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Proposed Legislation

West's New Mexico Statutes Annotated  
Chapter 22. Public Schools  
Article 5. Local School Boards

N. M. S. A. 1978, § 22-5-4.3

§ 22-5-4.3. School discipline policies; racial sensitivity and anti-racism training; hotline for reporting racially charged incidents and racialized aggression involving students or school personnel; students may self-administer certain medications

[Currentness](#)

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. No local school board shall allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of protective hairstyles or cultural or religious headdresses.

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

C. 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. All school discipline policies shall define and include a specific prohibition against racialized aggression involving a student or school personnel. Every school district and every charter school shall provide links to the statewide hotline to report racially charged incidents or racialized aggression.

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.

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 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.

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.

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.

I. Local school boards and governing bodies of charter schools shall not prohibit a student who is enrolled, or eligible for enrollment, in a federally recognized Indian nation, tribe or pueblo from wearing tribal regalia or objects of cultural significance along with or attached to a cap or gown or wearing tribally significant footwear or other items of apparel under a gown at graduation ceremonies or public school events.

J. As used in this section:

- (1) “cultural or religious headdresses” includes hijabs, head wraps or other headdresses used as part of a person's personal cultural or religious beliefs;
- (2) “protective hairstyles” includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps; and
- (3) “tribal regalia” means a tribe's traditional dress or recognized objects of religious or cultural significance, including tribal symbols, jewelry, beading and feathers.

#### **Credits**

L. 1986, Ch. 33, § 9; L. 1993, Ch. 226, § 13; L. 2005, Ch. 60, § 1, eff. June 17, 2005; L. 2011, Ch. 97, § 1, eff. June 17, 2011; L. 2021, Ch. 19, § 1, eff. July 1, 2021; L. 2021, Ch. 37, § 1, eff. July 1, 2021; L. 2021, Ch. 51, § 8, eff. June 18, 2021. Amended by L. 2025, Ch. 7, § 1, eff. March 19, 2025.

[Notes of Decisions \(12\)](#)

NMSA 1978, § 22-5-4.3, NM ST § 22-5-4.3

Current through Chapters 1, 7, 10, 21, 24, 35, 55, 61, 67, and 131 of the 2025 First Regular Session of the 57th Legislature (2025). The 2025 First Regular Session convened on January 21, 2025, and adjourned on March 22, 2025.

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