IndependentWomen®

Protect Parents' Rights in New Mexico Schools

Dear Attorney General Torrez,

As New Mexico constituents, we are deeply concerned about school policies that undermine parents' fundamental constitutional rights. Parents have the primary right and responsibility to direct the upbringing, education, and care of their children. That authority does not belong to school administrators or government officials, and it cannot be disregarded because a child enters a public school.

The U.S. Supreme Court has repeatedly affirmed these rights. On March 2, 2026, the Court issued an opinion in *Mirabelli v. Bonta,* vacating the Ninth Circuit's stay of the district court's injunction protecting parents who challenged California school policies that concealed students' social gender transition from their parents. Although the Supreme Court did not issue a final ruling on the merits, it concluded that the parent plaintiffs were likely to succeed on their constitutional claims under the First Amendment's Free Exercise Clause and the Fourteenth Amendment's Due Process Clause.

Importantly, the Court's reasoning rested on longstanding constitutional precedent. In *Meyer v. Nebraska* and *Pierce v. Society of Sisters,* the Supreme Court recognized that parents, not the state, have primary authority over the upbringing and education of their children. In *Parham v. J.R.,* the Court recognized parents' right to participate in decisions concerning their children's mental health. Applying these established principles, the Court concluded in *Mirabelli* that California's policies likely violated parents' constitutional rights. While the case remains ongoing, the constitutional protections underlying the Court's reasoning are well established and warrant careful review of similar policies in New Mexico.

For families in our communities, this concern is personal.

Kristy Ojinaga, a mom of a six year old daughter, took action when her young daughter came home upset after experiences that included sharing a bathroom with a boy. When Kristy raised concerns, she said she was told it was "none of her business." Her **story** is one of many that underscores why parents need information to advocate for their children's safety and wellbeing.

Zebulun Evridge, a father of four, was so concerned about parental exclusion and student privacy that he decided to enroll his children in a private school. He **told Santa Fe Public Schools** that he no longer trusted the public schools to involve them in consequential decisions affecting their children.

Parents need accurate information to support their children's health, safety, and well-being. When schools withhold consequential information, they hurt families.

We ask your office to transparently and publicly:

1. Review school district policies statewide, including **Albuquerque Public Schools' PJ30** and **Las Cruces Public Schools' JBD**, as well as related staff training materials, guidance, and **implementation practices**, to determine whether their provisions and implementation comply with parents' constitutional rights under longstanding Supreme Court precedent, including the principles reaffirmed in *Mirabelli,* and take appropriate action where constitutional violations are identified.
2. Issue clear guidance to schools and school-based health centers statewide, explaining their constitutional obligations regarding parental involvement, disclosure of school-facilitated social transitions (including pronouns and access to bathrooms and locker room use), and truthful communication with parents.
3. Clarify how New Mexico's 2023 **House Bill 7** will be interpreted and enforced consistent with parents' constitutional rights, including in public schools and school-based health centers. **Your office should make clear that state law cannot authorize conduct that violates the U.S. Constitution.**
4. Provide an accessible and safe process for families to report concerns about concealment or exclusion, and explain what steps your office will take when a policy or practice violates parents' rights.

Children experiencing distress deserve compassion, protection from bullying, and appropriate support. Those commitments should go hand in hand with respect for parents' rights.

Please acknowledge our letter in writing and explain whether your office will undertake this review, issue guidance, and establish a process for constituent complaints.

New Mexico families deserve transparency and a clear commitment that their constitutional rights will be respected. We urge you to uphold the standards of your office and make this a priority.

Sincerely,

[Full Name]
[Zip code]