

1 SENATE BILL 319

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Cynthia Nava

5
6
7
8
9
10 AN ACT

11 RELATING TO SCHOOL DISCIPLINE POLICIES; ELIMINATING CORPORAL
12 PUNISHMENT AS A POSSIBLE SANCTION.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

17 "22-5-4.3. SCHOOL DISCIPLINE POLICIES--STUDENTS MAY SELF-
18 ADMINISTER CERTAIN MEDICATIONS.--

19 A. Local school boards shall establish student
20 discipline policies and shall file them with the department.
21 The local school board shall involve parents, school personnel
22 and students in the development of these policies, and public
23 hearings shall be held during the formulation of these policies
24 in the high school attendance areas within each school district
25 or on a district-wide basis for those school districts that

.184499.1

underscored 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:

.184499.1

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

underscored 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 -