

HOUSE BILL 467

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

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING STATUTES PERTAINING TO
SAFETY AND SUPPORT SERVICES FOR MULTICULTURAL STUDENTS;
BROADENING ELEMENTS OF DISCRIMINATION OR DISPARATE TREATMENT
SUBJECT TO DISCIPLINE.

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 by Laws 2021, Chapter 19,
Section 1 and by Laws 2021, Chapter 37, Section 1 and also by
Laws 2021, Chapter 51, Section 8) is amended to read:

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

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

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

23 C. An individual school within a school district
24 may establish a school discipline policy; provided that
25 parents, school personnel and students are involved in its

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

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

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

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

- 25 (1) the health care provider has instructed

1 the student in the correct and responsible use of the
2 medication;

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

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

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

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

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

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1 I. As used in this section:

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

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

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

11 SECTION 2. Section 22-23-6 NMSA 1978 (being Laws 1973,
12 Chapter 285, Section 6, as amended) is amended to read:

13 "22-23-6. BILINGUAL MULTICULTURAL EDUCATION PROGRAMS--
14 ELIGIBILITY FOR STATE FINANCIAL SUPPORT.--

15 A. To be eligible for state financial support, each
16 bilingual multicultural education program shall:

17 (1) provide for the educational needs of
18 linguistically and culturally different students, including
19 Native American children and other students who may wish to
20 participate, in grades kindergarten through twelve, with
21 priority to be given to programs in grades kindergarten through
22 three, in a district;

23 (2) fund programs for culturally and
24 linguistically different students in the state in grades
25 kindergarten through three for which there is an identifiable

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1 need to improve the language capabilities of both English and
2 the home language of these students before funding programs at
3 higher grade levels;

4 ~~[(3) use two languages as mediums of~~
5 ~~instruction for any part or all of the curriculum of the grade~~
6 ~~levels within the program;]~~

7 (3) use the home or heritage language as the
8 medium of instruction for any part or all of the curriculum of
9 the grade levels within the program and use English for an
10 additional part within the program when there is an
11 identifiable need to improve the students' English language
12 proficiency;

13 (4) use teachers who have specialized in
14 elementary or secondary education and who have received
15 specialized training in bilingual education [~~conducted through~~
16 ~~the use of two languages~~]. These teachers or other trained
17 personnel shall administer language proficiency assessments in
18 both English and in the home or heritage language until
19 proficiency in each language is achieved;

20 (5) emphasize the history and cultures
21 associated with the students' home or heritage language;

22 (6) establish a parent advisory committee,
23 representative of the language and culture of the students, to
24 assist and advise in the development, implementation and
25 evaluation of the bilingual multicultural education program;

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1 and

2 (7) provide procedures to ensure that parental
3 notification is given annually prior to bilingual multicultural
4 education program placement.

5 B. Each bilingual multicultural education program
6 shall meet each requirement of Subsection A of this section and
7 be approved by the department to be eligible for state
8 financial support."

9 SECTION 3. Section 22-23B-2 NMSA 1978 (being Laws 2010,
10 Chapter 108, Section 2 and Laws 2010, Chapter 114, Section 2)
11 is amended to read:

12 "22-23B-2. PURPOSE.--The purpose of the Hispanic
13 Education Act is to:

14 A. provide for the study, development and
15 implementation of educational systems that affect the
16 [educational] academic success of Hispanic students to [close
17 the achievement gap and] increase graduation rates and ensure
18 lifelong success;

19 B. protect and preserve New Mexico's heritage
20 Spanish language and culture;

21 [~~B.~~] C. encourage and foster parental involvement
22 in the education of their children; and

23 [~~C.~~] D. provide mechanisms for parents; community,
24 community-based and business organizations; public schools,
25 school districts; charter schools; public post-secondary

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1 educational institutions; the higher education department; the
2 public education department; and state and local policymakers
3 to work together to improve educational opportunities for
4 Hispanic students for the purpose of [~~closing the achievement~~
5 ~~gap~~] increasing graduation rates, [~~and~~] increasing
6 post-secondary enrollment, retention and completion and
7 ensuring lifelong success."

8 SECTION 4. Section 22-23B-5 NMSA 1978 (being Laws 2010,
9 Chapter 108, Section 5 and Laws 2010, Chapter 114, Section 5)
10 is amended to read:

11 "22-23B-5. HISPANIC EDUCATION ADVISORY COUNCIL.--

12 A. The "Hispanic education advisory council" is
13 created as an advisory council to the secretary. The council
14 shall advise the secretary on matters related to improving
15 public school education for Hispanic students, increasing
16 parent involvement and community engagement in the education of
17 Hispanic students and increasing the number of Hispanic high
18 school graduates who succeed in post-secondary academic,
19 professional or vocational education.

20 B. The secretary shall appoint no more than twenty-
21 three members to the council who are knowledgeable about and
22 interested in the education of Hispanic students, including
23 representatives of public schools; post-secondary education and
24 teacher preparation programs; parents; Hispanic cultural,
25 community and business organizations; other community and

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1 business organizations; and other interested persons. The
2 secretary shall give due regard to geographic representation.
3 Members shall serve at the pleasure of the secretary.

4 C. The council shall elect a chairperson and such
5 other officers as it deems necessary.

6 D. The council shall meet as necessary, but at
7 least twice each year at the biannual Hispanic education
8 summit.

9 E. The council shall advise the secretary on
10 matters related to Hispanic education in New Mexico.

11 F. Members of the council [~~shall not~~] may receive
12 per diem and mileage [~~or other compensation for their services~~]
13 as provided for nonsalaried public officers in the Per Diem and
14 Mileage Act and shall receive no other compensation, perquisite
15 or allowance."

16 SECTION 5. Section 22-23C-5 NMSA 1978 (being Laws 2021,
17 Chapter 51, Section 5) is amended to read:

18 "22-23C-5. BLACK EDUCATION LIAISON CREATED--DUTIES.--

19 A. The "Black education liaison" is created in the
20 department.

21 B. The liaison shall:

22 (1) focus on issues related to Black education
23 and advise the secretary and the council on the development and
24 implementation of public policy regarding the education of
25 Black students;

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1 (2) advise the department and the council on
2 the development and implementation of the five-year strategic
3 plan for public elementary and secondary education in the state
4 as the plan relates to [~~Black student~~] the education of Black
5 students;

6 (3) assist and be assisted by other staff in
7 the department and in the higher education department to
8 improve elementary, secondary and post-secondary educational
9 outcomes for Black students;

10 (4) maintain and update information on the
11 department's website or a separate website that includes:

12 (a) subject to funding, links to a
13 statewide [~~hotline~~] online reporting portal for reporting
14 [~~racially charged incidents~~] school-based incidents of racism
15 or racial discrimination against anyone. A submission and any
16 information in connection to the submission made through the
17 online portal is not a public record and is exempt from the
18 Inspection of Public Records Act;

19 (b) links to the department's Black
20 education [~~white~~] policy briefs or position papers as well as
21 other pertinent research; and

22 (c) information on and links to
23 historically Black colleges and universities;

24 (5) serve as a resource to enable school
25 districts and charter schools to provide equitable and

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1 culturally relevant learning environments, educational
2 opportunities and culturally relevant instructional materials
3 for Black students enrolled in public schools;

4 (6) support and consult with the council;

5 (7) support school districts and charter
6 schools to recruit parents on site-based and school district
7 committees that represent the ethnic diversity of the
8 community; and

9 (8) implement activities that are recommended
10 and prioritized by the council within available funding."

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