

# ***POLICY SERVICES ADVISORY***

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## **Policy Advisory Discussion**

The following policy advisories are provided based on laws passed during this year’s legislative session. Unless otherwise noted, the laws go into effect June 20, 2025. Senate Bill 163, which dealt with tribal regalia at school events, went into effect immediately and was addressed in previously issued Policy Advisories 263-264. Not all new education-related laws require a change to policy. The Policy Service has determined that those that do are Senate Bill 11 and House Bills 54, 156, and 532, each of which is discussed below.

In addition to those, House Bills 157 and 195 create requirements that might only require small changes to the Policy Service manual. HB 157 creates a whole series of new licenses for site administrators, superintendents, and other administrators. A small portion of HB 157 deals with background checks for various licensed employees and, upon review of existing background check policies and regulations, it was discovered that some are out-of-date legally or otherwise in need of improvement. HB 195 deals with school nurse licensure and discusses the evaluation of school nurses. As with HB 157, upon review of existing licensed employee evaluation policies/regulations, Policy Service determined that several policy manual documents need more comprehensive revisions. Those more comprehensive revisions will take some time and will be the subject of additional policy advisories expected to be issued in later June or early July.

The bills leading to this set of Policy Advisories are discussed below:

**Senate Bill 11:** SB 11 creates a new section of the Public School Code to address the use

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of wireless communication devices (WCD) by students. A WCD is defined as a portable electronic device capable of transmitting voice, text, or data *including* cell phones, smart phones, smart watches, tablet and laptop computers, and gaming devices. The law requires districts to adopt and implement a WCD policy, and the Public Education Department (PED) to issue guidelines outlining the minimum requirements for the policy. PED has yet to issue those guidelines but the Policy Service anticipates that the policies provided herein will comply based on discussions with PED. The policy must be adopted not later than August 1, 2025.

SB 11 does not require districts to ban the use of WCDs during instructional hours; it only requires that districts have a WCD policy that complies with PED requirements. The law does prohibit the banning of WCDs during instructional hours when they are needed for specific purposes primarily related to disability accommodations and accessibility, or for a medical necessity. Aside from those exceptions, it does not appear to Policy Services that the law limits a school district's authority to make policies and rules related to WCDs, even including a complete ban on WCDs during the school day and other times students are under the supervision of the school.

Policy Service anticipates that different districts and schools may wish to deal with the issue of WCDs in a variety of ways, which makes a one-size-fits-all policy to serve the needs of all districts a difficult task. Here, two alternative policies are provided. A School Board may either adopt one, adopt one with modifications, or come up with their own individual policy. These policies are new to the NMSBA policy manual.

Alternative 1 leaves it entirely up to each school principal, with Superintendent approval, to make WCD rules applicable to their schools, and authorizes rules up to and including a complete ban on WCDs during times students are under the schools' supervision (subject to the statutory exceptions). It is anticipated that principals will not choose to exercise their authority that broadly but they have authority to if desired or necessary under this policy.

Alternative 2 bans the use of WCDs during instructional hours as a matter of board policy (subject to statutory and other exceptions) and also allows principals to make additional rules related to WCDs that apply during times students are under school supervision.

Districts considering adopting Alternative 1 or Alternative 2 may wish to further limit the authority of principals/superintendent and may modify the adopted policies accordingly. For example, for Alternative 2, if the board does not wish to grant a principal the authority to make rules for WCDs during not-instructional times it may wish to delete or modify the paragraph that begins with "School principals may also make rules...."

Districts that adopt a policy provided herein should notify Policy Service which alternative they adopted and, if modified, provide their adopted policy with additional language underlined and deletions struck through.

The final version of SB 11 may be viewed here:

<https://www.nmlegis.gov/Sessions/25%20Regular/final/SB0011.pdf>

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**House Bill 54:** HB 54 requires all schools to develop and implement a cardiac emergency response plan (CERP) which addresses the appropriate use of school personnel to respond to a cardiac arrest or similar life-threatening emergency. Note that the CERP is particular to *each school* and is not a district-wide document. The new law also requires that each school install an automated external defibrillator (AED). Both the CERP and installed AED must be in place for each high school for the 2026-2027 school year, and in each elementary and middle school for the 2027-2028 school year. The Public Education Department is required to adopt regulations for the training of school personnel on the use of AEDs by January 1, 2026.

While the law only requires one AED, more than one AED may be considered a best practice depending on the size and configuration of the school campus. Most online resources appear to recommend that AEDs be located not more than 2-3 minutes from any place on school grounds where an incident may occur. The CERP is required to contain elements that are nationally recognized and evidence-based, and to be updated to remain consistent with current guidelines.

The Policy Service-provided policy adheres closely to the statutory language and leaves the actual development of each school's CERP to the professionals at each school. It is anticipated that a school nurse will lead the development of each CERP though that is not required by law. The requirements of HB 54 are not due for over a year from now, but schools may wish to get started early with the development of the CERP which needs to be a well thought out document implemented by specific trained individuals. Potentially helpful resources from the American Heart Association for the development of CERPs are included below.

The policy also contains a provision requiring licensed coaches to have current certification in cardiopulmonary resuscitation including the use of AEDs, consistent with NMSA § 22-13-31.2.

Final version of HB 54:

<https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0054.pdf>

Resources for CERP:

- American Heart Association Cardiac and Emergency Response Plan (CERP):  
<https://cpr.heart.org/en/training-programs/cardiac-emergency-response-plan-cerp>
- American Heart Association Cardiac Emergency Response Plan and Protocol:

[https://cpr.heart.org/en/-/media/CPR-Files/Training-Programs/2024-CERP/Updated-CERP-PDFs-1\\_21\\_25/2024CERPCardiacEmergencyResponsePlanandProtocol\\_Updated102224.pdf?sc\\_la ng=en](https://cpr.heart.org/en/-/media/CPR-Files/Training-Programs/2024-CERP/Updated-CERP-PDFs-1_21_25/2024CERPCardiacEmergencyResponsePlanandProtocol_Updated102224.pdf?sc_la ng=en)

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**House Bill 156:** HB 156 increases minimum salaries for teachers, school counselors and administrators, and also creates requirements for public post-secondary teacher preparation programs to teach reading instruction using the science of reading. No policy changes are needed for those provisions of the bill. **Of importance for policy purposes is a section of the bill stating how public school students and English language learners shall be taught to read.** Specifically, the bill states:

Structured literacy is the primary approach to teaching foundational literacy skills for all learners. Literacy instruction for English language learners shall include evidence-based practices for bi-literacy, differentiation and culturally and linguistically responsive instruction. Public school students shall be taught to read using science of reading, structured literacy and scientifically based reading instruction.

The statutory definition of those terms follow:

- "science of reading" means an interdisciplinary body of scientifically based research about reading and issues related to reading and writing;
- "scientifically based reading instruction" means instruction grounded in empirical research, including explicit and systematic instruction in phonemic awareness, phonics, fluency, vocabulary and comprehension and the science of reading;
- "structured literacy" means an evidence based approach to teaching oral and written language aligned with the science of reading that is based on the science of how children learn to read and is characterized by explicit, systematic, sequential, cumulative and diagnostic instruction in phonology, sound-symbol association, syllable instruction, morphology, syntax and semantics.

It is likely that reading teachers are already using this approach as, since 2019, New Mexico law and regulation have required all districts to develop and implement a literacy professional development plan that includes a detailed framework for structured literacy training for all elementary teachers, reading interventionists, and special education teachers working with students who display characteristics of dyslexia (See link to NMSA 22-13.32 and NMAC 6.30.17.11, pasted below). PED regulation also requires entry-level reading teachers to complete professional development that aligns with the science of reading and structured literacy approach (See link to 6.64.3.1). Since the 2020-2021 school year, PED has been advocating a state-wide literacy initiative, *Structured Literacy New Mexico*, to identify struggling readers, supporting teachers, increasing reading proficiency, and reducing the number of students requiring special education services. Because HB 156 explicitly states that public schools will use these approaches to teach students, the Policy Service thought it was worth putting into policy.

HB 156 Final version:

<https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0156.pdf>

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Referenced statutes and regulations:

- NMSA 22-13-32:  
<https://nmonesource.com/nmos/nmsa/en/item/4368/index.do#22-13-32>
- NMAC 6.30.17.11:  
[https://nmonesource.com/nmos/nmac/en/item/18063/index.do#s6\\_30\\_17\\_11](https://nmonesource.com/nmos/nmac/en/item/18063/index.do#s6_30_17_11)
- NMAC 6.64.3.1 *et seq.*  
<https://nmonesource.com/nmos/nmac/en/item/18063/index.do#t6c64p3>

General information on structured literacy and the science of reading from PED is included in the links below:

- [https://web.ped.nm.gov/wp-content/uploads/legacy/2025/02/The-Science-of-Reading-for-English-Learners-in-New-Mexico\\_Feb-2025-.pdf](https://web.ped.nm.gov/wp-content/uploads/legacy/2025/02/The-Science-of-Reading-for-English-Learners-in-New-Mexico_Feb-2025-.pdf)
- <https://web.ped.nm.gov/wp-content/uploads/2024/12/NMPED-NM-Statewide-Literacy-Framework-Summer-2020.pdf>
- <https://web.ped.nm.gov/bureaus/literacy-humanities/structured-literacy-new-mexico/>

**House Bill 532:** HB 532 creates a new section of the Public School Code that requires school boards to adopt digital or written guidance that promotes student safety in, on, and around bodies of water and water infrastructure, including information about local options for age appropriate swimming lessons and other water safety courses. Beginning with the 2025-26 school year, schools are required to provide the parents of each student with the guidance developed upon enrollment or no later than the tenth day of the school year. The guidance may be placed in a handbook for students and parents, provided it is conspicuous and a parent acknowledges receipt of the handbook in writing.

Because Policy Service policies must be useable by all districts and because local options for swimming lessons necessarily vary from district to district and may frequently change, the Policy Service-provided policy places the responsibility for creating and distributing the guidance on district administration. Individual districts are free to develop their own policies, guidance, and water safety program, so long as it complies with the statute. The Policy Service policy adheres closely to the statutory language and includes a disclaimer to be included in the guidance developed by the administration.

HB 532 Final Version:

<https://www.nmlegis.gov/Sessions/25%20Regular/final/HB0532.pdf>

Potential links for developing water safety guidance are pasted below:

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- [https://www.redcross.org/content/dam/redcross/get-help/water-safety/WHALE Tales Discussion Guide FinalRev.pdf](https://www.redcross.org/content/dam/redcross/get-help/water-safety/WHALE_Tales_Discussion_Guide_FinalRev.pdf)
- [https://www.redcross.org/content/dam/redcross/training-services/take-a-class/swimming/water-safety/Educator Toolkit.pdf#zoom=100](https://www.redcross.org/content/dam/redcross/training-services/take-a-class/swimming/water-safety/Educator_Toolkit.pdf#zoom=100)
- <https://www.edweek.org/leadership/how-school-districts-nationwide-can-build-water-safety-for-students/2024/07>
- <https://ndpa.org/teacher-toolkit/>

## Policy Advisories

**Policy Advisory No. 265 – EBC (E-0550) Emergencies.** Policy EBC - Emergencies is revised solely to add the new Policy JLCEC – Cardiac Emergency Response Plan- Automated External Defibrillators to the list of cross-referenced policies.

**Policy Advisory No. 266 – IA (I-0050) Instructional Goals and Objectives.** Policy IA - Instructional Goals and Objectives is revised to add language related to science of reading and structured literacy to ensure compliance with HB 156 and to add a legal reference to the statutory section at which HB 156 will be codified.

**Policy Advisory No. 267 – NEW JICJ (J-3150) Use of Cell Phones and Electronic Devices in Schools (Two Alternatives).** As discussed above, Policy Service provides two alternatives for Policy JICJ - Use of Cells phones and Electronic Devices in Schools to comply with SB 11. If the Board adopts one of these alternatives, it should notify Policy Service which alternative is adopted and whether the Board made changes to the policy provided herein.

**Policy Advisory No. 268 NEW JLCEC (J-5440) Cardiac Emergency Response Plan- Automated External Defibrillators.** Policy JLCEC - Cardiac Emergency Response Plan- Automated External Defibrillators is a new policy provided to comply with HB 154.

**Policy Advisory No. 269 NEW JLIH (J-6700) Parental Guidance for Water Safety.** New Policy J-6650 JLIH is added to address the new requirement in HB 532 that school boards adopt water safety guidance. The details of this guidance, including providing local information for swim lessons and water safety, are left to district administration to develop.

If you have any questions or requests call Policy Services at (505) 469-0193 or email Dan Castille, Policy Services Director at [rdcpolicyservices@outlook.com](mailto:rdcpolicyservices@outlook.com).

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## **ADVISORY 265**

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## EMERGENCIES

Disaster can strike at any time and cause wide-spread damage and injury.

Such disasters can be created by humans or the result of natural causes and can occur with little, if any, warning. Thus, it is the intent of the Board to create a systematic means to minimize the negative impact of any disaster on students, employees, visitors and others while on District property or at school-sponsored events. To this end, the Superintendent, with staff and community input, shall develop a tactical emergency response plan which will include, but not be limited to the threat of:

- Chemical, biological and nuclear incidents.
- Bomb threats.
- Building collapse.
- Hostage situations.
- Conditions of nature.
- Arson.
- Civil disturbances.
- Explosions.
- Vehicular accidents.
- Active Shooter.

A tactical emergency response plan is a safe school plan that details risk assessments and establishes the plans or procedures to manage an emergency event after it has occurred and includes, but is not limited to, emergency routes and staff assignments as they relate to immediate actions, delayed actions, mitigation actions, facility evacuations and facility reentry. The plan shall clearly outline the requirements and discretion afforded each school with regard to the administration of the plan. The plans will also designate specific emergency drills to be conducted. The plan shall be presented to the Board for approval but shall not be released to the public due to the student wellness and safety issues related to the information.

*Adopted:*    date of manual adoption

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LEGAL REF.: 22-13-14 NMSA  
59A-52-1 NMSA  
6.12.6.7 NMAC  
6.12.6.8 NMAC  
6.29.1.9 NMAC

CROSS REF.: JL - Student Wellness  
JLCEC – Cardiac Emergency Response Plan- Automated  
External Defibrillators

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# ADVISORY 266

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## INSTRUCTIONAL GOALS AND OBJECTIVES

All parts of the curriculum are interrelated and important to the development of the student. The physical, emotional, social, aesthetic, and cognitive development of the student are all elements of importance within the school program.

The District will provide basic communication and computational skills, an experience-based curriculum, and exploration of different disciplines and decision-making techniques to enable the student to choose between alternatives.

Specifically, the District instructional program will be designed and implemented to provide for at least the minimum instructional areas required by statute and shall include:

- Skills in communication - to include reading and language arts skills, including phonemic awareness, phonics, comprehension, grammar and writing. Students shall be taught to read using science of reading, structured literacy, and scientifically based reading instruction. Literacy instruction for English language learners shall include evidence-based practices for bi-literacy, differentiation, and culturally and linguistically responsive instruction.
- Skills in computation - mathematics.
- Appreciation of the world of work.
- Pride of workmanship and skills for economic survival.
- Appreciation of the importance of physical fitness.
- Research and problem-solving skills in science and mathematics.
- Ability to think analytically, critically, and independently.
- Skills in foreign or Native American language.
- Ability leading to citizen responsibility.
- Understanding and respect for our cultural heritage and history.
- Appreciation for the intrinsic value of education.
- Appreciation of the fine arts.
- Skills in the use of topographical and standard maps.
- Skills in technology.

*Adopted:* date of manual adoption

LEGAL REF.: **[SB 156 2025; NMSA TBD]**

CROSS REF.: AD - Educational Philosophy/School District Mission

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# **ADVISORY 267**

## ***(Alternative 1)***

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**USE OF CELL PHONES AND  
ELECTRONIC DEVICES IN SCHOOLS**

School principals, with the approval of the Superintendent and in compliance with Board policy and administrative regulations, shall make rules regarding student use of wireless communication devices during instructional hours. School rules may also restrict student use of wireless communication devices during non-instructional hours within school buildings and programs, on school property, in school vehicles, and/or while students are attending school-sponsored activities. Other than as set forth herein, nothing in this policy prohibits the complete prohibition of student use or possession of wireless communication devices during the school day and/or at times during which the District has supervisory authority over students, or a school requirement that wireless communication devices be stored in a designated storage area inaccessible to students. Rules related to student use of electronic wireless communication devices may differ between the schools, locations within schools, times of day, grade level, programs, and activities, and individual students may have device privileges further limited as a consequence for violation of school rules. School principals shall notify students, staff and parents/guardians of applicable rules for the use of wireless communication devices within their buildings and programs.

Neither the District nor any school shall establish a rule or otherwise prohibit students from using wireless communication devices for:

- text-to-speech, speech-to-text or other assistive technologies that aid in disability accessibility communication, navigation or learning; or
- a wireless communication device if the use of the device is a medical necessity, an accommodation for a student with a disability, or included in a student's individualized education program or 504 plan; or
- a health, safety, or emergency reason, or for educational reasons, as determined by the classroom teacher or site administrator.

Violations of any school rule or regulation related to this policy shall result in disciplinary action and may result in confiscation of the wireless communication device. In such event, school officials may determine, pursuant to school rules, whether to withhold and not return the confiscated device until a conference has been held with the student's parent/guardian. School officials who confiscate a wireless communication device for violation of this policy or school rules shall not search the contents of the device without reasonable suspicion that a search will reveal evidence of a violation of school rules or the law, and then only in compliance with the student's constitutional or other rights and as provided by policy.

This policy shall be published on the District website.

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As used in this policy, "wireless communication device" means a portable electronic device capable of transmitting voice, text or data, including but not limited to a: 1) cellular phone, smartphone or smartwatch; 2) tablet computer; 3) laptop computer; or 4) gaming device.

LEGAL REF.: **NMSA TBD** section of the Public School Code/2025 SB 11

CROSS REF.: JIC - Student Conduct

JK - Student Discipline

JIH - Student Interrogations, Searches, and Arrests

IJNDB - Use of Technology Resources in Instruction

IJNDB-R - Use of Technology Resources in Instruction  
Regulation

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# **ADVISORY 267**

## ***(Alternative 2)***

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**USE OF CELL PHONES AND  
ELECTRONIC DEVICES IN SCHOOLS**

The Board prohibits the use of wireless communication devices by students during instructional hours and class time.

As used in this policy, "wireless communication device" means a portable electronic device capable of transmitting voice, text or data, including but not limited to a: 1) cellular phone, smartphone or smartwatch; 2) tablet computer; 3) laptop computer; or 4) gaming device.

Notwithstanding the foregoing, a school principal may grant approval for possession and use of a wireless communication device by a student during class time or instructional hours for the following reasons:

- Health, safety, or emergency reasons.
- An individualized education program (IEP) or Section 504 Service Agreement.
- Classroom or instructional-related activities, under the supervision of the classroom teacher.
- Other reasons determined appropriate by the building principal.

School principals may also make rules, with the approval of the Superintendent, to restrict student use of wireless communication devices during non-instructional hours within school buildings and programs, on school property, in school vehicles, and/or while students are attending school-sponsored activities. Other than as set forth herein, nothing in this policy prohibits the complete prohibition of student use or possession of wireless communication devices during the school day and/or at times during which the District has supervisory authority over students, or a school requirement that wireless communication devices be stored in a designated storage area inaccessible to students. Rules related to student use of electronic wireless communication devices during non-instructional hours may differ between the schools, locations within schools, times of day, grade level, programs, and activities, and individual students may have device privileges further limited as a consequence for violation of school rules. School principals shall notify students, staff and parents/guardians of applicable rules for the use of wireless communication devices within their buildings and programs.

Neither this policy nor any school rule shall prohibit students from using wireless communication devices for:

- text-to-speech, speech-to-text or other assistive technologies that aid in disability accessibility communication, navigation or learning; or
- use of the device for a medical necessity, an accommodation for a student with a disability, or as provided in a student's individualized education program or 504 plan.

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Violations of this policy or any school rule related to wireless communication devices shall result in disciplinary action and may result in confiscation of the wireless communication device. In such event, school officials may determine whether to withhold and not return the confiscated device until a conference has been held with the student's parent/guardian. School officials who confiscate a wireless communication device for violation of this policy or school rules shall not search the contents of the device without reasonable suspicion that a search will reveal evidence of a violation of school rules or the law, and then only in compliance with the student's constitutional or other rights and as provided by policy.

This policy shall be published on the District website.

LEGAL REF.: NMSA TBD section of the Public School Code/2025 SB 11

CROSS REF.: IJNDB – Use of Technology Resources in Instruction  
IJNDB-R – Use of Technology Resources in Instruction Regulation  
JIC – Student Conduct  
JIH – Student Interrogations, Searches, and Arrests  
JK - Student Discipline

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# ADVISORY 268

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## **CARDIAC EMERGENCY RESPONSE PLAN — AUTOMATED EXTERNAL DEFIBRILLATORS**

### **Installation of Automated External Defibrillators in Schools**

Each school in the District shall install at least one automated external defibrillator (AED) as defined in the Emergency Medication in Schools Act. All installed AEDs shall be maintained and tested according to the manufacturer's operational guidelines. High schools shall install at least one AED no later than the start of the 2026-2027 school year. Each elementary school and middle school shall install at least one (1) AED no later than the start of the 2027-2028 school year.

### **Cardiac Emergency Response Plan**

Each school shall develop and implement a cardiac emergency response plan that addresses the appropriate use of school personnel who are to respond to incidents involving a person experiencing a sudden cardiac arrest or a similar life-threatening emergency while on school grounds. Each cardiac emergency response plan shall:

- Be developed and implemented using core elements that are nationally recognized and evidence-based;
- Identify specific school personnel who will take action when a person experiences a sudden cardiac arrest or similar life-threatening injury;
- Establish protocols for school personnel identified by the cardiac emergency response plan to follow when a person experiences a sudden cardiac arrest or a similar life-threatening emergency;
- Determine an appropriate location for an automated external defibrillator to be installed;
- Provide for routine maintenance of the automated external defibrillator; and
- Be updated when necessary to be consistent with evidence-based guidelines.

High schools shall comply with the requirements of this section by no later than the start of the 2026-2027 school year. Elementary and middle schools shall comply with the requirements of this section by no later than the start of the 2027-2028 school year.

All employees tasked, in a school's cardiac emergency response plan, with responding to incidents involving a sudden cardiac arrest or a similar life-threatening emergency while on school grounds shall receive training on the use of AEDs in a manner consistent with the

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standards adopted by the American Heart Association and rules adopted by the Public Education Department.

### **Athletic Coaches**

All licensed coaches employed by the District shall have current certification in cardiopulmonary resuscitation including training regarding the use of AED's.

*Adopted:* date of manual adoption

LEGAL REF.: 22-33-1 NMSA *et seq.* (Emergency Medication in Schools Act)  
(TBD section NMAC)

22-13-31.2 (Certification in cardiopulmonary resuscitation for coaches)

CROSS REF.: EBC-RC - Emergencies (First Aid)

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# ADVISORY 269

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## PARENTAL GUIDANCE FOR WATER SAFETY

The Superintendent, or designee, shall develop guidance for parents/guardians that promotes student safety in, on and around bodies of water and water infrastructure, including information about local options for age-appropriate swimming lessons and other water safety courses.

All schools in the District shall provide the parent(s)/guardian(s) of each student with the guidance developed upon the student's enrollment in a school or no later than the tenth (10th) school day of each school year. The guidance may be incorporated into a District-wide or school-specific handbook published for parents and students provided that the guidance is conspicuous and the school receives written acknowledgement of a parent's receipt of the handbook by the dates set forth above.

The Board encourages parents and guardians to review guidance with their children and to take an active role in teaching them about water safety. Promoting awareness and safe behaviors around water can help prevent accidents and save lives.

The guidance provided related to local options for age-appropriate swimming lessons and other water safety courses shall contain the following disclaimer or similar disclaimer:

***Legal Disclaimer:***

This guidance is provided in compliance with applicable legal requirements to inform families of local options for age-appropriate swimming lessons and water safety courses. The inclusion of providers or programs in this guidance does ***not*** constitute an endorsement or recommendation by the School District.

*Please note* that the School District does ***not*** review, vet, certify, or monitor any of the listed instructors, organizations, or programs. The District does not employ or contract with these instructors and no District background check has been conducted for these non-District affiliated instructors or providers. It is solely the responsibility of each parent or guardian to evaluate the qualifications, certifications, safety practices, and overall suitability of any provider they may choose for their child.

The School District assumes no responsibility or liability for any outcomes related to participation in any of the listed swimming or water safety programs.

*Adopted:*     date of manual adoption

LEGAL REF.:     (TBD) NMSA

CROSS REF.:     CHCA - Handbooks and Directives

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