

POLICY SERVICES

ADVISORY

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Policy Advisory Discussion The following discussion is the result of changes to New Mexico Law promulgated by the Legislature at the regular 2017 session. There were a number of laws that effected policies recommended by Policy Services of the New Mexico School Boards Association and there were a number of laws that require attention but that do not effect

policies. Policy Services chose not to include HB 75 on Restraint and Seclusion in this set of advisories due to the complexity and overlap of the bill with federal special education law and Section 504 implications. Simply reading the HB 75 Section 1 part A brings sufficient attention to the judgement and disagreements that will result from interpreting terms like "imminent danger" of "serious physical harm" and "interventions appear insufficient to mitigate imminent" danger or harm. Establishing policy, considering the complexity both of the bill directions and the nature of the subject without considering all of the implications for decision making would be without merit. Policy Services will work on recommendations for implementation of HB 75 and suggests that Districts closely follow their current policies on discipline until the required policy or policies and a school safety plan can be suggested.

The following recommendations are provided for your review and consideration. Unless otherwise noted these are policies or procedures required for purposes of compliance with the laws of the State of New Mexico.

Policy Advisory 128 - CM School District Annual Accountability Report. Policy CM was modified to conform with HB 453 and changes made to 22-2C-11 NMSA regarding assessment and accountability system reporting requirements. CM is changed specifically to indicate that the annual accountability report shall be published at least once each school year in a newspaper of general circulation in the county where the District is located as well as on the school website. Previously the district had a choice as to whether to publish in a newspaper and the newer requirement is that the report be published on the District website as well. Additionally, the bill, while mainly directed at the Public Education Department, included a requirement directed at school boards that the report include the names of those members of the local school board who failed to attend annual mandatory training per 22-5-13 NMSA. Reference part D and E of 22-2C-11 NMSA as revised by HB 453 for the relevant changes to policy CM.

Policy Advisory 129 - DIE-R - Audits / Financial Monitoring. Policy Services was informed that the latest requirements for an annual audit based upon federal financial assistance expenditures has been raised from \$500,000 to \$750,000. Upon reaching that threshold of expenditure, a District is required to comply with the Single Audit Act Amendments of 1996. You may already be aware that Policy Services does not list the detailed auditing requirements in policy since the requirements are specific and detailed, often changing, and usually require local procedural statements based upon availability of personnel and local circumstances. The change in regulation should be a simple reminder of the need to establish procurement procedures to accomplish the audit. There is no supporting legislation or information to reference. If you have questions, please contact your auditor or the Public Education Department.

Policy Advisory 130 - ECAC - Vandalism. Policy ECAC has been modified to reflect the repeal of 22-10A-33 NMSA which required that an incident report be filed with the Public Education Department by persons who observed or had direct knowledge of school vandalism incidents. The statute was repealed in Section 4 of HB 453. The remainder of Policy ECAC is still in effect.

Also repealed in Section 4 of HB 453 was the requirement to report annually, at a time specified by the Public Education Department (PED), the purchase of instructional materials per 22-15-12 NMSA. There was no policy associated with this annual requirement since the time and format were to be determined by the PED. See 6.75.2.9 E which implemented 22-15-12 NMSA and may be no longer applicable.

Policy Advisory 131 - EEAA - Walkers and Riders. This policy contains changes that are required by several legislative actions. The first modification is made to emphasize that transportation arrangements to the school of origin for certain enrolling students is to be made by the persons appointed as liaison or point of contact. Liaison is the term that fits the person given the duty to see that the arrangements are made. The change to the sentence regarding transportation to the school of origin of homeless and foster children was made pursuant to the combined effect of implementation of HB 301, SB 213 and HB 411. Other Policies will be effected by these legislative actions as well.

The change to paragraph two of policy EEAA was made to implement the changes made to 22-16-4 NMSA by SB 381 in the 2017 regular legislative session. The change allows a district to transport certain students to and from school by an alternative means of transportation (other than buses) under specific circumstances. The type of vehicle is specifically designated, the students are identified by distance to their residence and the vehicle is to be driven by a certified activity driver. Rules for the safety of the students are to be formulated and published by the Public Education Department. The changes in the policy outline this new option for alternative transportation of some students to and from school as indicated in section D of SB 381.

Policy Advisory 132 - EFC - Free and Reduced - Price Food Services. With the approval of SB 374, significant change in school food services will be necessary in each school. These changes are related to notice, student receipt of a school meal, non discriminatory treatment, meal debt collection, and follow up to assure eligibility and service. Three (3) documents are effected by SB 374, policies EFC, EFDA and tangentially exhibit JFABD-EA. Policy EFC was altered to include the more stringent language required to emphasize notice of eligibility, assuring completion of an application and provision of specific non discrimination requirements. Reference Sections 3 and 5 of SB 374 for the changes in policy EFC.

Policy Advisory 133 - EFDA - Collection of Money / Food Tickets. EFDA was almost completely rewritten to incorporate the language of Sections 4 and 6 of SB 374. This Senate bill ensures the receipt of a student meal for any student who request one, outlines debt collection procedures and places limits on collection of meal debt.

Policy Advisory 134 - IKF - Graduation Requirements. The legislature modified the graduation requirements to allow a course in computer science to satisfy one (1) unit in either mathematics or science but not both under specific circumstances. The change requires competency be determined in the subject for which the unit is applied before allowing the

substitution. IKF was modified to provide for this change in 22-13-1.1 part L NMSA, as determined by SB 134 Section 1. This revision applies to students entering the ninth grade in the 2017-2018 school year.

Policy Advisory 135 - JFABD-EA - Admission of Homeless Students. A one sentence addition to establish that homeless children receive free school meals and are appropriately coded in the accountability reporting system was added to exhibit JFABD-EA, a dominantly federally required procedural document. The addition clarifies that free meals are to be provided to homeless children and requires steps to enter the information in the student teacher accountability system as required by section 3D of SB 374.

Policy Advisory 136 - JGC - Assignment of At-Risk Students to Classes and Programs. HB 301 and SB 213 have the same language and are intended to provide students who have experienced "disruption in the education process" assistance in academic and activity participation, receiving credits and planning for graduation. Policy Services examination of these two bills along with HB 411 found the common connection to be "minimizing disruption of the student's education". The latter, HB 411 was more specific by requiring the District to name a person to be the point of contact for students in foster care and students involved in the juvenile justice system. Policy Services chose to prepare a separate policy based on HB 411 and the appointment of a point of contact person to encompass the activities and assurances required by these three bills. The definitions for those students who are to receive the services indicated in HB 301 and SB 213, with the exception of homeless children, are largely subsumed within the definitions for those students to receive services under HB 411. The students are defined in HB 411 as those in foster care and involved in the juvenile justice system. For those reasons, policy JGC assigned the person to be the point of contact to the duties and responsibilities found in each of these bills in order to minimize disruption to students' education for those groups named therein. Though there may be some differences between student populations identified by the bills specified, it is Policy Services position that with few exceptions the students encompassed by the language of these bills will fall into the "students experiencing disruption in the education process" classification and should be treated as such. The specifics of each bill are found referenced in JGC first for HB 411, and then HB 301 and SB 213 for students experiencing disruption in the education process.

Policy Advisory 137 - JJIB - Interscholastic Sports. SB 38 provides that the brain injury information form previously required by 22-13-31 NMSA be modified to establish that the signature confirms receipt of training in and an understanding of the brain injury information required to be provided to parents and students. Policy JJIB was modified to indicate the significance of the signatures. The changes are found in 22-13-31 NMSA part E, as revised by SB 38.

Policy Advisory 138 - KF and KF-EC - Community Use of School Facilities. SB 38 requires written confirmation of receipt and understanding of brain injury protocol training by parents and participants in nonscholastic youth athletic activity held on school district property.

This was added by new statute 22-13-31.1 Part E NMSA. A minor change was made to the legal reference of policy KF showing the statutory change. As permitted by the statutory change, exhibit KF-EC, which is the form that must be signed by the sponsors of nonscholastic sports using school property, was modified to indicate the sponsors' commitment to the requirements of the new statute. These requirements are that coaches and participants receive training and information regarding brain injury. It also require that parents or guardians provide signatures confirming that the participant has had the training and that the information has been received and understood before participation in any activity on school property.

Materials of a legal nature in support of this advisory may be found following the text of the Policies below. If you have any questions, or requests call Policy Services at (505) 469-0193 or E-mail Dr. Donn Williams, Policy Services Director at [nmsbapolicy@cox.net].

This Material is written for information only and is not intended as legal advice. Please consult your attorney for legal explanations.

Advisory 128

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**SCHOOL DISTRICT ANNUAL
ACCOUNTABILITY REPORT**

The Board shall make an annual accountability report as determined by the Public Education Department containing such information and surveys as may be required by state statute or administrative code. The report shall include the names of those board members who failed to attend mandatory training. Preparation of the report shall be in accord with the relevant statutes.

The District's annual accountability report shall be adopted by the Board. The report shall be published ~~N~~no later than November 15 of each year and the report ~~may~~ shall be published at least once each school year in a newspaper of general circulation in the county where the District is located as well as on the school website. The report, titled "The School District Report Card", shall be disseminated in accordance with guidelines established by the Secretary of Public Education.

Adopted: date of manual adoption

LEGAL REF.: 22-1-6.1 NMSA
 22-2C-11 NMSA
 22-8-23.3 NMSA

CROSS REF.: IKAB - Report Cards/Progress Reports

Advisory 129

REGULATION**REGULATION****AUDITS / FINANCIAL MONITORING**

Each program, instructional unit, and department shall prepare and maintain such financial records as are directed by the Superintendent. The documents shall be accurate and of essential sufficiency to enable the District to comply with all requirements for financial monitoring and audits, both internal and external.

In addition to special reviews that may be conducted as necessary, the District will comply with the following minimum requirements to demonstrate proper management of and accountability for its fiscal resources:

- Whenever the District's expenditure of federal financial assistance is ~~five~~ seven hundred fifty thousand dollars (~~\$50~~ 750,000) or more during a fiscal year, the District shall contract with an approved independent auditor to conduct an annual financial audit. The audit shall be performed in accordance with generally accepted auditing standards in compliance with the requirements of the federal Single Audit Act Amendments of 1996 and any implementing regulations of the Office of Management and Budget (OMB).

The Superintendent shall be promptly informed of any material deficiency that is discovered during a monitoring or auditing process.

Advisory 130

VANDALISM

~~A school administrator, teacher or other school employee who observes or has direct knowledge from a participant or victim of an act of vandalism to public school property shall file an incident report describing the incident pursuant to established procedures. A person who files an incident report shall not be discriminated against in any manner or discharged by a superintendent because of the filing of that report.~~

As part of the protection from vandalism, the Board of Education will: Offer and, upon compliance with the condition of such offer, pay rewards for information leading to the arrest and conviction or other appropriate disciplinary disposition by the courts or juvenile authorities of offenders in case of theft, defacement, or destruction of local school District property.

The payment of a reward will be subject to the availability of funds. The source of information will remain confidential.

The Board of Education shall be responsible for recommending reward amounts with direction by the Superintendent.

Adopted: date of manual adoption

LEGAL REF.: ~~22-10A-33 NMSA (1978)~~ repealed
22-5-4 NMSA

Advisory 131

WALKERS AND RIDERS

The Board authorizes the administration to provide regular school bus transportation to and from school for the following categories:

- Students with disabilities who require transportation, as indicated in their respective individual education programs including three (3) and four (4) year-old developmentally disabled children.
- Students living within a two (2) mile radius of the school where hazardous or difficult routes exist and where other arrangements cannot be provided.
- Students who are residents within a school attendance area and:
 - If students in grades kindergarten through six (6), live more than one (1) mile from the school.
 - If students in grades seven (7) through nine (9), live more than a mile and a half (1 1/2) from the school.
 - If students in grades ten (10) through twelve (12), live more than two (2) miles from the school.
- Transportation for homeless students and foster children to their school of enrollment, if it is the school of origin, will be arranged as needed by the school liaison or contact person for homeless students those students.

Upon proof of need by the Superintendent and as specified in statute 22-16-4 NMSA, up to six students whose residences are five (5) or more miles from their school or schools of enrollment, may be transported to and from school by means of a school owned sport utility vehicle, driven by a school employed certified activity driver, in accord with the safety rules of the Public Education Department.

Transportation Zones

The following stipulations will define bus transportation zones and other items that may affect students in open enrollment.

Student(s) who select the freedom of choice alternative in school attendance, and commute from one zone to another must provide individual means of transportation. The District assumes no responsibility in freedom of choice transportation endeavors nor will the District provide transportation for the students.

Transfers must be made at the beginning of a semester. If an emergency arises or reasonable justification can be provided, the school principal will review the request. In the event the principal negates the request, the matter may be presented to the Superintendent and ultimately to the Board for a decision. Transfer students will be expected to remain in the school of their choice until the close of the semester in which they are enrolled.

Students may be denied enrollment in a school out of their attendance boundary if the school of their choice is overcrowded.

Adopted: date of manual adoption

LEGAL REF.: 22-16-4 NMSA (1978)
22-13- NMSA (1978)
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: EEAFB - Extracurricular Activity Event Driver Requirements
JFABD - Admission of Homeless Students

Advisory 132

FREE AND REDUCED - PRICE FOOD SERVICES

A program of free and reduced-price meals shall be established through Board approval and participation in the National School Lunch, ~~and~~ School Breakfast Programs and other federal programs to provide meals for students who qualify. All parents and guardians, including those of students entering during the year, shall be informed of the program by letter in a language the parent or guardian understand. Printed meal applications or instructions on how to receive a printed application will be provided for every new enrollee at enrollment. Assistance with understanding the application will be provided as needed. The school may complete and file an application for a student who is eligible for free and reduced-price meals if aware that the student is eligible and none is on file, per Title 7. Applications shall be reviewed and maintained by the supervisor of food services.

The income poverty guidelines prescribed on July 1 of each year must be used for the ensuing fiscal year. Each state agency has special responsibilities for informing schools and service institutions of their obligation to provide free or reduced-price lunches and breakfasts to students who qualify. Furthermore, the Board will submit to the Food and Nutrition Office a policy and criteria that will be followed in determining the eligibility of all students for free or reduced-price meals.

The District will serve meals free or at a reduced price to any student who is a member of a family that has an annual income not above the applicable income level for the student's family size.

The adopted income guidelines must meet the income poverty guidelines prescribed by the federal Office of Management and Budget.

Non Discrimination or Stigmatization

Student's who cannot pay or who have a meal debt:

- Shall not be publicly identified, by any means so as to separate or allow a recognition of difference from other students using food services.
- Shall not be required to do chores or other work to pay for meals.
- May be required to carry a letter addressed to their parent or guardian regarding food services but direct communications to the student about meal debt is prohibited.

Adopted: date of manual adoption

LEGAL REF.: insert citation SB 374
42 U.S.C. 1771 *et seq.*, The Child Nutrition Act
Title 7, Vol 4, Section 245.6d C.F.R

Advisory 133

COLLECTION OF MONEY / FOOD TICKETS

Meal Charges and Payments

The district authorizes each school to collect for meals based on the Board approved meal charges and reduced meal charges for all students who are not eligible for free meals. Such charges, and payments made, shall be received and recorded in a manner to keep the record confidential and treated in accord with the following provisions:

Regardless of whether or not a student has money to pay for a meal or owes money for earlier meals, the school:

- shall provide a US department of agriculture reimbursable meal to a student requesting one, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal, and
- shall not require that a student throw away a meal after it has been served.

Collection for unpaid meal charges

If a student owes money for five (5) or more meals, a school shall:

- check the state list of students categorically eligible for free meals to determine if the student is eligible.
- make at least two attempts, not including the application or instructions included in a school enrollment packet, to reach the student's parent or guardian and have the parent or guardian fill out a meal application; and.
- require a school administrator or counselor to contact the parent or guardian to offer assistance wiith a meal application, determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school meal and offer any other assistance that is appropriate.

Parents shall ultimately be responsible for any allowed meal charges when students are unable to pay for the meal. Communications about school meal debt shall only be to a parent or guardian. The parent or guardian shall not pay fees or costs to collection agencies for school meal debt.

~~The Board shall permit elementary students to incur reasonable charges, up to three (3) for meals without payment, after which parents/guardians shall be contacted for payment. Any fourth (4th) charge must be approved by the principal.~~

~~Secondary students will be allowed to charge one (1) time. A second (2nd) charge will have to be approved by the principal.~~

~~Meals shall be provided to students in pre-kindergarten, kindergarten, and for disabled students unable to take full responsibility for payment.~~

~~No lunch charges will be allowed under any circumstances during the last ten (10) days of the school year.~~

Adopted: date of manual adoption

LEGAL REF.: insert citation SB 374
 42 U.S.C. 1771 *et seq.*, The Child Nutrition Act

Advisory 134

GRADUATION REQUIREMENTS

Regular Education

Ninth grade class of 2009-2010 and after. A minimum of twenty four (24) units of credit aligned to the state academic content and performance standards as listed below are required for graduation for those beginning with the ninth grade class of 2009-2010. A student may receive a high school diploma of excellence after having demonstrated accomplishment of the standards or a portfolio of standards based indicators in mathematics, reading and language arts, writing, social studies, and science adopted by the Secretary of Public Education. A student may also receive the Seal of Bilingual-Biliteracy on the diploma of excellence and have it noted on the school transcript by studying and attaining proficiency in a language other than English. If a student exits from the school system at the end of grade twelve (12) without having satisfied the above requirements, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five (5) years after a student exits from the school system, the student satisfies the requirements listed, the student may receive a high school diploma of excellence. Graduation requirements shall not be changed for a student entering the ninth grade from the requirements specified in law at the time the student enrolled in the ninth grade.

Graduation requirements may be met as follows:

- By successful completion of subject area course requirements.
- By mastery of the standards or a portfolio of standards based indicators adopted by the Secretary of Public Education and other competency requirements for the subject as determined by the Board.
- By earning credits through correspondence courses that meet graduation requirements and/or by passing appropriate courses at the college or university level if the courses are determined to meet standards and criteria established by the Board.

Graduation requirements are:

For students entering as ninth graders in 2009-2010 at least one (1) unit of the following twenty four (24) units must be earned in an advanced placement or honors program, a dual-credit course or distance learning course.

- English (grammar, nonfiction writing and literature emphasis) 4.0 units
- *Math (one [1] equal to algebra II or higher unless parents sign off and a financial literacy

course may meet one of the required units).....	4.0 units
*Science (two [2] with a laboratory component).....	3.0 units
United States History and Geography, World History and Geography, and Government and Economics and one- half (1/2) unit of New Mexico History	3.5 units
Physical Education or marching band or jr. ROTC or NMAA sanctioned interscholastic sports	1.0 unit
Career cluster course, workplace readiness or language.....	1.0 unit
**Electives including student service learning.....	7.5 units
Total	24.0 units

*For students entering the ninth grade in the 2017-2018 school year and after, a course in computer science may satisfy either a unit of mathematics or science, but not both, if taken after competency is determined in the subject for which the unit is applied.

**For students entering the eighth grade in the 2012-2013 school year and after, a course in health education is required prior to graduation.

A student shall develop and file an updated final next-step plan during the senior year and prior to graduation that conforms with the requirements for a student curriculum plan pursuant to 22-13-1.1 NMSA 1978. The plan shall explain any differences from previous interim next-step plans, shall be filed with the principal of the student's high school and shall be signed by the student, the student's parent or guardian and the student's guidance counselor or other school official charged with coursework planning for the student. An individualized education program (IEP) filed with the principal that meets the applicable transition and procedural requirements of the federal Individuals with Disabilities in Education Act for qualified students shall satisfy the next-step requirements for that student.

Final examinations shall be administered to all students in all classes offered for credit.

Parents are to be notified in writing not later than the conclusion of the third (3rd) nine-weeks grading period of their students senior year if the student is at risk of not meeting all graduation requirements. Progress reports are to be provided to parents and students at each grading period.

A high school student required to transfer to an out-of-state school by the transfer of the student's parents, who are members of the New Mexico national guard or the armed forces of the United States, may request that a diploma be issued by the New Mexico high school of transfer. The student must meet the guidelines and comply with the requirements of the New Mexico Statutes Annotated regarding military dependent transfers and their courses and grades must meet or exceed New Mexico's requirements for graduation as determined by the School District.

Special Education

Listed above, under "Regular Education," are the requirements that must be completed before a student may receive a high school diploma or diploma of excellence. Completion of graduation requirements for special education students who do not meet the required units of credit shall be determined on a case-by-case basis in accordance with the special education course of study and the individualized education program of the student.

Adopted: date of manual adoption

LEGAL REF.: 22-13-1.1 NMSA (1978)
22-13-1.4 NMSA (1978)
6.29.1.9 NMAC

CROSS REF.: IGD - Curriculum Adoption
IGE - Curriculum Guides and Course Outlines
IHA - Basic Instructional Program
IIE - Student Schedules and Course Loads
IKA - Grading/Assessment Systems
JFABC - Admission of Transfer Students
JG - Assignment of Students to Classes

Advisory 135

EXHIBIT**EXHIBIT****ADMISSION OF HOMELESS STUDENTS****(Liaison Position)**

The School shall designate a liaison for homeless students and, in conjunction with the state coordinator, shall inform school personnel, service providers, and advocates working with homeless families of the duties of the School liaison.

The School liaison for homeless students shall ensure that:

- homeless students are identified by school personnel and through coordination activities with other entities and agencies;
- homeless students enroll in, and have full and equal opportunity to succeed in, the District's schools;
- homeless families and students receive educational services for which such families and students are eligible, including:
 - Head Start and Even Start programs and preschool programs administered by the School; and
 - referrals to health care and immunization services, dental services, mental health services, and other appropriate services;
- the parents or guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- homeless students receive free meals and are appropriately coded and entered in the student-teacher accountability system;
- public notice of the educational rights of homeless students is disseminated where such students receive services under the Homeless Assistance Act, such as:
 - schools;
 - family shelters; and
 - soup kitchens;
- disputes over school selection or enrollment in a school are mediated in a manner that:

- immediately admits the student to the school in which enrollment is sought, pending resolution of the dispute;
 - provides the parent or guardian of the student with a written explanation of the school's decision regarding the school selection or enrollment, and informs the parent, guardian, or student of the rights to appeal the decision;
 - expeditiously carries out the dispute resolution process after receiving notice of the dispute; and
 - in the case of an unaccompanied youth, ensures that the student is immediately enrolled in school pending resolution of the dispute;
- fully informs the parent or guardian of a homeless student, and any unaccompanied youth, of all transportation services, including arrangements for transportation to the school of origin;
 - assists the parent or guardian of a homeless student, and any unaccompanied youth, in accessing transportation to the selected school.

As a part of the duties, the School liaison for homeless students will coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to homeless students.

The School liaison for homeless students will forward the dispute resolution process form of the Public Education Department along with the written explanation of the school's decision to the Department's homeless liaison within five (5) calendar days of the school's final decision regarding a dispute on placement of the homeless student if the decision is contrary to the homeless parent or child. The following information shall be included:

- School name, address, phone and fax number;
- Student's name, identification number, grade, and address;
- Parent, guardian or complaining party's name, relationship to student, address, and phone number;
- Whether student lives in a shelter;
- Name of school child or youth chooses to be enrolled in pending resolution of dispute;
- Whether school enrolled in is school of origin;
- Reason for complaint;
- Signature of parent guardian or complaining party; and
- The principal's actions on the complaint.

Advisory 136

ASSIGNMENT OF AT-RISK STUDENTS
TO CLASSES AND PROGRAMS

The Superintendent shall designate an individual to serve as a point of contact for students in foster care and students involved in the juvenile justice system in accord with the definitions in Chapter 22, Article 13, Section () NMSA 1978.

For students transferring into the school district, the point of contact person shall be responsible for:

- ensuring that a student is immediately enrolled regardless of whether the records normally required for enrollment are produced by the last school the student attended or by the student;
- ensuring that the enrolling school communicates with the last school attended by a transferring student to obtain relevant academic and other records within two business days of the student's enrollment;
- ensuring that the enrolling school performs a timely transfer of credits that the student earned in the last school attended; and
- collaborating with the education program staff in a juvenile or criminal justice placement and the educational decision maker appointed by the children's court to create and implement a plan for assisting the transition of a student to the school district to minimize disruption to the student's education.

For students transferring out of the school district or charter school authorized by the department, the point of contact person shall be responsible for providing all records to the new school within two business days of receiving a request from the receiving school.

For students in foster care, the point of contact person shall be responsible for:

- complying with state policies and developing school district or charter school policies in collaboration with the children, youth and families department for:
 - best interest determinations about whether the student will remain in the school of origin;
 - transportation policies to ensure that students receive transportation to their school of origin if it is in their best interest to remain in the school of origin; and
 - dispute resolution;

- convening or participating in best interest determination meetings in collaboration with the children, youth and families department pursuant to state policies and the school district's policies; and
- ensuring that transportation occurs to the student's school of origin pursuant to the school district's or charter school authorized by the department's policies and in compliance with state policies.

For students in foster care and students involved in the juvenile justice system, the point of contact person shall be responsible for:

- ensuring that a student has equal opportunity to participate in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
- ensuring that a student in high school receives timely and ongoing assistance and advice from counselors to improve the student's college and career readiness;
- ensuring that a student receives all special education services and accommodations to which the student is entitled under state and federal law;
- identifying school staff at each school site who can ensure that students are appropriately supported throughout their enrollment;
- supporting communication among the school; the children, youth and families department; the student; the student's educational decision maker appointed by the children's court; caregivers; and other supportive individuals that the student identifies to ensure that the responsibilities listed in this subsection are implemented; and
- ensuring that other school staff and teachers have access to training and resources about the educational challenges and needs of system-involved youth, including trauma-informed practices and the impact of trauma on learning.

The children, youth and families department shall notify a school when a student in the school enters foster care or a student in foster care enrolls in a school.

The student or the student's educational decision maker may notify a school that the student is involved in the juvenile justice system to obtain support and services from the point of contact.

Additionally, the point of contact person shall see that the students identified below as having experienced disruption in education are provided the services indicated.

Disruption in Education Definition

A student who experiences one or more changes in school or school district enrollment during a single school year for one of the following reasons or at any time during high school enrollment shall be identified as one who has experienced disruption of education:

- homelessness as defined in the federal McKinney-Vento Homeless Assistance Act as determined by the school or school district;
- adjudication:
 - as an abused or neglected child as determined by the children, youth and families department pursuant to the Abuse and Neglect Act;
 - as part of a family in need of court-ordered services or voluntary placement pursuant to the Family Services Act; or
 - as a delinquent if the parent wishes to disclose the adjudication of delinquency; or
- placement in a mental health treatment facility or habilitation program for developmental disabilities pursuant to the Children's Mental Health and Developmental Disabilities Act or placement in treatment foster care.

Transfer

When a student who has had a disruption in education transfers to a new school or district:

- the receiving school shall request records for the student within two (2) days of enrollment;
- the sending school shall provide the requested records within two (2) days of receiving the request.

The transfer student shall:

- have priority placement in classes that meet state graduation requirements; and
- timely placement in elective classes comparable to those the student was in at the previous school upon verification by records received.

For all students who have experienced disruption in the student's education during high school enrollment,

The point of contact person shall ensure:

- acceptance of the student's state graduation requirements for a diploma of excellence pursuant to the Public School Code;
- equal access to participation in sports and other extracurricular activities, career and technical programs or other special programs for which the student qualifies;
- timely assistance and advice from counselors to improve the student's college or career readiness; and

- that the student receives all special education services to which the student is entitled.

Adopted: date of manual adoption

LEGAL REF.: 22-13- NMSA 1978
42 U.S.C. 11301, McKinney-Vento Homeless Assistance
Act of 2001

CROSS REF.: IKEB - Acceleration
JFAA - Admission of Resident Students
JFAB - Admission of Nonresident Students
JFABD - Admission of Homeless Students
JFB - Open Enrollment
JG - Assignment of Students to Classes and Grade Levels
JLCB - Immunizations of Students
JR - Student Records
JRCA - Request for Transfer of Records

Advisory 137

INTERSCHOLASTIC SPORTS
(School Athletic Activities)

General

School athletic activity means a sanctioned middle school, junior or senior high school function that the New Mexico activities association regulates.

The purpose of school athletic activities is both educational and recreational. The school sports program should encourage participation by as many students as possible and should always be conducted with the best interests of the participants as the first consideration. Districts shall provide comparable athletic opportunity in school athletic activities for both sexes. The district has the option of prohibiting participation by both sexes on the same team, where comparable or separate athletic opportunity exists for both sexes.

District participation in school athletic activities shall be subject to approval by the Board. This shall include approval of membership in any leagues, associations, or conferences, and of any new agreements with other schools for a series of games or events.

The following rules shall be observed for participation by individual students:

- For each type of sport in which the student engages, the parents or guardian must give written consent.
- The student must be determined by a physician to be physically fit for the sport.
- Before participation in school athletic activities, a brain injury information form shall be provided to a student athlete and the student athlete's parent or guardian. The school district shall receive signatures on the brain injury information form from the student athlete and the student athlete's parent or guardian, confirming their understanding of the brain injury information and the student's receipt of the brain injury training, before allowing participation in school athletics.
- The student must obtain or have catastrophic health or accident insurance.

The Superintendent shall set up other rules for participation, such as those governing academic standing, in accordance with policies of the District and pertinent regulations and recommendations of the state interscholastic athletic association.

Charter School Student Participation

Charter school students in grades seven (7) through twelve (12) may participate in School District extracurricular activities sanctioned by the New Mexico Activities Association in the

School District attendance zone in which the student lives (participating in only one [1] public school program) if they meet eligibility requirements other than enrollment and if the charter school does not offer such activities sanctioned by the New Mexico Activities Association.

Home School Student Participation

Home school students may participate in three (3) School District athletic activity sanctioned by the New Mexico Activities Association in the School District attendance zone in which the student lives if they meet the eligibility requirements other than enrollment in the school.

Health and Safety of Participants

The health and safety of participants in interscholastic athletic activities must receive careful consideration. Participants must be provided access to water at all times during practice sessions, games, or other interscholastic athletic activities.

A coach shall not allow a student athlete to participate in a school athletic activity on the same day a coach, a school official or a student athlete reports, observes or suspects that a student athlete exhibits signs, symptoms or behaviors consistent with a brain injury or has been diagnosed with a brain injury.

A coach may allow a student athlete who has been prohibited from participating in a school athletic activity to participate in a school athletic activity no sooner than two hundred forty (240) hours from the hour in which the student athlete received a brain injury and only after the student athlete:

- no longer exhibits any sign, symptom or behavior consistent with a brain injury; and
- receives a medical release from a licensed health care professional.

Each school athletic activities coach is required to have training on brain injury recognition and follow-up provided by the New Mexico activities association.

The Superintendent shall require that regulations for health and safety of participants in school athletic activities be developed, implemented, and enforced. Such regulations may, at the discretion of the Superintendent, be incorporated into this policy as an administrative regulation.

Adopted: date of manual adoption

LEGAL REF.: 22-2-2 NMSA (1978)
22-8-18 NMSA (1978)
22-8C-8 NMSA (1978)
22-8-23.8 NMSA (1978)
22-13-31 NMSA (1978)
22-31-1 NMSA et seq. (1978)
6.13.4.8 NMAC

CROSS REF.: JJJ - Extracurricular Activity Eligibility
JLCA - Physical Examination of Students

Advisory 138

**COMMUNITY USE OF
SCHOOL FACILITIES**

Leasing (renting)

The mission of the District is to provide comprehensive, success-oriented learning activities for young people in our schools.

These opportunities must be designed to develop the person's potential in the areas of academic ability and vocational awareness, cultural appreciation, physical well-being, social development, and community contribution.

School facilities and property may be leased to a group or organization for any lawful purpose in the interest of the community. The purposes include but are not limited to success-oriented activities, designed to develop a student's potential but may include other purposes such as:

- recreational,
- educational,
- political,
- economic,
- artistic,
- moral,
- scientific,
- social,
- religious,
- other civic,
- or governmental.

A reasonable use fee shall be charged for the lease of school facilities and property for all of those that meet the above criterion and this fee may be offset by goods contributed or services rendered by the lessee. "Reasonable use fee" means an amount that is at least equal to the cost for utilities, services, supplies or personnel provided to the lessee pursuant to the terms of the lease.

Uncompensated use

The Superintendent may permit the uncompensated use of facilities and property by any school related group, including student political organizations, or by any organization whose membership is open to the public and whose activities promote the educational function of the District. "Education function" means uses that are directly related to the educational mission of the District as adopted by the Board and includes the educational mission related uses of parent - teacher organizations, youth organizations and school employee organizations. Use of facilities or property by organizations indicated above that will require a substantial District cost for

utilities, services, supplies and/or personnel may be permitted only if goods contributed, services rendered or payments are made to reimburse these costs to the District.

The Superintendent shall require the person requesting the use of school property for a nonscholastic youth activity to sign a certification that the nonscholastic youth athletic activity will follow the brain injury protocols established pursuant to ~~Section 2 of~~ 22-13-31.1 NMSA 1978 in practice or preparation for an organized athletic game or competition against another team, club or entity before approval of use of the school property.

The mission statement found at the beginning of this policy and the group's or organization's promotion of the educational function through the activity, as interpreted by the Superintendent in good faith, will be the basis upon which uncompensated use of District facilities and property shall be approved or denied.

Generally

The Superintendent shall recommend a fee schedule to the Board for the lease of school property and such schedule shall include a procedure for determining the value of goods and services being provided as compensation for the use of school property. The schedule shall include a designation of those groups whose activities promote the educational function of the School District as determined in good faith by the Superintendent and presented for Board review.

Property not associated with the use of facilities is covered in section E of the policy manual (see cross referenced policies below). The District will use its best efforts to avoid conflicts with approved use of the facilities and property but no lease or use provision shall be effective if the administrator of the facility finds that it would cause delay, cancellation, or rescheduling of a school-sponsored activity.

The Superintendent shall establish such rules and regulations as are needed to implement this policy as well as to assure the preservation of District property.

Adopted: date of manual adoption

LEGAL REF.: 22-5-4 (D) NMSA (1978)
22-13-31.1 NMSA (1978)
6.50.17 NMAC

CROSS REF.: A - Board Member Qualifications
AC - Non - Discrimination / Equal Opportunity
EDC - Authorized Use of School - Owned Materials
and Equipment

EXHIBIT

EXHIBIT

**COMMUNITY USE OF
SCHOOL FACILITIES**

Nonscholastic Sport Users Certification

As a condition of permitting nonscholastic youth athletic activity in practice or preparation for an organized athletic game or competition against another team, club or entity to take place on school district property, the superintendent requires the person offering the nonscholastic youth athletic activity to sign this certification that the nonscholastic youth athletic activity will follow the brain injury protocols established pursuant to Section 2 of 22-13-31.1 NMSA 1978. This form shall certify that ~~regarding brain injury protocols, coaches and youth~~ training, and information regarding brain injury is to be provided to them as well as parents or guardians. and ~~Signatures to be~~ will be received from them the parents or guardians confirming receipt and understanding of the training and information before a youth participates in any activity.

Print Name

Signature

Date

I hereby certify that I am authorized by user to make this certification and to make all representations on behalf of:

RELEVANT SUPPORT MATERIALS

The following legislative bills are provided as final documents downloaded from the New Mexico Legislative web site.

The Bill number can be found in the lower right hand corner of each copy. They are numbered as they were numbered in final form on the web site. No claims of authenticity are being made by this representation.

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AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO REQUIRE THE SENDING SCHOOL DISTRICT AND THE RECEIVING SCHOOL DISTRICT ENROLLING A HIGH SCHOOL STUDENT WHO HAS EXPERIENCED DISRUPTION IN THE EDUCATION PROCESS THROUGH NO FAULT OF THE STUDENT TO PROVIDE THAT STUDENT WITH OPPORTUNITIES TO PARTICIPATE IN COMPARABLE SCHOOL ACADEMIC PROGRAMS AND EXTRACURRICULAR ACTIVITIES FOR WHICH THE STUDENT IS ELIGIBLE AND TO EARN CREDITS AND GRADUATE FROM HIGH SCHOOL.

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

SECTION 1. A new section of the Public School Code is enacted to read:

"TIMELY GRADUATION AND SUPPORT FOR STUDENTS WHO EXPERIENCE DISRUPTION IN THE STUDENT'S EDUCATION.--

A. For purposes of this section, "a student who has experienced disruption in the student's education" means a student who experiences one or more changes in school or school district enrollment during a single school year as the result of:

(1) homelessness as defined in the federal McKinney-Vento Homeless Assistance Act as determined by the school or school district;

(2) adjudication:

1 (a) as an abused or neglected child as
2 determined by the children, youth and families department
3 pursuant to the Abuse and Neglect Act;

4 (b) as part of a family in need of
5 court-ordered services voluntary placement pursuant to the
6 Family Services Act; or

7 (c) as a delinquent if the parent
8 wishes to disclose the adjudication of delinquency; or

9 (3) placement in a mental health treatment
10 facility or habilitation program for developmental
11 disabilities pursuant to the Children's Mental Health and
12 Developmental Disabilities Act or placement in treatment
13 foster care.

14 B. When a student who has experienced a disruption
15 in the student's education transfers to a new public school
16 or school district, the receiving school or school district
17 shall communicate with the sending school district within two
18 days of the student's enrollment. The sending school or
19 school district shall provide the receiving school or school
20 district with any requested records within two days of having
21 received the receiving school's or school district's
22 communication.

23 C. A student who has experienced a disruption in
24 the student's education transferring to a new school as the
25 result of circumstances set forth in this section shall have:

1 (1) priority placement in classes that meet
2 state graduation requirements; and

3 (2) timely placement in elective classes
4 that are comparable to those in which the student was
5 enrolled at the student's previous school or schools as soon
6 as the school or school district receives verification from
7 the student's records.

8 D. For a student who has experienced disruption in
9 the student's education at any time during the student's high
10 school enrollment, a school district and public schools shall
11 ensure:

12 (1) acceptance of the student's state
13 graduation requirements for a diploma of excellence pursuant
14 to the Public School Code;

15 (2) equal access to participation in sports
16 and other extracurricular activities, career and technical
17 programs or other special programs for which the student
18 qualifies;

19 (3) timely assistance and advice from
20 counselors to improve the student's college or career
21 readiness; and

22 (4) that the student receives all special
23 education services to which the student is entitled."

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1 AN ACT

2 RELATING TO CHILDREN; ENACTING A NEW SECTION OF THE PUBLIC
3 SCHOOL CODE TO REQUIRE SCHOOLS TO APPOINT A PERSON WHO IS A
4 POINT OF CONTACT FOR STUDENTS IN FOSTER CARE AND STUDENTS
5 INVOLVED IN THE JUVENILE JUSTICE SYSTEM; ENACTING A NEW
6 SECTION OF THE ABUSE AND NEGLECT ACT TO REQUIRE THE
7 CHILDREN'S COURT TO APPOINT AN EDUCATIONAL DECISION MAKER FOR
8 STUDENTS IN FOSTER CARE.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. A new section of Chapter 22, Article 13 NMSA
12 1978 is enacted to read:

13 "APPOINTING A POINT OF CONTACT PERSON FOR CERTAIN
14 STUDENTS.--

15 A. As used in this section:

16 (1) "foster care" means twenty-four-hour
17 substitute care for a student placed away from the student's
18 parents or guardians and for whom the children, youth and
19 families department has placement and care responsibility,
20 including placements in foster family homes, foster homes of
21 relatives, group homes, emergency shelters, treatment foster
22 homes, residential facilities, child care institutions and
23 preadoptive homes. For the purposes of this section, a
24 student is in foster care regardless of whether the foster
25 care facility is licensed and payments are made by the state,

1 tribal or local agency for the care of the student, whether
2 adoption subsidy payments are being made prior to the
3 finalization of an adoption or whether there is federal
4 matching of any payments that are made; and

5 (2) "involved in the juvenile justice
6 system" means a student who has been referred to the
7 children, youth and families department due to allegations
8 that the student has committed a delinquent offense and
9 voluntary or involuntary conditions have been imposed on the
10 student, including a student who is participating in a
11 diversion program, is under a consent decree or time waiver,
12 is currently supervised by the children, youth and families
13 department, has recently entered or left a juvenile or
14 criminal justice placement or is on supervised release or
15 parole.

16 B. Each school district and charter school
17 authorized by the department shall designate an individual to
18 serve as a point of contact for students in foster care and
19 students involved in the juvenile justice system. Charter
20 schools authorized by school districts shall use the
21 district's point of contact. Multiple school districts or
22 charter schools authorized by the department may share a
23 single designated point of contact with approval from the
24 department and from the children, youth and families
25 department.

1 C. For students transferring into the school
2 district or charter school authorized by the department, the
3 point of contact person shall be responsible for:

4 (1) ensuring that a student is immediately
5 enrolled regardless of whether the records normally required
6 for enrollment are produced by the last school the student
7 attended or by the student;

8 (2) ensuring that the enrolling school
9 communicates with the last school attended by a transferring
10 student to obtain relevant academic and other records within
11 two business days of the student's enrollment;

12 (3) ensuring that the enrolling school
13 performs a timely transfer of credits that the student earned
14 in the last school attended; and

15 (4) collaborating with the education program
16 staff in a juvenile or criminal justice placement and the
17 educational decision maker appointed by the children's court
18 to create and implement a plan for assisting the transition
19 of a student to the school district or charter school
20 authorized by the department to minimize disruption to the
21 student's education.

22 D. For students transferring out of the school
23 district or charter school authorized by the department, the
24 point of contact person shall be responsible for providing
25 all records to the new school within two business days of

1 receiving a request from the receiving school.

2 E. For students in foster care, the point of
3 contact person shall be responsible for:

4 (1) complying with state policies and
5 developing school district or charter school policies in
6 collaboration with the children, youth and families
7 department for:

8 (a) best interest determinations about
9 whether the student will remain in the school of origin;

10 (b) transportation policies to ensure
11 that students receive transportation to their school of
12 origin if it is in their best interest to remain in the
13 school of origin; and

14 (c) dispute resolution;

15 (2) convening or participating in best
16 interest determination meetings in collaboration with the
17 children, youth and families department pursuant to state
18 policies and the school district's or charter school
19 authorized by the department's policies; and

20 (3) ensuring that transportation occurs to
21 the student's school of origin pursuant to the school
22 district's or charter school authorized by the department's
23 policies and in compliance with state policies.

24 F. For students in foster care and students
25 involved in the juvenile justice system, the point of contact

1 person shall be responsible for:

2 (1) ensuring that a student has equal
3 opportunity to participate in sports and other
4 extracurricular activities, career and technical programs or
5 other special programs for which the student qualifies;

6 (2) ensuring that a student in high school
7 receives timely and ongoing assistance and advice from
8 counselors to improve the student's college and career
9 readiness;

10 (3) ensuring that a student receives all
11 special education services and accommodations to which the
12 student is entitled under state and federal law;

13 (4) identifying school staff at each school
14 site who can ensure that students are appropriately supported
15 throughout their enrollment;

16 (5) supporting communication among the
17 school; the children, youth and families department; the
18 student; the student's educational decision maker appointed
19 by the children's court; caregivers; and other supportive
20 individuals that the student identifies to ensure that the
21 responsibilities listed in this subsection are implemented;
22 and

23 (6) ensuring that other school staff and
24 teachers have access to training and resources about the
25 educational challenges and needs of system-involved youth,

1 including trauma-informed practices and the impact of trauma
2 on learning.

3 G. The children, youth and families department
4 shall notify a school when a student in the school enters
5 foster care or a student in foster care enrolls in a school.

6 H. The student or the student's educational
7 decision maker may notify a school that the student is
8 involved in the juvenile justice system to obtain support and
9 services from the point of contact."

10 SECTION 2. Section 32A-4-2 NMSA 1978 (being Laws 1993,
11 Chapter 77, Section 96, as amended) is amended to read:

12 "32A-4-2. DEFINITIONS.--As used in the Abuse and
13 Neglect Act:

14 A. "abandonment" includes instances when the
15 parent, without justifiable cause:

16 (1) left the child without provision for the
17 child's identification for a period of fourteen days; or

18 (2) left the child with others, including
19 the other parent or an agency, without provision for support
20 and without communication for a period of:

21 (a) three months if the child was under
22 six years of age at the commencement of the three-month
23 period; or

24 (b) six months if the child was over
25 six years of age at the commencement of the six-month period;

1 B. "abused child" means a child:

2 (1) who has suffered or who is at risk of
3 suffering serious harm because of the action or inaction of
4 the child's parent, guardian or custodian;

5 (2) who has suffered physical abuse,
6 emotional abuse or psychological abuse inflicted or caused by
7 the child's parent, guardian or custodian;

8 (3) who has suffered sexual abuse or sexual
9 exploitation inflicted by the child's parent, guardian or
10 custodian;

11 (4) whose parent, guardian or custodian has
12 knowingly, intentionally or negligently placed the child in a
13 situation that may endanger the child's life or health; or

14 (5) whose parent, guardian or custodian has
15 knowingly or intentionally tortured, cruelly confined or
16 cruelly punished the child;

17 C. "aggravated circumstances" includes those
18 circumstances in which the parent, guardian or custodian has:

19 (1) attempted, conspired to cause or caused
20 great bodily harm to the child or great bodily harm or death
21 to the child's sibling;

22 (2) attempted, conspired to cause or caused
23 great bodily harm or death to another parent, guardian or
24 custodian of the child;

25 (3) attempted, conspired to subject or has

1 subjected the child to torture, chronic abuse or sexual
2 abuse; or

3 (4) had parental rights over a sibling of
4 the child terminated involuntarily;

5 D. "educational decision maker" means an
6 individual appointed by the children's court to attend school
7 meetings and to make decisions about the child's education
8 that a parent could make under law, including decisions about
9 the child's educational setting, and the development and
10 implementation of an individual education plan for the child;

11 E. "fictive kin" means a person not related by
12 birth, adoption or marriage with whom a child has an
13 emotionally significant relationship;

14 F. "great bodily harm" means an injury to a
15 person that creates a high probability of death, that causes
16 serious disfigurement or that results in permanent or
17 protracted loss or impairment of the function of a member or
18 organ of the body;

19 G. "neglected child" means a child:

20 (1) who has been abandoned by the child's
21 parent, guardian or custodian;

22 (2) who is without proper parental care and
23 control or subsistence, education, medical or other care or
24 control necessary for the child's well-being because of the
25 faults or habits of the child's parent, guardian or custodian

1 or the failure or refusal of the parent, guardian or
2 custodian, when able to do so, to provide them;

3 (3) who has been physically or sexually
4 abused, when the child's parent, guardian or custodian knew
5 or should have known of the abuse and failed to take
6 reasonable steps to protect the child from further harm;

7 (4) whose parent, guardian or custodian is
8 unable to discharge that person's responsibilities to and for
9 the child because of incarceration, hospitalization or
10 physical or mental disorder or incapacity; or

11 (5) who has been placed for care or adoption
12 in violation of the law; provided that nothing in the
13 Children's Code shall be construed to imply that a child who
14 is being provided with treatment by spiritual means alone
15 through prayer, in accordance with the tenets and practices
16 of a recognized church or religious denomination, by a duly
17 accredited practitioner thereof is for that reason alone a
18 neglected child within the meaning of the Children's Code;
19 and further provided that no child shall be denied the
20 protection afforded to all children under the Children's
21 Code;

22 H. "physical abuse" includes any case in which the
23 child exhibits evidence of skin bruising, bleeding,
24 malnutrition, failure to thrive, burns, fracture of any bone,
25 subdural hematoma, soft tissue swelling or death and:

1 (1) there is not a justifiable explanation
2 for the condition or death;

3 (2) the explanation given for the condition
4 is at variance with the degree or nature of the condition;

5 (3) the explanation given for the death is
6 at variance with the nature of the death; or

7 (4) circumstances indicate that the
8 condition or death may not be the product of an accidental
9 occurrence;

10 I. "relative" means a person related to another
11 person by birth, adoption or marriage within the fifth degree
12 of consanguinity;

13 J. "sexual abuse" includes criminal sexual
14 contact, incest or criminal sexual penetration, as those acts
15 are defined by state law;

16 K. "sexual exploitation" includes:

17 (1) allowing, permitting or encouraging a
18 child to engage in prostitution;

19 (2) allowing, permitting, encouraging or
20 engaging a child in obscene or pornographic photographing; or

21 (3) filming or depicting a child for obscene
22 or pornographic commercial purposes, as those acts are
23 defined by state law;

24 L. "sibling" means a brother or sister having one
25 or both parents in common by birth or adoption; and

1 M. "transition plan" means an individualized
2 written plan for a child, based on the unique needs of the
3 child, that outlines all appropriate services to be provided
4 to the child to increase independent living skills. The plan
5 shall also include responsibilities of the child, and any
6 other party as appropriate, to enable the child to be self-
7 sufficient upon emancipation."

8 SECTION 3. A new section of the Abuse and Neglect Act
9 is enacted to read:

10 "APPOINTMENT OR CHANGE OF EDUCATIONAL DECISION MAKER.--

11 A. In all matters involving children alleged by
12 the state to be abused or neglected, including proceedings to
13 terminate parental rights, the children's court shall appoint
14 an educational decision maker in every case.

15 B. The children's court shall appoint an
16 educational decision maker at the custody hearing; provided
17 that the children's court:

18 (1) may change the appointment of an
19 educational decision maker upon motion of a party at any
20 stage of the proceedings; and

21 (2) shall review at each subsequent stage of
22 the proceedings whether to continue or change the appointment
23 of an educational decision maker for the child.

24 C. The children's court shall appoint a respondent
25 as the child's educational decision maker, unless the

1 children's court determines that doing so would be contrary
2 to the best interests of the child. If the children's court
3 determines that no respondent should be appointed as the
4 child's educational decision maker, the children's court
5 shall appoint another qualified individual, taking into
6 account the following:

7 (1) whether the individual knows the child
8 and is willing to accept responsibility for making
9 educational decisions;

10 (2) whether the individual has any personal
11 or professional interests that conflict with the interests of
12 the child; and

13 (3) whether the individual is permitted to
14 make all necessary educational decisions for the child,
15 including decisions related to whether the child is a child
16 with a disability under the federal Individuals with
17 Disabilities Education Act."

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AN ACT
RELATING TO PUBLIC SCHOOLS; ELIMINATING CERTAIN REPORTING
REQUIREMENTS.

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

SECTION 1. Section 22-2C-11 NMSA 1978 (being Laws 2003,
Chapter 153, Section 20, as amended by Laws 2015, Chapter 58,
Section 11 and by Laws 2015, Chapter 122, Section 10) is
amended to read:

"22-2C-11. ASSESSMENT AND ACCOUNTABILITY SYSTEM
REPORTING--PARENT SURVEY--DATA SYSTEM--FISCAL INFORMATION.--

A. The department shall:

(1) issue a state identification number for
each public school student for use in the accountability data
system;

(2) adopt the format for reporting
individual student assessments to parents. The student
assessments shall report each student's progress and academic
needs as measured against state standards;

(3) adopt the format for reporting annual
progress of public schools, school districts, state-chartered
charter schools and the department. A school district's
report shall include reports of all locally chartered charter
schools in the school district. If the department has
adopted a state improving schools program, the annual

1 accountability report shall include the results of that
2 program for each public school. The annual accountability
3 report format shall be clear, concise and understandable to
4 parents and the general public. All annual accountability
5 reports shall ensure that the privacy of individual students
6 is protected;

7 (4) require that when public schools, school
8 districts, state-chartered charter schools and the state
9 disaggregate and report school data for demographic
10 subgroups, they include data disaggregated by ethnicity,
11 race, limited English proficiency, students with
12 disabilities, poverty and gender; provided that ethnicity and
13 race shall be reported using the following categories:

- 14 (a) Caucasian, non-Hispanic;
- 15 (b) Hispanic;
- 16 (c) African American;
- 17 (d) American Indian or Alaska Native;
- 18 (e) Native Hawaiian or other Pacific
19 Islander;
- 20 (f) Asian;
- 21 (g) two or more races; and
- 22 (h) other; provided that if the sample

23 of students in any category enumerated in Subparagraphs
24 (a) through (g) of this paragraph is so small that a student
25 in the sample may be personally identifiable in violation of

1 the federal Family Educational Rights and Privacy Act of
2 1974, the report may combine that sample into the "other"
3 category;

4 (5) report cohort graduation data annually
5 for the state, for each school district and for each state-
6 chartered charter school and each public high school, based
7 on information provided by all school districts and state-
8 chartered charter schools according to procedures established
9 by the department; provided that the report shall include the
10 number and percentage of students in a cohort who:

11 (a) have graduated by August 1 of the
12 fourth year after entering the ninth grade;

13 (b) have graduated in more than four
14 years, but by August 1 of the fifth year after entering ninth
15 grade;

16 (c) have received a state certificate
17 by exiting the school system at the end of grade twelve
18 without having satisfied the requirements for a high school
19 diploma as provided in Section 22-13-1.1 NMSA 1978 or
20 completed all course requirements but have not passed the
21 graduation assessment or portfolio of standards-based
22 indicators pursuant to Section 22-13-1.1 NMSA 1978;

23 (d) have dropped out or whose status is
24 unknown;

25 (e) have exited public school and

1 indicated an intent to pursue a high school equivalency
2 credential; or

3 (f) are still enrolled in public
4 school;

5 (6) report annually, based on data provided
6 by school districts and state-chartered charter schools, the
7 number and percentage of public school students in each
8 cohort in the state in grades nine through twelve who have
9 advanced to the next grade or graduated on schedule, who
10 remain enrolled but have not advanced to the next grade on
11 schedule, who have dropped out or whose other educational
12 outcomes are known to the department; and

13 (7) establish technical criteria and
14 procedures to define which students are included or excluded
15 from a cohort.

16 B. Local school boards and governing boards of
17 charter schools may establish additional indicators through
18 which to measure the school district's or charter school's
19 performance.

20 C. The school district's or state-chartered
21 charter school's annual accountability report shall include a
22 report of four- and five-year graduation rates for each
23 public high school in the school district or state-chartered
24 charter school. All annual accountability reports shall
25 ensure that the privacy of individual students is protected.

1 As part of the graduation rate data, the school district or
2 state-chartered charter school shall include data showing the
3 number and percentage of students in the cohort:

4 (1) who have received a state certificate by
5 exiting the school system at the end of grade twelve without
6 having satisfied the requirements for a high school diploma
7 as provided in Section 22-13-1.1 NMSA 1978 or completed all
8 course requirements but have not passed the graduation
9 assessment or portfolio of standards-based indicators
10 pursuant to Section 22-13-1.1 NMSA 1978;

11 (2) who have dropped out or whose status is
12 unknown;

13 (3) who have exited public school and
14 indicated an intent to pursue a high school equivalency
15 credential;

16 (4) who are still enrolled; and

17 (5) whose other educational outcomes are
18 known to the school district.

19 D. The school district's or state-chartered
20 charter school's annual accountability report shall be
21 adopted by the local school board or governing body of the
22 state-chartered charter school, shall be published no later
23 than November 15 of each year and shall be published at least
24 once each school year in a newspaper of general circulation
25 in the county where the school district or state-chartered

1 charter school is located as well as online on the website of
2 the school district or state-chartered charter school. In
3 publication, the report shall be titled "The School District
4 Report Card" or "The Charter School Report Card" and
5 disseminated in accordance with guidelines established by the
6 department to ensure effective communication with parents,
7 students, educators, local policymakers and business and
8 community organizations.

9 E. The annual accountability report shall include
10 the names of those members of the local school board or the
11 governing body of the charter school who failed to attend
12 annual mandatory training.

13 F. The annual accountability report shall include
14 data on expenditures for central office administration and
15 expenditures for the public schools of the school district or
16 charter school.

17 G. The department shall create an accountability
18 data system through which data from each public school and
19 each school district or state-chartered charter school may be
20 compiled and reviewed. The department shall provide the
21 resources to train school district and charter school
22 personnel in the use of the accountability data system.

23 H. The department shall verify data submitted by
24 the school districts and state-chartered charter schools.

25 I. At the end of fiscal year 2005, after the

1 budget approval cycle, the department shall produce a report
2 to the legislature that shows for all school districts using
3 performance-based program budgeting the relationship between
4 that portion of a school district's program cost generated by
5 each public school in the school district and the budgeted
6 expenditures for each public school in the school district as
7 reported in the district's performance-based program budget.
8 At the end of fiscal year 2006 and subsequent fiscal years,
9 after the budget approval cycle, the department shall report
10 on this relationship in all public schools in all school
11 districts in the state.

12 J. When all public schools are participating in
13 performance-based budgeting, the department shall recommend
14 annually to the legislature for inclusion in the general
15 appropriation act the maximum percentage of appropriations
16 that may be expended in each school district for central
17 office administration.

18 K. The department shall disseminate its statewide
19 accountability report to school districts and charter
20 schools; the governor, legislators and other policymakers;
21 and business and economic development organizations.

22 L. As used in this section, "cohort" means a group
23 of students who enter grade nine for the first time at the
24 same time, plus those students who transfer into the group in
25 later years and minus those students who leave the cohort for

1 documented excusable reasons."

2 **SECTION 2.** Section 22-13-1.7 NMSA 1978 (being Laws
3 2007, Chapter 348, Section 3) is amended to read:

4 "22-13-1.7. ELEMENTARY PHYSICAL EDUCATION.--

5 A. As used in this section:

6 (1) "eligible students" means students in
7 kindergarten through grade six in a public school classified
8 by the department as an elementary school; and

9 (2) "physical education" includes programs
10 of education through which students participate in activities
11 related to fitness education and assessment; active games and
12 sports; and development of physical capabilities such as
13 motor skills, strength and coordination.

14 B. Elementary physical education programs that
15 serve eligible students are eligible for funding if those
16 programs meet academic content and performance standards for
17 elementary physical education programs.

18 C. In granting approval for funding of elementary
19 physical education programs, the department shall provide
20 that programs are first implemented in public schools that
21 have the highest proportion of students most in need based on
22 the percentage of students eligible for free or reduced-fee
23 lunch or grade-level schools that serve an entire school
24 district and in public schools with available space. If the
25 department determines that an elementary physical education

1 program is not meeting the academic content and performance
2 standards for elementary physical education programs, the
3 department shall notify the school district that the public
4 school's failure to meet the academic content and performance
5 standards will result in the cessation of funding for the
6 following school year. The department shall compile the
7 program results submitted by the school districts each year
8 and make an annual report to the legislative education study
9 committee and the legislature.

10 D. An elementary physical education program that
11 receives state financial support shall:

12 (1) provide for the physical education needs
13 of students defined in this section; and

14 (2) use teachers with a license endorsement
15 for physical education. The department shall annually
16 determine the programs and the consequent number of students
17 in elementary physical education that will receive state
18 financial support in accordance with funding available in
19 each school year."

20 **SECTION 3.** Section 22-13-3.1 NMSA 1978 (being Laws
21 2001, Chapter 168, Section 1) is amended to read:

22 "22-13-3.1. EVEN START FAMILY LITERACY
23 PROGRAM--CREATED--GUIDELINES--BENCHMARKS, PERFORMANCE
24 STANDARDS AND EVALUATIONS.--

25 A. The "even start family literacy program" is

1 created in the department to provide funding for preschool
2 reading readiness and parenting education. The purpose of
3 the program is to support the educational and developmental
4 needs of students in preschool; address cultural diversity;
5 and provide family support that leads to improved literacy,
6 improved ability for students to succeed in school and
7 economic self-sufficiency. Priority for funding shall be
8 provided to those public schools that have the highest
9 proportion of limited English proficient students, students
10 living in poverty and Native American students.

11 B. The department shall develop even start family
12 literacy program benchmarks and performance standards,
13 guidelines for program approval and funding approval
14 criteria. The department shall disseminate the program
15 information in all public schools and shall provide technical
16 assistance to public schools in developing proposals.

17 C. The department shall distribute money to public
18 schools with approved even start family literacy programs
19 that meet the specified criteria based upon actual program
20 costs to ensure the implementation of performance based
21 budgeting measures."

22 SECTION 4. REPEAL.--Sections 22-10A-33 and 22-15-12
23 NMSA 1978 (being Laws 1989, Chapter 344, Section 2 and Laws
24 1967, Chapter 16, Section 216, as amended) are repealed. _____

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AN ACT

RELATING TO PUBLIC EDUCATION; REQUIRING COMMUNITY SCHOOLS INITIATIVES TO INCLUDE AN INDEPENDENTLY EVALUATED, EVIDENCE-BASED OR RESULTS-BASED COMMUNITY SCHOOLS MODEL DESIGNED TO IMPROVE ACADEMIC OUTCOMES, INCREASE ATTENDANCE AND STRENGTHEN BEHAVIOR FOR ALL STUDENTS.

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

SECTION 1. Section 22-32-1 NMSA 1978 (being Laws 2013, Chapter 16, Section 1) is amended to read:

"22-32-1. SHORT TITLE.--Chapter 22, Article 32 NMSA 1978 may be cited as the "Community Schools Act"."

SECTION 2. Section 22-32-3 NMSA 1978 (being Laws 2013, Chapter 16, Section 3) is amended to read:

"22-32-3. COMMUNITY SCHOOLS INITIATIVES--SCHOOL IMPROVEMENT FUNCTIONS--REQUIREMENTS.--

A. A community schools initiative may be created in any public school in the state.

B. A community schools initiative shall include the following core set of strategies and opportunities to strengthen behavior for all students:

(1) extended learning programs, including after-school programs and summer programs;

(2) school-based or school-linked health care;

- 1 (3) opportunities for families to acquire
2 skills to promote early learning and childhood development;
- 3 (4) school and community-resource
4 partnerships with an integrated focus on academics and other
5 social, health and familial support;
- 6 (5) social, health, nutrition and mental
7 health services and support for children, family members and
8 community members; and
- 9 (6) case management for students in need of
10 comprehensive support in academics, attendance and behavior.

11 C. A community schools initiative shall include
12 the following:

13 (1) a lead partner agency, including a
14 public or private agency or community-based organization, to
15 help coordinate programs and services;

16 (2) an assessment of community resources
17 informed by students, families and community and school
18 leaders that relates to the effective delivery of core
19 services on site; and

20 (3) the implementation of an independently
21 evaluated, evidence-based or results-based model of
22 integrated student services and comprehensive supports that
23 is proven to increase student achievement."

24 **SECTION 3.** Section 22-32-4 NMSA 1978 (being Laws 2013,
25 Chapter 16, Section 4) is amended to read:

1 "22-32-4. COMMUNITY SCHOOLS INITIATIVES--ADMINISTRATIVE
2 COSTS--GRANTS--SCHOOL DISTRICT, GROUP OF PUBLIC SCHOOLS OR
3 PUBLIC SCHOOL DUTIES--REQUIREMENTS.--

4 A. A school district shall bear any administrative
5 costs associated with the establishment and implementation of
6 a community school within the school district.

7 B. Subject to the availability of funding, grants
8 for community schools initiatives are available to a school
9 district, a group of public schools or a public school that
10 has demonstrated partnerships with any lead agency and local,
11 private and public agencies for the purpose of establishing,
12 operating and sustaining community schools and that meets
13 department eligibility requirements.

14 C. Applications for grants for community schools
15 initiatives shall be in the form prescribed by the department
16 and shall include the following information:

17 (1) a statement of need, including
18 demographic and socioeconomic information about the area to
19 be served by the community schools initiative;

20 (2) goals and expected outcomes of the
21 initiative;

22 (3) services and activities to be provided
23 by the initiative;

24 (4) written agreements for the provision of
25 services by public and private agencies, community groups and

1 other parties;

2 (5) a work plan and budget for the
3 initiative, including staffing requirements and the expected
4 availability of staff;

5 (6) days and hours of operation;

6 (7) strategies for dissemination of
7 information about the initiative to potential users;

8 (8) training and professional development
9 plans;

10 (9) letters of endorsement and commitment
11 from community agencies and organizations and local
12 governments; and

13 (10) any other information the department
14 requires.

15 D. A school district, a group of public schools or
16 a public school that uses funds under this section to
17 transform a school into a research- and evidence-based
18 community schools initiative shall:

19 (1) use rigorous, transparent, equitable and
20 evidence-based evaluation systems to assess the effectiveness
21 of the implementation of the community schools initiative;

22 (2) provide ongoing, high-quality
23 professional development to staff that:

24 (a) aligns with the school's
25 instructional program;

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(b) facilitates effective teaching and learning; and

(c) supports the implementation of school reform strategies; and

(3) give the school sufficient operational flexibility in programming, staffing, budgeting and scheduling so that the school can fully implement a comprehensive strategy designed to focus on improving school climate, student achievement and growth in reading and mathematics, attendance, behavior, parental engagement and, for high schools, graduation rates and readiness for college or a career."

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AN ACT

RELATING TO YOUTH ATHLETICS SAFETY; REQUIRING BRAIN INJURY
TRAINING FOR STUDENT AND OTHER YOUTH ATHLETES.

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

SECTION 1. Section 22-13-31 NMSA 1978 (being Laws 2010,
Chapter 96, Section 1, as amended) is amended to read:

"22-13-31. BRAIN INJURY--PROTOCOLS TO BE USED BY
COACHES FOR BRAIN INJURIES RECEIVED BY STUDENTS IN SCHOOL
ATHLETIC ACTIVITIES--TRAINING OF COACHES AND STUDENT
ATHLETES--INFORMATION TO BE PROVIDED TO COACHES, STUDENT
ATHLETES AND STUDENT ATHLETES' PARENTS OR GUARDIANS--
REQUIRING ACKNOWLEDGMENT OF TRAINING AND INFORMATION--
NONSCHOLASTIC YOUTH ATHLETIC ACTIVITY ON SCHOOL DISTRICT
PROPERTY--BRAIN INJURY PROTOCOL COMPLIANCE--CERTIFICATION.--

A. A coach shall not allow a student athlete to
participate in a school athletic activity on the same day
that the student athlete:

(1) exhibits signs, symptoms or behaviors
consistent with a brain injury after a coach, a school
official or a student athlete reports, observes or suspects
that a student athlete exhibiting these signs, symptoms or
behaviors has sustained a brain injury; or

(2) has been diagnosed with a brain injury.

B. A coach may allow a student athlete who has

1 been prohibited from participating in a school athletic
2 activity pursuant to Subsection A of this section to
3 participate in a school athletic activity no sooner than two
4 hundred forty hours from the hour in which the student
5 athlete received a brain injury and only after the student
6 athlete:

7 (1) no longer exhibits any sign, symptom or
8 behavior consistent with a brain injury; and

9 (2) receives a written medical release from
10 a licensed health care professional.

11 C. Each school district shall ensure that each
12 coach participating in school athletic activities and each
13 student athlete in the school district receives training
14 provided pursuant to Paragraph (1) of Subsection D of this
15 section.

16 D. The New Mexico activities association shall
17 consult with the brain injury advisory council and school
18 districts to promulgate rules to establish:

19 (1) protocols and content consistent with
20 current medical knowledge for training each coach
21 participating in school athletic activities and each student
22 athlete to:

23 (a) understand the nature and risk of
24 brain injury associated with athletic activity;

25 (b) recognize signs, symptoms or

1 behaviors consistent with a brain injury when a coach or
2 student athlete suspects or observes that a student athlete
3 has received a brain injury;

4 (c) understand the need to alert
5 appropriate medical professionals for urgent diagnosis or
6 treatment; and

7 (d) understand the need to follow
8 medical direction for proper medical protocols; and

9 (2) the nature and content of brain injury
10 training and information forms and educational materials for,
11 and the means of providing these forms and materials to,
12 coaches, student athletes and student athletes' parents or
13 guardians regarding the nature and risk of brain injury
14 resulting from athletic activity, including the risk of
15 continuing or returning to athletic activity after a brain
16 injury.

17 E. At the beginning of each academic year or the
18 first participation in school athletic activities by a
19 student athlete during an academic year, a school district
20 shall provide a brain injury training and information form
21 created pursuant to Subsection D of this section to a student
22 athlete and the student athlete's parent or guardian. The
23 school district shall receive signatures on the brain injury
24 training and information form from the student athlete and
25 the student athlete's parent or guardian confirming that the

1 student athlete has received the brain injury training
2 required by this section and that the student athlete and
3 parent or guardian understand the brain injury information
4 before permitting the student athlete to begin or continue
5 participating in school athletic activities for that academic
6 year. The form required by this subsection may be contained
7 on the student athlete sport physical form.

8 F. As a condition of permitting nonscholastic
9 youth athletic activity to take place on school district
10 property, the superintendent of a school district shall
11 require the person offering the nonscholastic youth athletic
12 activity to sign a certification that the nonscholastic youth
13 athletic activity will follow the brain injury protocols
14 established pursuant to Section 22-13-31.1 NMSA 1978.

15 G. As used in this section:

16 (1) "academic year" means any consecutive
17 period of two semesters, three quarters or other comparable
18 units commencing with the fall term each year;

19 (2) "brain injury" means a body-altering
20 physical trauma to the brain, skull or neck caused by, but
21 not limited to, blunt or penetrating force, concussion,
22 diffuse axonal injury, hypoxia-anoxia or electrical charge;

23 (3) "licensed health care professional"
24 means:

25 (a) a practicing physician or physician SB 38
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1 assistant licensed pursuant to the Medical Practice Act;

2 (b) a practicing osteopathic physician
3 licensed pursuant to the Osteopathic Medicine Act;

4 (c) a practicing certified nurse
5 practitioner licensed pursuant to the Nursing Practice Act;

6 (d) a practicing osteopathic
7 physician's assistant licensed pursuant to the Osteopathic
8 Medicine Act;

9 (e) a practicing psychologist licensed
10 pursuant to the provisions of the Professional Psychologist
11 Act;

12 (f) a practicing athletic trainer
13 licensed pursuant to the provisions of the Athletic Trainer
14 Practice Act; or

15 (g) a practicing physical therapist
16 licensed pursuant to the Physical Therapy Act;

17 (4) "nonscholastic youth athletic activity"
18 means an organized athletic activity in which the
19 participants, a majority of whom are under nineteen years of
20 age, are engaged in an athletic game or competition against
21 another team, club or entity, or in practice or preparation
22 for an organized athletic game or competition against another
23 team, club or entity. "Nonscholastic youth athletic
24 activity" does not include an elementary school, middle
25 school, high school, college or university activity or an

1 activity that is incidental to a nonathletic program;

2 (5) "school athletic activity" means a
3 sanctioned middle school, junior high school or senior high
4 school function that the New Mexico activities association
5 regulates; and

6 (6) "student athlete" means a middle school,
7 junior high school or senior high school student who engages
8 in, is eligible to engage in or seeks to engage in a school
9 athletic activity."

10 SECTION 2. Section 22-13-31.1 NMSA 1978 (being Laws
11 2016, Chapter 53, Section 2) is amended to read:

12 "22-13-31.1. BRAIN INJURY--PROTOCOLS--TRAINING OF
13 COACHES--BRAIN INJURY EDUCATION.--

14 A. A coach shall not allow a youth athlete to
15 participate in a youth athletic activity on the same day that
16 the youth athlete:

17 (1) exhibits signs, symptoms or behaviors
18 consistent with a brain injury after a coach, a league
19 official or a youth athlete reports, observes or suspects
20 that a youth athlete exhibiting these signs, symptoms or
21 behaviors has sustained a brain injury; or

22 (2) has been diagnosed with a brain injury.

23 B. A coach may allow a youth athlete who has been
24 prohibited from participating in a youth athletic activity
25 pursuant to Subsection A of this section to participate in a

1 youth athletic activity no sooner than two hundred forty
2 hours from the hour in which the youth athlete received a
3 brain injury and only after the youth athlete:

4 (1) no longer exhibits any sign, symptom or
5 behavior consistent with a brain injury; and

6 (2) receives a written medical release from
7 a licensed health care professional.

8 C. Each youth athletic league shall ensure that
9 each coach participating in youth athletic activities and
10 each youth athlete in the league receives training provided
11 pursuant to Paragraph (1) of Subsection D of this section.

12 D. The department of health shall consult with the
13 brain injury advisory council to promulgate rules to
14 establish:

15 (1) protocols and content consistent with
16 current medical knowledge for training each coach
17 participating in youth athletic activities and each youth
18 athlete to:

19 (a) understand the nature and risk of
20 brain injury associated with youth athletic activity;

21 (b) recognize signs, symptoms or
22 behaviors consistent with a brain injury when a coach or
23 youth athlete suspects or observes that a youth athlete has
24 received a brain injury;

25 (c) understand the need to alert

1 appropriate medical professionals for urgent diagnosis or
2 treatment; and

3 (d) understand the need to follow
4 medical direction for proper medical protocols; and

5 (2) the nature and content of brain injury
6 training and information forms and educational materials for,
7 and the means of providing these forms and materials to,
8 coaches, youth athletes and youth athletes' parents or
9 guardians regarding the nature and risk of brain injury
10 resulting from youth athletic activity, including the risk of
11 continuing or returning to youth athletic activity after a
12 brain injury.

13 E. At the beginning of each youth athletic
14 activity season or the first participation in youth athletic
15 activities by a youth athlete during a youth athletic
16 activity season, a youth athletic league shall provide a
17 brain injury training and information form created pursuant
18 to Subsection D of this section to a youth athlete and the
19 youth athlete's parent or guardian. The youth athletic
20 league shall receive signatures on the brain injury training
21 and information form from the youth athlete and the youth
22 athlete's parent or guardian confirming that the youth
23 athlete has received the brain injury training required by
24 this section and that the youth athlete and parent or
25 guardian understand the brain injury information before

1 permitting the youth athlete to begin or continue
2 participating in youth athletic activities for the athletic
3 season or term of participation.

4 F. As used in this section:

5 (1) "brain injury" means a body-altering
6 physical trauma to the brain, skull or neck caused by blunt
7 or penetrating force, concussion, diffuse axonal injury,
8 hypoxia-anoxia or electrical charge;

9 (2) "licensed health care professional"
10 means:

11 (a) a practicing physician or physician
12 assistant licensed pursuant to the Medical Practice Act;

13 (b) a practicing osteopathic physician
14 licensed pursuant to the Osteopathic Medicine Act;

15 (c) a practicing certified nurse
16 practitioner licensed pursuant to the Nursing Practice Act;

17 (d) a practicing osteopathic
18 physician's assistant licensed pursuant to the Osteopathic
19 Medicine Act;

20 (e) a practicing psychologist licensed
21 pursuant to the provisions of the Professional Psychologist
22 Act;

23 (f) a practicing athletic trainer
24 licensed pursuant to the provisions of the Athletic Trainer
25 Practice Act; or

1 (g) a practicing physical therapist
2 licensed pursuant to the provisions of the Physical Therapy
3 Act;

4 (3) "youth athlete" means an individual
5 under nineteen years of age who engages in, is eligible to
6 engage in or seeks to engage in a youth athletic activity;
7 and

8 (4) "youth athletic activity" means an
9 organized athletic activity in which the participants, a
10 majority of whom are under nineteen years of age, are engaged
11 in an athletic game or competition against another team, club
12 or entity, or in practice or preparation for an organized
13 athletic game or competition against another team, club or
14 entity. "Youth athletic activity" does not include an
15 elementary school, middle school, high school, college or
16 university activity or an activity that is incidental to a
17 nonathletic program."

18 SECTION 3. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2017. _____

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AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING THAT MATHEMATICS OR
SCIENCE UNITS REQUIRED FOR HIGH SCHOOL GRADUATION MAY INCLUDE
A COMPUTER SCIENCE UNIT.

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

SECTION 1. Section 22-13-1.1 NMSA 1978 (being Laws
1986, Chapter 33, Section 5, as amended by Laws 2016, Chapter
17, Section 2 and by Laws 2016, Chapter 18, Section 2) is
amended to read:

"22-13-1.1. GRADUATION REQUIREMENTS.--

A. At the end of grades eight through eleven, each
student shall prepare an interim next-step plan that sets
forth the coursework for the grades remaining until high
school graduation. Each year's plan shall explain any
differences from previous interim next-step plans, shall be
filed with the principal of the student's high school and
shall be signed by the student, the student's parent and the
student's guidance counselor or other school official charged
with coursework planning for the student.

B. Each student must complete a final next-step
plan during the senior year and prior to graduation. The
plan shall be filed with the principal of the student's high
school and shall be signed by the student, the student's
parent and the student's guidance counselor or other school

1 official charged with coursework planning for the student.

2 C. An individualized education program that meets
3 the requirements of Subsections A and B of this section and
4 that meets all applicable transition and procedural
5 requirements of the federal Individuals with Disabilities
6 Education Act for a student with a disability shall satisfy
7 the next-step plan requirements of this section for that
8 student.

9 D. A local school board shall ensure that each
10 high school student has the opportunity to develop a
11 next-step plan based on reports of college and workplace
12 readiness assessments, as available, and other factors and is
13 reasonably informed about:

14 (1) curricular and course options, including
15 honors or advanced placement courses, dual-credit courses,
16 distance learning courses, career clusters and career
17 pathways, pre-apprenticeship programs or remediation programs
18 that the college and workplace readiness assessments indicate
19 to be appropriate;

20 (2) opportunities available that lead to
21 different post-high-school options; and

22 (3) alternative opportunities available if
23 the student does not finish a planned curriculum.

24 E. The secretary shall:

25 (1) establish specific accountability

1 standards for administrators, counselors, teachers and school
2 district staff to ensure that every student has the
3 opportunity to develop a next-step plan;

4 (2) promulgate rules for accredited private
5 schools in order to ensure substantial compliance with the
6 provisions of this section;

7 (3) monitor compliance with the requirements
8 of this section; and

9 (4) compile such information as is necessary
10 to evaluate the success of next-step plans and report
11 annually, by December 15, to the legislative education study
12 committee and the governor.

13 F. Once a student has entered ninth grade, the
14 graduation requirements shall not be changed for that student
15 from the requirements specified in the law at the time the
16 student entered ninth grade.

17 G. Successful completion of a minimum of
18 twenty-three units aligned to the state academic content and
19 performance standards shall be required for graduation.
20 These units shall be as follows:

21 (1) four units in English, with major
22 emphasis on grammar and literature;

23 (2) three units in mathematics, at least one
24 of which is equivalent to the algebra 1 level or higher;

25 (3) two units in science, one of which shall

1 have a laboratory component; provided, however, that with
2 students entering the ninth grade beginning in the 2005-2006
3 school year, three units in science shall be required, one of
4 which shall have a laboratory component;

5 (4) three units in social science, which
6 shall include United States history and geography, world
7 history and geography and government and economics;

8 (5) one unit in physical education;

9 (6) one unit in communication skills or
10 business education, with a major emphasis on writing and
11 speaking and that may include a language other than English;

12 (7) one-half unit in New Mexico history for
13 students entering the ninth grade beginning in the 2005-2006
14 school year; and

15 (8) nine elective units and seven and
16 one-half elective units for students entering the ninth grade
17 in the 2005-2006 school year that meet department content and
18 performance standards. Student service learning shall be
19 offered as an elective. Financial literacy shall be offered
20 as an elective. Pre-apprenticeship programs may be offered
21 as electives. Media literacy may be offered as an elective.

22 H. For students entering the ninth grade beginning
23 in the 2009-2010 school year, at least one of the units
24 required for graduation shall be earned as an advanced
25 placement or honors course, a dual-credit course offered in

1 cooperation with an institution of higher education or a
2 distance learning course.

3 I. The department shall establish a procedure for
4 students to be awarded credit through completion of specified
5 career technical education courses for certain graduation
6 requirements, and districts may choose to allow students who
7 successfully complete an industry-recognized credential,
8 certificate or degree to receive additional weight in the
9 calculation of the student's grade point average.

10 J. Successful completion of the requirements of
11 the New Mexico diploma of excellence shall be required for
12 graduation for students entering the ninth grade beginning in
13 the 2009-2010 school year. Successful completion of a
14 minimum of twenty-four units aligned to the state academic
15 content and performance standards shall be required to earn a
16 New Mexico diploma of excellence. These units shall be as
17 follows:

18 (1) four units in English, with major
19 emphasis on grammar, nonfiction writing and literature;

20 (2) four units in mathematics, of which one
21 shall be the equivalent to or higher than the level of
22 algebra 2, unless the parent submitted written, signed
23 permission for the student to complete a lesser mathematics
24 unit; and provided that a financial literacy course that
25 meets state mathematics academic content and performance

1 standards shall qualify as one of the four required
2 mathematics units;

3 (3) three units in science, two of which
4 shall have a laboratory component;

5 (4) three and one-half units in social
6 science, which shall include United States history and
7 geography, world history and geography, government and
8 economics and one-half unit of New Mexico history;

9 (5) one unit in physical education, as
10 determined by each school district, which may include a
11 physical education program that meets state content and
12 performance standards or participation in marching band,
13 junior reserve officers' training corps or interscholastic
14 sports sanctioned by the New Mexico activities association or
15 any other co-curricular physical activity;

16 (6) one unit in one of the following: a
17 career cluster course, workplace readiness or a language
18 other than English; and

19 (7) seven and one-half elective units that
20 meet department content and performance standards. Career
21 and technical education courses shall be offered as an
22 elective. Student service learning shall be offered as an
23 elective. Financial literacy shall be offered as an
24 elective. Pre-apprenticeship programs may be offered as
25 electives. Media literacy may be offered as an elective.

1 K. For students entering the eighth grade in the
2 2012-2013 school year, a course in health education is
3 required prior to graduation. Health education may be
4 required in either middle school or high school, as
5 determined by the school district. Each school district
6 shall submit to the department by the beginning of the
7 2011-2012 school year a health education implementation plan
8 for the 2012-2013 and subsequent school years, including in
9 which grade health education will be required and how the
10 course aligns with department content and performance
11 standards. Health education courses shall include:

12 (1) age-appropriate sexual abuse and assault
13 awareness and prevention training that meets department
14 standards developed in consultation with the federal centers
15 for disease control and prevention that are based on
16 evidence-based methods that have proven to be effective; and

17 (2) lifesaving skills training that follows
18 nationally recognized guidelines for hands-on psychomotor
19 skills cardiopulmonary resuscitation training. Students
20 shall be trained to recognize the signs of a heart attack,
21 use an automated external defibrillator and perform the
22 Heimlich maneuver for choking victims. The secretary shall
23 promulgate rules to provide for the:

24 (a) use of the following instructors
25 for the training provided pursuant to this paragraph:

1) school nurses, health teachers and athletic department personnel as instructors; and 2) any qualified persons volunteering to provide training at no cost to the school district that the school district determines to be eligible to offer instruction pursuant to this paragraph; and

(b) approval of training and instructional materials related to the training established pursuant to this paragraph in both English and Spanish.

L. For students entering the ninth grade in the 2017-2018 school year and subsequent school years:

(1) one of the units in mathematics required by Paragraph (2) of Subsection J of this section may comprise a computer science course if taken after the student demonstrates competence in mathematics and if the course is not used to satisfy any part of the requirement set forth in Paragraph (3) of that subsection; and

(2) one of the units in science required by Paragraph (3) of Subsection J of this section may comprise a computer science course if taken after the student demonstrates competence in science and if the course is not used to satisfy any part of the requirement set forth in Paragraph (2) of that subsection.

M. Final examinations shall be administered to all students in all classes offered for credit.

N. Until July 1, 2010, a student who has not

1 passed a state graduation examination in the subject areas of
2 reading, English, mathematics, writing, science and social
3 science shall not receive a high school diploma. The state
4 graduation examination on social science shall include a
5 section on the constitution of the United States and the
6 constitution of New Mexico. If a student exits from the
7 school system at the end of grade twelve without having
8 passed a state graduation examination, the student shall
9 receive an appropriate state certificate indicating the
10 number of credits earned and the grade completed. If within
11 five years after a student exits from the school system the
12 student takes and passes the state graduation examination,
13 the student may receive a high school diploma. Any student
14 passing the state graduation examination and completing all
15 other requirements within five years of entering ninth grade,
16 including a final summer session if completed by August 1,
17 may be counted by the school system in which the student is
18 enrolled as a high school graduate for the year in which
19 completion and examination occur.

20 O. Beginning with the 2010-2011 school year, a
21 student shall not receive a New Mexico diploma of excellence
22 if the student has not demonstrated competence in the subject
23 areas of mathematics, reading and language arts, writing,
24 social studies and science, including a section on the
25 constitution of the United States and the constitution of

1 New Mexico, based on a standards-based assessment or
2 assessments or a portfolio of standards-based indicators
3 established by the department by rule. The standards-based
4 assessments required in Section 22-2C-4 NMSA 1978 may also
5 serve as the assessment required for high school graduation.
6 If a student exits from the school system at the end of grade
7 twelve without having satisfied the requirements of this
8 subsection, the student shall receive an appropriate state
9 certificate indicating the number of credits earned and the
10 grade completed. If within five years after a student exits
11 from the school system the student satisfies the requirements
12 of this subsection, the student may receive a New Mexico
13 diploma of excellence. Any student satisfying the
14 requirements of this subsection and completing all other
15 requirements within five years of entering ninth grade,
16 including a final summer session if completed by August 1,
17 may be counted by the school system in which the student is
18 enrolled as a high school graduate for the year in which all
19 requirements are satisfied.

20 P. As used in this section:

21 (1) "career and technical education",
22 sometimes referred to as "vocational education", means
23 organized programs offering a sequence of courses, including
24 technical education and applied technology education, that
25 are directly related to the preparation of individuals for

1 paid or unpaid employment in current or emerging occupations
2 requiring an industry-recognized credential, certificate or
3 degree;

4 (2) "career and technical education course"
5 means a course with content that provides technical
6 knowledge, skills and competency-based applied learning and
7 that aligns with educational standards and expectations as
8 defined in rule;

9 (3) "career cluster" means a grouping of
10 occupations in industry sectors based on recognized
11 commonalities that provide an organizing tool for developing
12 instruction within the educational system;

13 (4) "career pathways" means a sub-grouping
14 used as an organizing tool for curriculum design and
15 instruction of occupations and career specialities that share
16 a set of common knowledge and skills for career success;

17 (5) "final next-step plan" means a next-step
18 plan that shows that the student has committed or intends to
19 commit in the near future to a four-year college or
20 university, a two-year college, a trade or vocational
21 program, an internship or apprenticeship, military service or
22 a job;

23 (6) "interim next-step plan" means an annual
24 next-step plan in which the student specifies post-high-
25 school goals and sets forth the coursework that will allow

1 the student to achieve those goals; and

2 (7) "next-step plan" means an annual
3 personal written plan of studies developed by a student in a
4 public school or other state-supported school or institution
5 in consultation with the student's parent and school
6 counselor or other school official charged with coursework
7 planning for the student that includes one or more of the
8 following:

9 (a) advanced placement or honors
10 courses;

11 (b) dual-credit courses offered in
12 cooperation with an institution of higher education;

13 (c) distance learning courses;

14 (d) career-technical courses; and

15 (e) pre-apprenticeship programs.

16 Q. The secretary may establish a policy to provide
17 for administrative interpretations to clarify curricular and
18 testing provisions of the Public School Code." _____

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AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO REQUIRE THE SENDING SCHOOL DISTRICT AND THE RECEIVING SCHOOL DISTRICT ENROLLING A HIGH SCHOOL STUDENT WHO HAS EXPERIENCED DISRUPTION IN THE EDUCATION PROCESS THROUGH NO FAULT OF THE STUDENT TO PROVIDE THAT STUDENT WITH OPPORTUNITIES TO PARTICIPATE IN COMPARABLE SCHOOL ACADEMIC PROGRAMS AND EXTRACURRICULAR ACTIVITIES FOR WHICH THE STUDENT IS ELIGIBLE AND TO EARN CREDITS AND GRADUATE FROM HIGH SCHOOL.

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

SECTION 1. A new section of the Public School Code is enacted to read:

"TIMELY GRADUATION AND SUPPORT FOR STUDENTS WHO EXPERIENCE DISRUPTION IN THE STUDENT'S EDUCATION.--

A. For purposes of this section, "a student who has experienced disruption in the student's education" means a student who experiences one or more changes in school or school district enrollment during a single school year as the result of:

(1) homelessness as defined in the federal McKinney-Vento Homeless Assistance Act as determined by the school or school district;

(2) adjudication:

1 (a) as an abused or neglected child as
2 determined by the children, youth and families department
3 pursuant to the Abuse and Neglect Act;

4 (b) as part of a family in need of
5 court-ordered services voluntary placement pursuant to the
6 Family Services Act; or

7 (c) as a delinquent if the parent
8 wishes to disclose the adjudication of delinquency; or

9 (3) placement in a mental health treatment
10 facility or habilitation program for developmental
11 disabilities pursuant to the Children's Mental Health and
12 Developmental Disabilities Act or placement in treatment
13 foster care.

14 B. When a student who has experienced a disruption
15 in the student's education transfers to a new public school
16 or school district, the receiving school or school district
17 shall communicate with the sending school district within two
18 days of the student's enrollment. The sending school or
19 school district shall provide the receiving school or school
20 district with any requested records within two days of having
21 received the receiving school's or school district's
22 communication.

23 C. A student who has experienced a disruption in
24 the student's education transferring to a new school as the
25 result of circumstances set forth in this section shall have:

1 (1) priority placement in classes that meet
2 state graduation requirements; and

3 (2) timely placement in elective classes
4 that are comparable to those in which the student was
5 enrolled at the student's previous school or schools as soon
6 as the school or school district receives verification from
7 the student's records.

8 D. For a student who has experienced disruption in
9 the student's education at any time during the student's high
10 school enrollment, a school district and public schools shall
11 ensure:

12 (1) acceptance of the student's state
13 graduation requirements for a diploma of excellence pursuant
14 to the Public School Code;

15 (2) equal access to participation in sports
16 and other extracurricular activities, career and technical
17 programs or other special programs for which the student
18 qualifies;

19 (3) timely assistance and advice from
20 counselors to improve the student's college or career
21 readiness; and

22 (4) that the student receives all special
23 education services to which the student is entitled."

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AN ACT

RELATING TO EDUCATION; ENACTING THE HUNGER-FREE STUDENTS'
BILL OF RIGHTS ACT; PROVIDING FOR THE RIGHTS OF STUDENTS AND
RESPONSIBILITIES OF SCHOOLS PARTICIPATING IN FREE OR
REDUCED-FEE MEAL PROGRAMS.

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

SECTION 1. SHORT TITLE.--This act may be cited as the
"Hunger-Free Students' Bill of Rights Act".

SECTION 2. DEFINITIONS.--As used in the Hunger-Free
Students' Bill of Rights Act:

A. "meal application" means an application for
free or reduced-fee meals pursuant to the national school
lunch program and school breakfast program; and

B. "school" means a public school district, a
public school, a private school or a religious school.

SECTION 3. MEAL APPLICATION AVAILABILITY AND CLARITY.--

A. A school shall provide:

(1) a free, printed meal application in
every school enrollment packet, or if the school chooses to
use an electronic meal application, provide in school
enrollment packets an explanation of the electronic meal
application process and instructions for how parents or
guardians may request a paper application at no cost; and

(2) meal applications and instructions in a

1 language that parents and guardians understand. If a parent
2 or guardian cannot read or understand a meal application, the
3 school shall offer assistance in completing the application.

4 B. If a school becomes aware that a student who
5 has not submitted a meal application is eligible for free or
6 reduced-fee meals, the school shall complete and file an
7 application for the student under the authority granted by
8 Title 7, Section 245.6(d) of the Code of Federal Regulations.

9 C. Subsections A and B of this section do not
10 apply to a school that provides free meals to all students in
11 a year in which the school does not collect meal applications
12 from students.

13 D. The liaison required of a school pursuant to
14 the federal McKinney-Vento Homeless Assistance Act shall
15 coordinate with the nutrition department to make sure that a
16 homeless student receives free school meals and shall be
17 appropriately coded and entered in the student-teacher
18 accountability reporting system. The requirements of this
19 subsection do not apply to a private or religious school.

20 SECTION 4. REQUIREMENT TO PROVIDE MEALS AND ENSURE THAT
21 ELIGIBLE STUDENTS ARE ENROLLED.--

22 A. Regardless of whether or not a student has
23 money to pay for a meal or owes money for earlier meals, a
24 school:

25 (1) shall provide a United States department SB 374
Page 2

1 of agriculture reimbursable meal to a student who requests
2 one, unless the student's parent or guardian has specifically
3 provided written permission to the school to withhold a meal;
4 and

5 (2) shall not require that a student throw
6 away a meal after it has been served because of the student's
7 inability to pay for the meal or because money is owed for
8 earlier meals.

9 B. If a student owes money for five or more meals,
10 a school shall:

11 (1) check the state list of students
12 categorically eligible for free meals to determine if the
13 student is categorically eligible;

14 (2) make at least two attempts, not
15 including the application or instructions included in a
16 school enrollment packet, to reach the student's parent or
17 guardian and have the parent or guardian fill out a meal
18 application; and

19 (3) require a principal, assistant principal
20 or counselor to contact the parent or guardian to offer
21 assistance with a meal application, determine if there are
22 other issues within the household that have caused the child
23 to have insufficient funds to purchase a school meal and
24 offer any other assistance that is appropriate.

1 PRACTICES.--

2 A. A school shall not:

3 (1) publicly identify or stigmatize a
4 student who cannot pay for a meal or who owes a meal debt by,
5 for example, requiring that a student wear a wristband or
6 hand stamp; or

7 (2) require a student who cannot pay for a
8 meal or who owes a meal debt to do chores or other work to
9 pay for meals; provided that chores or work required of all
10 students regardless of a meal debt is permitted.

11 B. A school shall direct communications about a
12 student's meal debt to a parent or guardian and not the
13 student. Nothing in this subsection prohibits a school from
14 sending a student home with a letter addressed to a parent or
15 guardian.

16 SECTION 6. DEBT COLLECTION PRACTICES--UNCOLLECTABLE
17 DEBT.--A school shall not require a parent or guardian to pay
18 fees or costs from collection agencies hired to collect a
19 meal debt.

20 SECTION 7. APPLICABILITY.--The Hunger-Free Students'
21 Bill of Rights Act applies to a public school district, a
22 public school, a private school or a religious school that
23 participates in the national school lunch program or school
24 breakfast program.

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AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; AMENDING THE PUBLIC SCHOOL CODE TO ALLOW CERTAIN SCHOOL DISTRICTS TO TRANSPORT CERTAIN STUDENTS BY ALTERNATIVE MEANS OF TRANSPORTATION; MAKING CONFORMING CHANGES TO THE DEFINITION OF "SCHOOL BUS" IN THE MOTOR VEHICLE CODE.

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

SECTION 1. Section 22-16-4 NMSA 1978 (being Laws 1967, Chapter 16, Section 222, as amended) is amended to read:

"22-16-4. SCHOOL BUS ROUTES--LIMITATIONS--EXCEPTIONS--MINIMUM REQUIREMENTS.--

A. Bus routes shall be established by the local school district.

B. Except as provided in Subsections C and E of this section, no school bus route shall be maintained for distances less than:

(1) one mile one way for students in grades kindergarten through six;

(2) one and one-half miles one way for students in grades seven through nine; and

(3) two miles one way for students in grades ten through twelve.

C. In school districts having hazardous walking conditions as determined by the local school board and

1 confirmed by the state transportation director, students of
2 any grade may be transported a lesser distance than that
3 provided in Subsection B of this section. General standards
4 for determining hazardous walking conditions shall be
5 established by the state transportation division of the
6 department with the approval of the department, but the
7 standards shall be flexibly and not rigidly applied by the
8 local school board and the state transportation director to
9 prevent accidents and help ensure student safety.

10 D. A school district with from one to six students
11 enrolled in the school district whose residence, within the
12 boundaries of the school district, is five or more miles from
13 the student's or students' school or schools shall be able to
14 provide transportation to and from school by means of a
15 school-district-owned, minimum six-passenger, full-size,
16 extended-length, sport utility vehicle driven by a school
17 district employee certified as an activity driver by the
18 district with both the vehicle and driver insured by the
19 public school insurance authority; provided that the local
20 superintendent is able to demonstrate a need. The department
21 shall adopt rules to provide for the safety of students
22 transported in a sport utility vehicle pursuant to this
23 section.

24 E. Exceptional children whose handicaps require
25 transportation and three- and four-year-old children who meet

1 the department-approved criteria and definition of
2 developmentally disabled may be transported a lesser distance
3 than that provided in Subsection B of this section."

4 SECTION 2. Section 66-1-4.16 NMSA 1978 (being Laws
5 1990, Chapter 120, Section 17, as amended) is amended to
6 read:

7 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
8 Code:

9 A. "safety glazing materials" means glazing
10 materials constructed, treated or combined with other
11 materials to reduce substantially, in comparison with
12 ordinary sheet glass or plate glass, the likelihood of injury
13 to persons by objects from exterior sources or by these
14 safety glazing materials when they are cracked and broken;

15 B. "safety zone" means the area or space that is
16 officially set apart within a highway for the exclusive use
17 of pedestrians and that is protected or is so marked or
18 indicated by adequate signs as to be plainly visible at all
19 times while set apart as a safety zone;

20 C. "salvage vehicle" means a vehicle:

21 (1) other than a nonrepairable vehicle, of a
22 type subject to registration that has been wrecked, destroyed
23 or damaged excluding, pursuant to rules issued by the
24 department, hail damage, to the extent that the owner,
25 leasing company, financial institution or the insurance

1 company that insured or is responsible for repair of the
2 vehicle considers it uneconomical to repair the vehicle and
3 that is subsequently not repaired by or for the person who
4 owned the vehicle at the time of the event resulting in
5 damage; or

6 (2) that was determined to be uneconomical
7 to repair and for which a total loss payment is made by an
8 insurer, whether or not the vehicle is subsequently repaired,
9 if, prior to or upon making payment to the claimant, the
10 insurer obtained the agreement of the claimant to the amount
11 of the total loss settlement and informed the claimant that,
12 pursuant to rules of the department, the title must be
13 branded and submitted to the department for issuance of a
14 salvage certificate of title for the vehicle;

15 D. "school bus" means a commercial motor vehicle
16 used to transport preprimary, primary or secondary school
17 students from home to school, from school to home or to and
18 from school-sponsored events, but not including a vehicle:

19 (1) operated by a common carrier, subject to
20 and meeting all requirements of the public regulation
21 commission but not used exclusively for the transportation of
22 students;

23 (2) operated solely by a government-owned
24 transit authority, if the transit authority meets all safety
25 requirements of the public regulation commission but is not

1 used exclusively for the transportation of students;

2 (3) operated as a per capita feeder as
3 provided in Section 22-16-6 NMSA 1978; or

4 (4) that is a minimum six-passenger,
5 full-size, extended-length, sport utility vehicle operated by
6 a school district employee pursuant to Subsection D of
7 Section 22-16-4 NMSA 1978;

8 E. "seal" means the official seal of the taxation
9 and revenue department as designated by the secretary;

10 F. "secretary" means the secretary of taxation and
11 revenue, and, except for the purposes of Sections 66-2-3
12 and 66-2-12 NMSA 1978, also includes the deputy secretary and
13 any division director delegated by the secretary;

14 G. "semitrailer" means a vehicle without motive
15 power, other than a pole trailer, designed for carrying
16 persons or property and for being drawn by a motor vehicle
17 and so constructed that some significant part of its weight
18 and that of its load rests upon or is carried by another
19 vehicle;

20 H. "sidewalk" means a portion of street between
21 the curb lines, or the lateral lines of a roadway, and the
22 adjacent property lines, intended for the use of pedestrians;

23 I. "slow-moving vehicle" means a vehicle that is
24 ordinarily moved, operated or driven at a speed less than
25 twenty-five miles per hour;

1 J. "solid tire" means every tire of rubber or
2 other resilient material that does not depend upon compressed
3 air for the support of the load;

4 K. "special mobile equipment" means a vehicle not
5 designed or used primarily for the transportation of persons
6 or property and incidentally operated or moved over the
7 highways, including but not limited to farm tractors, road
8 construction or maintenance machinery, ditch-digging
9 apparatus, well-boring apparatus and concrete mixers;

10 L. "specially constructed vehicle" means a vehicle
11 of a type required to be registered under the Motor Vehicle
12 Code not originally constructed under a distinctive name,
13 make, model or type by a generally recognized manufacturer of
14 vehicles and not materially altered from its original
15 construction;

16 M. "state" means a state, territory or possession
17 of the United States, the District of Columbia or any state
18 of the Republic of Mexico or the Federal District of Mexico
19 or a province of the Dominion of Canada;

20 N. "state highway" means a public highway that has
21 been designated as a state highway by the legislature, the
22 state transportation commission or the secretary of
23 transportation;

24 O. "stop", when required, means complete cessation
25 from movement;

1 P. "stop, stopping or standing", when prohibited,
2 means any stopping or standing of a vehicle, whether occupied
3 or not, except when necessary to avoid conflict with other
4 traffic or in compliance with the directions of a police
5 officer or traffic-control sign or signal;

6 Q. "street" or "highway" means a way or place
7 generally open to the use of the public as a matter of right
8 for the purpose of vehicular travel, even though it may be
9 temporarily closed or restricted for the purpose of
10 construction, maintenance, repair or reconstruction;

11 R. "subsequent offender" means a person who was
12 previously a first offender and who again, under state law,
13 federal law or a municipal ordinance or a tribal law, has
14 been adjudicated guilty of the charge of driving a motor
15 vehicle while under the influence of intoxicating liquor or
16 any drug that rendered the person incapable of safely driving
17 a motor vehicle, regardless of whether the person's sentence
18 was suspended or deferred; and

19 S. "suspension" means that a person's driver's
20 license and privilege to drive a motor vehicle on the public
21 highways are temporarily withdrawn."

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