

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 172

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO PUBLIC SCHOOLS; PROHIBITING CORPORAL PUNISHMENT AS  
A DISCIPLINARY SANCTION.

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--STUDENTS MAY SELF-  
ADMINISTER CERTAIN MEDICATIONS.--

A. Local school boards shall establish student  
discipline policies and shall file them with the department.  
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 areas within each school district  
or on a district-wide basis for those school districts that

.183961.1

underscoring material = new  
~~[bracketed material] = delete~~

underscored material = new  
~~[bracketed material] = delete~~

1 have no high school.

2 B. Each school district discipline policy shall  
3 establish rules of conduct governing areas of student and  
4 school activity, detail specific prohibited acts and activities  
5 and enumerate possible disciplinary sanctions, which sanctions  
6 may include [~~corporal punishment~~] in-school suspension, school  
7 service, suspension or expulsion.

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

16 D. No school employee who in good faith reports any  
17 known or suspected violation of the school discipline policy or  
18 in good faith attempts to enforce the policy shall be held  
19 liable for any civil damages as a result of such report or of  
20 the employee's efforts to enforce any part of the policy.

21 E. All public school and school district discipline  
22 policies shall allow students to carry and self-administer  
23 asthma medication and emergency anaphylaxis medication that has  
24 been legally prescribed to the student by a licensed health  
25 care provider under the following conditions:

.183961.1

1 (1) the health care provider has instructed  
2 the student in the correct and responsible use of the  
3 medication;

4 (2) the student has demonstrated to the health  
5 care provider and the school nurse or other school official the  
6 skill level necessary to use the medication and any device that  
7 is necessary to administer the medication as prescribed;

8 (3) the health care provider formulates a  
9 written treatment plan for managing asthma or anaphylaxis  
10 episodes of the student and for medication use by the student  
11 during school hours or school-sponsored activities, including  
12 transit to or from school or school-sponsored activities; and

13 (4) the student's parent has completed and  
14 submitted to the school any written documentation required by  
15 the school or the school district, including the treatment plan  
16 required in Paragraph (3) of this subsection and other  
17 documents related to liability.

18 F. The parent of a student who is allowed to carry  
19 and self-administer asthma medication and emergency anaphylaxis  
20 medication may provide the school with backup medication that  
21 shall be kept in a location to which the student has immediate  
22 access in the event of an asthma or anaphylaxis emergency.

23 G. Authorized school personnel who in good faith  
24 provide a person with backup medication as provided in this  
25 section shall not be held liable for civil damages as a

underscoring material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

result of providing the medication."

- 4 -