

1 HOUSE BILL 490

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 E. Diane Torres-Velásquez and Pamelya Herndon

5 and Janelle Anyanonu and Charlotte Little

6 and Patricia Roybal Caballero

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING CHANGES TO SCHOOL
12 DISCIPLINE POLICIES; PROVIDING ADDITIONAL CHARACTERISTICS THAT
13 ARE PROTECTED FROM DISCIPLINE, DISCRIMINATION OR DISPARATE
14 TREATMENT; MAKING REPORTS ON THE ONLINE PORTAL RELATING TO
15 BEHAVIOR OF STUDENTS OR SCHOOL PERSONNEL CONFIDENTIAL.

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

18 SECTION 1. Section 22-5-4.3 NMSA 1978 (being Laws 1986,
19 Chapter 33, Section 9, as amended by Laws 2021, Chapter 19,
20 Section 1 and by Laws 2021, Chapter 37, Section 1 and also by
21 Laws 2021, Chapter 51, Section 8) is amended to read:

22 "22-5-4.3. SCHOOL DISCIPLINE POLICIES--RACIAL SENSITIVITY
23 AND ANTI-RACISM TRAINING--~~[HOTLINE]~~ ONLINE PORTAL FOR REPORTING
24 RACIALLY ~~[CHARGED]~~ MOTIVATED INCIDENTS AND RACIALIZED
25 AGGRESSION INVOLVING STUDENTS OR SCHOOL PERSONNEL--STUDENTS MAY

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1 SELF-ADMINISTER CERTAIN MEDICATIONS.--

2 A. Local school boards shall establish student
3 discipline policies and shall file them with the department.
4 The local school board shall involve parents, school personnel
5 and students in the development of these policies, and public
6 hearings shall be held during the formulation of these policies
7 in the high school attendance areas within each school district
8 or on a district-wide basis for those school districts that
9 have no high school. No local school board shall allow for the
10 imposition of discipline, discrimination or disparate treatment
11 against a student based on the student's race, religion or
12 culture, disability, home language, gender, level of family
13 income or because of the student's use of protective hairstyles
14 or cultural or religious headdresses; nor shall a student be
15 demeaned, bullied or punished for any of these characteristics
16 or use of cultural symbols.

17 B. Each school district discipline policy shall
18 establish rules of conduct governing areas of student and
19 school activity, detail specific prohibited acts and activities
20 and enumerate possible disciplinary sanctions, which sanctions
21 may include in-school suspension, school service, suspension or
22 expulsion. Corporal punishment shall be prohibited by each
23 local school board and each governing body of a charter school.

24 C. An individual school within a school district
25 may establish a school discipline policy; provided that

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1 parents, school personnel and students are involved in its
2 development and a public hearing is held in the school prior to
3 its adoption. If an individual school adopts a discipline
4 policy in addition to the local school board's school district
5 discipline policy, it shall submit its policy to the local
6 school board for approval.

7 D. All school discipline policies shall define and
8 include a specific prohibition against racialized aggression
9 involving a student or school personnel. Every school district
10 and every charter school shall provide links to the statewide
11 ~~[hotline]~~ online portal to report racially ~~[charged]~~ motivated
12 incidents or racialized aggression. A submission and any
13 information in connection to the submission made through the
14 online portal is not a public record and is exempt from the
15 Inspection of Public Records Act.

16 E. 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 F. 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:

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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 G. 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 H. 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 result

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1 of providing the medication.

2 I. As used in this section:

3 (1) "cultural or religious headdresses"
4 includes hijabs, head wraps or other headdresses used as part
5 of an individual's personal cultural or religious beliefs;

6 (2) "protective hairstyles" includes such
7 hairstyles as braids, locs, twists, tight coils or curls,
8 cornrows, bantu knots, afros, weaves, wigs or head wraps; and

9 (3) "race" includes traits historically
10 associated with race, including hair texture, length of hair,
11 protective hairstyles or cultural or religious headdresses."