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DR. VERONICA C. GARCÍA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

January 5, 2007

Jordan Riak
Executive Director
PTAVE
PO Box 1033
Alamo, CA 94507-7033

Re: Corporal Punishment

Dear Mr. Riak:

I am in receipt of your letter dated December 12, 2006, in which you pose several questions regarding our State's stance on corporal punishment in our public schools. I must emphasize from the onset that the State of New Mexico does not encourage the use of corporal punishment nor does it condone the use of violence in schools as your letter suggests. To the contrary, I am deeply opposed to violence in the schools and find some comfort in your organization's stated belief that "every child has the right to grow and learn in environments that are violence free." In fact and to that end, the New Mexico Public Education Department (NMPED) recently adopted a statewide anti-bullying rule, 6.12.7 New Mexico Administrative Code (2006).

In New Mexico, school districts are permitted by law to adopt discipline policies that include corporal punishment as a possible sanction. Under our applicable rule, a decision to adopt such a policy is not made lightly or without community input. NMPED Rule 6.11.2 specifically requires that each local school board make this decision with community input and then publish and distribute a written policy that either authorizes or prohibits its use. A local school board's policy permitting corporal punishment may even include a process that authorizes individual parents to veto such punishment of their children.

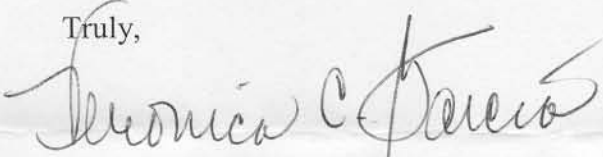
Given that we live in a highly litigious age where public education authorities are not immune from the reach of prolonged and costly lawsuits, school districts that permit corporal punishment open themselves to a host of avoidable litigation. Such scenarios are easily worsened when the punished child has been previously evaluated to receive special education services.

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Even though my personal views do not support corporal punishment of students in public school, the Legislature of this State have spoken by making such recourse available only to those school districts that choose to adopt it and then only after soliciting community input at a public meeting.

I appreciate and thank you for sharing your concern for the safety and well-being of New Mexico's school children.

Truly,

A handwritten signature in cursive script, reading "Veronica C. Garcia". The signature is written in dark ink and is positioned above the typed name and title.

Veronica C. García, Ed.D.
Secretary of Education

VCG:WRB:sjf