## 47th legislature - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

HOUSE BILL 912

Joni Marie Gutierrez

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## AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR SCHOOL DISTRICT POLICIES PROHIBITING THE USE OF ANABOLIC STEROIDS BY STUDENTS ENGAGED IN INTERSCHOLASTIC ACTIVITIES; PROVIDING FOR RANDOM TESTING; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-5-4.3 NMSA 1978 (being Laws 1986, Chapter 33, Section 9, as amended) is amended to read:

"22-5-4.3. SCHOOL DISCIPLINE POLICIES. --

A. Local school boards shall establish student discipline policies and shall file them with the department [of education]. The local school board shall involve parents, school personnel and students in the development of these policies, and public hearings shall be held during the formulation of these policies in the high school attendance .155210.1

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areas within each school district or on a district-wide basis for those school districts that have no high school.

- Each school district discipline policy shall establish rules of conduct governing areas of student and school activity, detail specific prohibited acts and activities and enumerate possible disciplinary sanctions, which sanctions may include corporal punishment, in-school suspension, school service, suspension or expulsion.
- C. Commencing with the 2005-2006 school year, each school district shall adopt and maintain a policy that prohibits the use of anabolic steroids by students and provides for the random testing for anabolic steroids of students participating in interscholastic athletics governed by the New Mexico activities association. The results of such testing shall be kept confidential, separate from a student's educational record and nontransferable and not disclosable to any other school district. The results may only be used to disqualify a student from continued participation in interscholastic athletics after two prior incidents in which the student was first warned and then suspended temporarily from participation in interscholastic athletics governed by the New Mexico activities association after testing positive for anabolic steroid use. The department shall promulgate rules to implement the provisions of this subsection, including establishing guidelines addressing random testing by school .155210.1

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[C.] D. An individual school within a school district may establish a school discipline policy, provided that parents, school personnel and students are involved in its development and a public hearing is held in the school prior to its adoption. If an individual school adopts a discipline policy in addition to the local school board's school district discipline policy, it shall submit its policy to the local school board for approval.

[D.] E. No school employee who in good faith reports any known or suspected violation of the school discipline policy or in good faith attempts to enforce the policy shall be held liable for any civil damages as a result of such report or of [his] the employee's efforts to enforce any part of the policy."

Section 2. APPROPRIATION. -- Three hundred thousand dollars (\$300,000) is appropriated from the general fund to the public education department for expenditure in fiscal year 2006 to pay for administrative and testing costs related to the random testing for anabolic steroids by students engaged in interscholastic athletics governed by the New Mexico activities association. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

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