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HOUSE BILL 93

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Raymundo Lara

AN ACT

RELATING TO PUBLIC SCHOOLS; LIMITING THE USE OF OUT-OF-SCHOOL
SUSPENSION OR EXPULSION AS A DISCIPLINARY METHOD.

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--RULES OF CONDUCT--
DISCIPLINARY SANCTIONS--SUSPENSION AND EXPULSION LIMITED--
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

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1 or on a district-wide basis for those school districts that
2 have no high school.

3 B. Each school district discipline policy shall
4 establish rules of conduct governing areas of student and
5 school activity, detail specific prohibited acts and activities
6 and enumerate possible disciplinary sanctions, which sanctions
7 may include in-school suspension, school service, suspension or
8 expulsion. Every local school board and every governing body
9 of a charter school shall provide in its disciplinary sanctions
10 that suspending or expelling a student from school shall be
11 used only following the exhaustion of interventions, including
12 restorative justice practices, and only as a last resort
13 following a process that accounts for circumstances such as
14 student homelessness, foster care placement or other adverse
15 childhood experiences and determines that suspension or
16 expulsion is the only safe response.

17 C. Corporal punishment shall be prohibited by
18 [~~each~~] every local school board and [~~each~~] every governing body
19 of a charter school.

20 [~~G-~~] D. An individual school within a school
21 district may establish a school discipline policy, provided
22 that parents, school personnel and students are involved in its
23 development and a public hearing is held in the school prior to
24 its adoption. If an individual school adopts a discipline
25 policy in addition to the local school board's school district

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1 discipline policy, it shall submit its policy to the local
2 school board for approval.

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

9 ~~[E-]~~ F. All public school and school district
10 discipline policies shall allow students to carry and self-
11 administer asthma medication and emergency anaphylaxis
12 medication that has been legally prescribed to the student by a
13 licensed health care provider under the following conditions:

14 (1) the health care provider has instructed
15 the student in the correct and responsible use of the
16 medication;

17 (2) the student has demonstrated to the health
18 care provider and the school nurse or other school official the
19 skill level necessary to use the medication and any device that
20 is necessary to administer the medication as prescribed;

21 (3) the health care provider formulates a
22 written treatment plan for managing asthma or anaphylaxis
23 episodes of the student and for medication use by the student
24 during school hours or school-sponsored activities, including
25 transit to or from school or school-sponsored activities; and

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

6 [~~F-~~] G. The parent of a student who is allowed to
7 carry and self-administer asthma medication and emergency
8 anaphylaxis medication may provide the school with backup
9 medication that shall be kept in a location to which the
10 student has immediate access in the event of an asthma or
11 anaphylaxis emergency.

12 [~~G-~~] H. Authorized school personnel who in good
13 faith provide a person with backup medication as provided in
14 this section shall not be held liable for civil damages as a
15 result of providing the medication.

16 I. As used in this section:

17 (1) "other adverse childhood experiences"
18 means potentially traumatic events that occur in childhood and
19 may include:

20 (a) poverty;

21 (b) experiencing violence or other abuse
22 or neglect;

23 (c) witnessing violence in the home or
24 community;

25 (d) having a family member attempt or

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1 die by suicide; and

2 (e) growing up in a household with
3 substance misuse, mental health problems or instability due to
4 parental separation or household members being in jail or
5 prison; and

6 (2) "restorative justice practices" means
7 non-punitive intervention and support provided to a student by
8 a public school to improve the behavior of the student and
9 remedy any harm caused by the student."