

HOUSE BILL 93

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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--

.218631.3AIC March 2, 2021 (11:06am)

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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 have no high school.

B. 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 in-school suspension, school service, suspension or expulsion. Every local school board and every governing body of a charter school shall provide in its disciplinary sanctions that suspending or expelling a student from school shall be used only following the exhaustion of interventions HSEIC→~~I~~ including←HSEIC HSEIC→such as←HSEIC restorative justice practices HSEIC→and positive behavioral interventions and support←HSEIC , and only as a last resort following a process that accounts for circumstances such as student homelessness, foster care placement or other adverse childhood experiences and determines that suspension or expulsion is HSEIC→~~the only safe response~~←HSEIC HSEIC→required for the safety of students

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or staff or by federal law ← HSEIC .

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

[E-] 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 the employee's efforts to enforce any part of the policy.

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

- (1) the health care provider has instructed the student in the correct and responsible use of the

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medication;

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

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

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

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

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

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Hf11→I. Nothing in this section shall require a school district to exhaust interventions described in this section prior to suspending or expelling a student who brings a deadly weapon on campus or when a student presents a clear likelihood of committing great bodily harm to other students or school personnel.←Hf11

Hf11→I.←Hf11 Hf11→J.←Hf11 As used in this section:

Hf11→(1) "deadly weapon" means any firearm, whether loaded or unloaded; or any weapon that is capable of producing death or great bodily harm, including but not restricted to any types of daggers, brass knuckles, switchblade knives, bowie knives, poniards, butcher knives, dirk knives and all such weapons with which dangerous cuts can be given or with which dangerous thrusts can be inflicted, including sword canes and any kind of sharp pointed canes; slingshots, slung shots and bludgeons; or any other weapons with which dangerous wounds can be inflicted;

(2) "great bodily harm" means an injury to the person that creates a high probability of death or that causes serious disfigurement or that results in permanent or protracted loss or impairment of the function of any member or organ of the body;←Hf11

Hf11→(1)←Hf11 Hf11→(3)←Hf11 "other adverse

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childhood experiences" means potentially traumatic events that occur in childhood and may include:

- (a) poverty;
- (b) experiencing violence or other abuse or neglect;
- (c) witnessing violence in the home or community;
- (d) having a family member attempt or die by suicide; and
- (e) growing up in a household with substance misuse, mental health problems or instability due to parental separation or household members being in jail or prison; and

Hf11→(2)←Hf11 Hf11→(4)←Hf11 "restorative justice practices" means non-punitive intervention and support provided to a student by a public school to improve the behavior of the student and remedy any harm caused by the student."