1%	72%
Los Lunas	8,467	2%	24%	67%	7%	72%
Des Moines	97	0%	58%	40%	0%	71%
Clovis	8,354	9%	37%	52%	1%	69%
Reserve	169	1%	53%	45%	1%	69%

Moderate Poverty Districts

Appendix 2, cont.		Racial/Ethnic Demographics				Socio-Economic Demographics (%FRL)
District	Total Enrollment	%African American	%White	%Hispanic	%Native American	
Floyd	235	1%	45%	52%	2%	69%
Logan	217	0%	76%	23%	0%	68%
Raton	1,282	0%	35%	63%	1%	67%
Eunice	582	1%	47%	52%	0%	66%
Ruidoso	2,237	1%	37%	42%	19%	65%
San Jon	147	1%	52%	44%	3%	65%
Bloomfield	3,101	1%	32%	34%	33%	64%
Albuquerque	94,485	4%	30%	58%	5%	64%
Las Vegas City	1,928	1%	9%	88%	1%	63%
Hobbs	8,047	6%	32%	62%	0%	63%
Clayton	574	1%	50%	48%	0%	63%
Silver City	3,134	1%	41%	56%	1%	62%
Carlsbad	5,837	2%	46%	51%	1%	62%
Las Cruces	24,105	3%	23%	72%	1%	62%
Jal	394	1%	44%	55%	0%	61%
Ft. Sumner	306	0%	49%	49%	1%	57%
Alamagordo	6,124	7%	50%	37%	3%	57%
Tatum	307	1%	45%	53%	1%	57%
Animas	234	0%	60%	37%	2%	57%
Cimarron	478	2%	60%	37%	0%	55%
Grady	112	3%	81%	12%	2%	54%
Moriarty	3,366	2%	57%	38%	2%	53%
Mosquero	43	0%	56%	44%	0%	52%
Farmington	10,323	1%	41%	27%	30%	52%
Dora	231	0%	74%	25%	1%	50%
Aztec	3,362	1%	60%	26%	13%	49%
Artesia	3,539	1%	42%	56%	1%	49%
Pojoaque	1,964	1%	6%	75%	18%	49%

Low Poverty Districts

Appendix 2, cont.		Racial/Ethnic Demographics				Socio-Economic Demographics (%FRL)
District	Total Enrollment	%African American	%White	%Hispanic	%Native American	
Texico	546	2%	57%	41%	0%	48%
House	79	3%	70%	28%	0%	47%
Capitan	508	1%	67%	28%	3%	47%
Rio Rancho	16,320	5%	46%	42%	4%	47%
Melrose	208	0%	80%	15%	4%	44%
Elida	124	0%	75%	24%	1%	44%
Cloudcroft	436	1%	83%	12%	3%	44%
Roy	51	0%	65%	35%	0%	29%
Los Alamos*	3,362	1%	71%	22%	1%	0%
State Average	3,629	1%	34%	54%	10%	75%

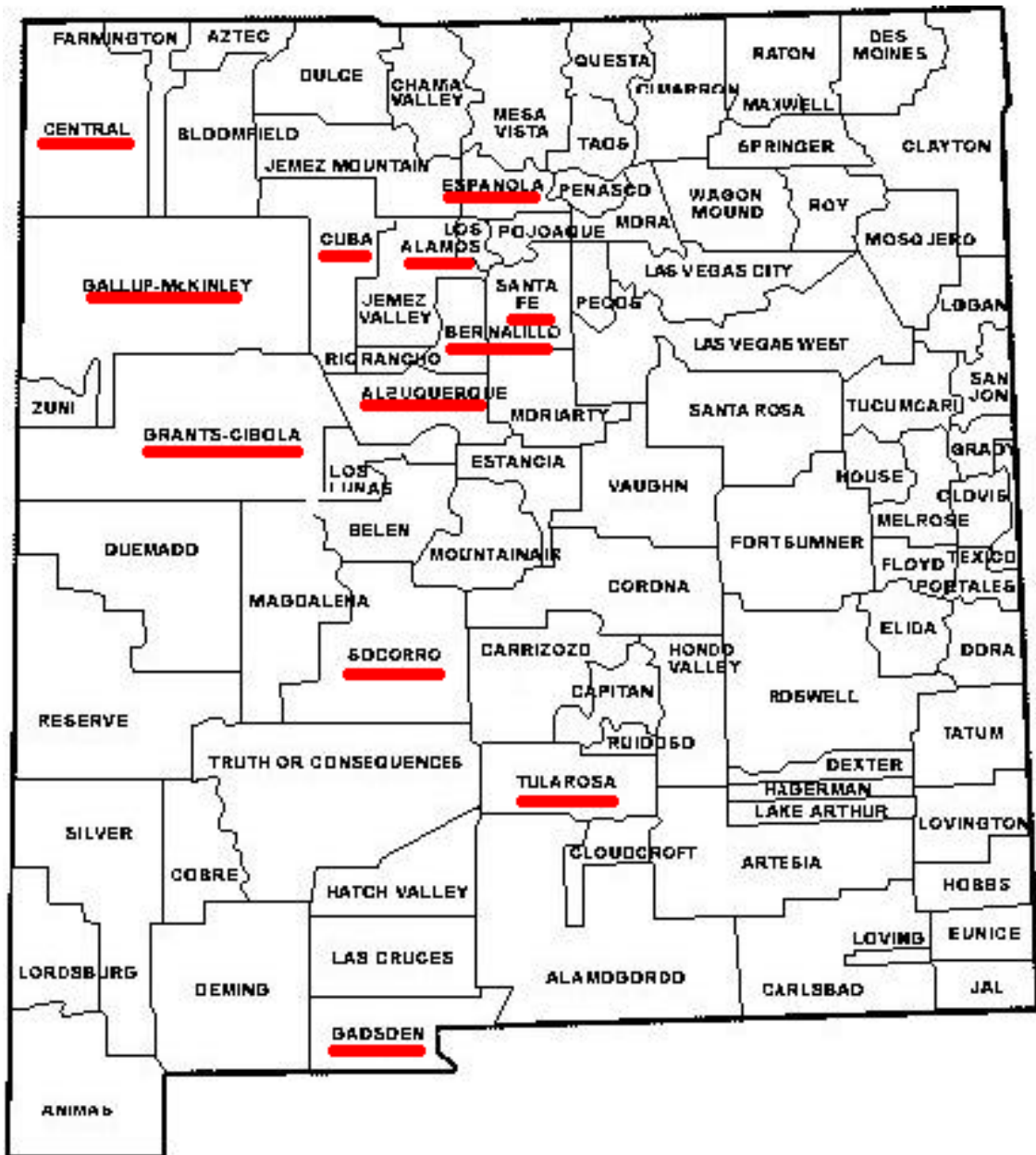
Lowest Poverty Districts

*Note: Los Alamos does not participate in the Federal Free and Reduced Lunch Program.

Source: PED, NMCLP

Appendix 3

Map of New Mexico School Districts



Source: PED, NMCLP

Note: Selected-districts underlined in red

Appendix 4

Enrollment and Socio-Demographic Profile of Selected-Districts (SY 09)						
		Racial/Ethnic Demographics				Socio-Economic Demographics (%FRL)
District	Total Enrollment	%African American	%White	%Hispanic	%Native American	
Albuquerque	94,485	4%	30%	58%	5%	64%
Bernalillo	3,118	0%	10%	49%	41%	96%
Central Cons.	6,236	0%	8%	2%	89%	100%
Cuba	672	0%	36%	1%	62%	100%
Espanola	4,384	0%	2%	90%	7%	99%
Gadsden	13,859	0%	3%	97%	0%	100%
Gallup	11,776	0%	6%	12%	81%	83%
Grants	3,518	1%	18%	39%	42%	77%
Los Alamos	3,362	1%	71%	22%	1%	0%^
Santa Fe	13,684	1%	20%	75%	2%	72%
Socorro	1,884	2%	24%	67%	5%	72%
Tularosa	946	2%	29%	47%	21%	100%

^Los Alamos does not participate in the federal free and reduced lunch program. Poverty estimates for this district were therefore taken from the US Census Bureau, Small Area Poverty and Income Estimates.

Source: PED