

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 14 COVID-19 SCHOOL REENTRY REQUIREMENTS

6.12.14.1 ISSUING AGENCY: Public Education Department hereinafter referred to as the department.
[6.12.14.1 NMAC – N/E, 12/3/2020]

6.12.14.2 SCOPE: The provisions of this regulation apply to all public schools in New Mexico.
[6.12.14.2 NMAC - N/E, 12/3/2020]

6.12.14.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-10-10, 22-2-1, and 22-2-2 NMSA 1978.
[6.12.14.3 NMAC - N/E, 12/3/2020]

6.12.14.4 DURATION: Permanent.
[6.12.14.4 NMAC - N/E, 12/3/2020]

6.12.14.5 EFFECTIVE DATE: December 3, 2020, unless a later date is cited at the end of a section.
[6.12.14.5 NMAC - N/E, 12/3/2020]

6.12.14.6 OBJECTIVE: This rule establishes the requirements for public school compliance with the department's COVID-19 school reentry guidance in order to protect and support the safe and healthy school attendance of New Mexico students, and safe and healthy working environment for teachers, faculty, staff, and administration.
[6.12.14.6 NMAC – N/E, 12/3/2020]

6.12.14.7 DEFINITIONS:

A. "At-risk students" means students who are English learners, economically disadvantaged, Native American, highly mobile, or who have a disability.

B. "Formative assessment" means measures of academic achievement during the learning process.

C. "Full reentry operating category" means the instructional model that permits all students to return to in-person learning for the full school week, with continued use of preventative measures including mask-wearing, temperature-screening, and minimizing of group activities.

D. "High-risk staff" means adult persons employed by a school or school district with certain underlying conditions that make them more at risk for severe illness from the virus that causes COVID-19, including but not limited to:

- (1) cancer;
- (2) chronic kidney disease;
- (3) chronic obstructive pulmonary disease;
- (4) heart conditions such as heart failure,
- (5) coronary artery disease or cardiomyopathy;
- (6) body mass index greater than or equal to 30kg/m²;
- (7) pregnancy;
- (8) sickle cell disease;
- (9) smoking;
- (10) type 1 diabetes mellitus
- (11) type 2 diabetes mellitus;
- (12) moderate-to-severe asthma;
- (13) cerebrovascular disease;
- (14) cystic fibrosis;
- (15) hypertension or high blood pressure;
- (16) immunocompromised state from blood or bone marrow transplant;
- (17) immune deficiencies;
- (18) HIV;

- (19) use of corticosteroids or other immune-weakening medications;
- (20) neurologic conditions such as dementia;
- (21) liver disease;
- (22) pulmonary fibrosis; and
- (23) thalassemia.

E. "High-risk students" means students with certain underlying health conditions that may make them more at risk for severe illness from the virus that causes COVID-19, including but not limited to:

- (1) obesity;
- (2) medical complexity;
- (3) severe genetic disorders;
- (4) severe neurologic disorders;
- (5) inherited metabolic disorders;
- (6) sickle cell disease;
- (7) congenital heart disease;
- (8) diabetes;
- (9) chronic kidney disease;
- (10) asthma and other chronic lung disease; and
- (11) immunosuppression due to malignancy or immune-weakening medications.

F. "Hybrid operating category" means the instructional model wherein schools assign a combination of some in-person learning days and some remote learning days, while limiting the number of students who may be in the school building at any given time by the number that can be accommodated while adhering to at least six feet of social distancing, or fifty percent classroom capacity.

G. "Interim assessment" means an assessment conducted three to four times a year to assess specific skills and to identify those at risk academically.

H. "Remote operating category" means the instructional model that requires all students to engage in online learning, with limited possible exceptions for small groups of students to engage in in-person learning, such as students receiving special education services; schools should ensure each student has a digital device and support for in-home connectivity.

[6.12.14.7 NMAC – N/E, 12/3/2020]

6.12.14.8 GENERAL REQUIREMENTS AND CONSIDERATIONS FOR SCHOOLS IN ALL OPERATING CATEGORIES:

A. All public schools and local school districts shall:

- (1) follow guidelines appropriate to the school or school district’s safe reentry category, as determined by the New Mexico department of health medical advisory team assessment;
- (2) participate in a surveillance and rapid response testing program for all staff;
- (3) adhere to social distancing requirements according to their safe reentry category;
- (4) avoid large group gatherings;
- (5) require all staff and students to wear face masks, except while eating, drinking, or exercising, unless the student or staff has a medical reason for not being able to wear a mask or face shield;
- (6) administer daily temperature checks and review of potential symptoms, as well as working with state and local health officials to have a plan for contact-tracing;
- (7) when providing transportation:
 - (a) require all staff and students to wear face masks;
 - (b) limit the number of students permitted on one bus seat to two; and
 - (c) limit the number of students permitted on one bus seat to one for those schools in the hybrid category;
- (8) provide meals to students during both in-person instruction and remote learning; and
- (9) consider practices to promote social emotional learning, support high quality teaching and learning, and effectively communicate with tribal communities and families.

B. COVID-19 safe practices. All local school districts and public schools shall maintain communication with local and state department of health officials, and participate in contact-tracing efforts and specimen collection efforts as directed by state and local health officials, and shall:

- (1) work with school administrators, school nurses, and other healthcare providers to identify an isolation room or area to separate anyone who exhibits COVID-like symptoms;

(2) require school nurses and other healthcare providers to use centers for disease control and prevention (CDC) recommended standard precautions when caring for sick people, including:

- (a) engaging in frequent hand hygiene;
- (b) using personal protective equipment when there is an expectation of possible exposure to infectious material;
- (c) following respiratory hygiene and coughing etiquette;
- (d) ensuring appropriate patient placement in quarantine or isolation;
- (e) proper handling and disinfection of patient care equipment and instruments;
- (f) careful handling of textiles and laundry;
- (g) following safe injection practices; and
- (h) ensuring healthcare provider safety, including proper handling and disposal of needles and other sharps.

(3) require school nurses and other healthcare providers to use CDC recommended transmission-based precautions when caring for sick people, including:

- (a) establish procedures for safely transporting anyone who is sick home or to a healthcare facility;
- (b) notify local health officials, staff, and families immediately of a possible case while maintaining confidentiality consistent with the Americans with Disabilities Act and other applicable federal and state privacy laws;
- (c) close off school building if used by a COVID-19-positive sick person and do not use again before cleaning and disinfection;
- (d) wait 24 hours before cleaning and disinfecting, unless it is impossible to wait 24 hours, in which case wait as long as possible;
- (e) advise sick staff members and children not to return until they have met New Mexico department of health criteria to discontinue home isolation;
- (f) inform those who have had close contact with a person diagnosed with COVID-19 to stay home and follow New Mexico department of health guidance if symptoms develop or if a person does not have symptoms, follow appropriate New Mexico department of health guidance for home quarantine; and
- (g) contact New Mexico department of health to activate contact tracing.

C. Staffing. All school personnel and contractors shall follow guidelines in current statewide public health orders. All local school districts and public schools shall:

(1) train staff in local and state rules regarding health and safety procedures, such as appropriate use of personal protective equipment and procedures for when school personnel or students exhibit symptoms of COVID-19;

(2) establish processes, aligned with school district or charter school human resource departments to:

- (a) identify personnel considered to be in a COVID-19 high risk staff, and to consider formal requests from such high-risk staff to continue working remotely;
- (b) address the circumstances of school personnel who live with someone who is in a COVID-19 high risk group; and
- (c) require, with appropriate licensing waivers, high-risk teachers to remotely teach upper grades, in order to prioritize necessary in-person instruction for younger students.

[6.12.14.8 NMAC – N/E, 12/3/2020]

6.12.14.9 LOCAL SCHOOL DISTRICTS AND PUBLIC SCHOOLS OPERATING UNDER THE REMOTE OPERATING CATEGORY:

A. COVID-19 safe practices.

(1) Local school districts and public schools shall consider implementing requirements for COVID-19 safety, including:

- (a) closing off and limiting access to areas potentially affected by COVID-19 exposure and, if possible, wait 24 hours before cleaning and disinfecting;
- (b) encouraging COVID-19 testing;
- (c) refraining from blanket reporting requirements for school personnel;
- (d) leveraging virtual tools and platforms whenever possible to conduct essential business, and keep in-person reporting to a minimum;

(e) using social media and other methods of communication to inform parents, students, and staff about COVID-19 symptoms, preventative measures, good hygiene, and school district- and school-specific protocols; and

(f) support for students, families, and school personnel in their protection of high-risk students and staff.

(2) During periods of school closure, local school districts and schools shall require in-person reporting only of staff performing essential services such as food preparation and delivery, cleaning, and sanitation. Provided they wear face masks and practice social distancing, teachers may reenter school premises to conduct remote learning.

(3) If feasible, local school districts and public schools may permit school buildings to remain open for limited numbers of students and staff to continue in-person instruction and services for students in prekindergarten to third grade and for students with special needs, at a maximum ratio of five students to one teacher.

B. Transportation of Students. If feasible, local school districts and public schools shall transport students with special needs and students in prekindergarten through third grade who still may be physically attending school on a limited basis.

C. Meal service.

(1) Local school districts and public schools in the remote operating category shall:

(a) establish food distribution sites both at district buildings and at particular bus stops or routes to the greatest extent practicable;

(b) practice social distancing protocols; and

(c) provide personal protective equipment to all participating staff.

(2) Local school districts and public schools in the remote category shall also consider additional practices to promote COVID-19 safety for meal service, including:

(a) delivering a week's worth of meals during a designated time; and

(b) distributing supplemental instructional materials and printed school and school district communications along with meals.

(3) During periods of school closure, school buses may be used to deliver meals to students and families.

D. Student movement and gathering. If small groups of prekindergarten to third grade students or students with disabilities are meeting, public schools shall keep cohorts together and minimize all transitions, including those between classrooms, to lunch or recess, and to school buses. Local school districts and public schools shall abide by the maximum number of people allowed to congregate as defined in current statewide public health orders.

[6.12.14.9 NMAC – N/E, 12/3/2020]

6.12.14.10 LOCAL SCHOOL DISTRICTS AND PUBLIC SCHOOLS OPERATING UNDER THE HYBRD OPERATING CATEGORY:

A. COVID-19 safe practices. Local school districts and public schools in the hybrid operating category shall consider implementing requirements for COVID-19 safety, including requirements to:

(1) afford adequate space for all staff and students to maintain at least six feet of social distance at all times;

(2) post signs in classrooms, hallways, and entrances to communicate how to stop the spread of COVID-19;

(3) screen all students for COVID-19 symptoms to the greatest extent feasible, such as temperature screenings and daily health check questionnaires for all students and staff;

(4) inform and educate parents and families to be alert for signs of illness in their children and to keep their children home from school when they are sick;

(5) establish a protocol for students and staff who feel ill or experience symptoms when they are at school;

(6) isolate and deep-clean COVID-19-impacted classrooms and other areas of school premises;

(7) teach and reinforce good hygiene measures, such as handwashing, covering coughs, and appropriate use of face masks;

(8) provide hand soap, hand sanitizer with at least sixty percent alcohol, paper towels, and no-touch trashcans in all bathrooms, classrooms, and other frequently trafficked areas;

- (9) clean and disinfect frequently touched surfaces at least daily, and frequently shared objects after each use;
- (10) provide face masks and other appropriate personal protective equipment to staff;
- (11) require students and staff to wear face masks unless a valid medical reason is provided;
- (12) allow student and staff to bring hand sanitizer and face masks and shields from home;
- (13) to the extent possible, turn off water fountains and provide bottled water or allow students and staff to bring bottled water from home;
- (14) take steps to ensure all water systems and features, including water fountains that cannot be shut off, are safe;
- (15) ensure ventilation systems operate properly and increase the circulation of outdoor air as much as possible without posing a safety or health risk to students or staff; and
- (16) conduct deep cleaning of schools prior to students and staff returning, and schedule additional cleanings during weekends and school holidays and breaks.

B. Entering School Buildings. Local school districts and public schools in the hybrid operating category shall consider practices for safely entering school buildings, including:

- (1) mandating face masks for all students and staff, except while eating or drinking or exercising, including exercise during recess, with limited exceptions for students or staff that have medical reasons for not being able to wear a mask;
- (2) screening all staff daily before being permitted to enter school buildings, including temperature checks and reviews of potential symptoms, while maintaining confidentiality;
- (3) isolating and sending home those who register temperatures of greater than 100.4 degrees fahrenheit or 38 degrees celsius;
- (4) working with state and local health officials to have a plan for contact-tracing;
- (5) to the extent practicable and while maintaining confidentiality, screening all students for temperature before they enter school buildings, and isolating and sending home those who register a temperature of greater than 100.4 degrees fahrenheit or 38 degrees celcius;
- (6) restricting non-essential school visitors and volunteers;
- (7) establishing a protocol for essential visitors, including calling the front office before entering school premises and requiring the use of face masks;
- (8) avoiding large group gatherings;
- (9) marking spaced lines to enter school buildings and designating entrance and exit flow paths;
- (10) establishing a protocol for student drop-off and pick-up, such as staggered entry and release by grade, class, or bus number, with marked spacing for pick-up;
- (11) posting signs in classrooms, hallways, and entrances to communicate how to stop the spread of COVID-19; and
- (12) establishing a protocol for students and staff who feel ill or experience symptoms when they come to school.

C. Protecting high-risk students and staff. Local school districts and public schools in the hybrid operating category shall:

- (1) when possible, employ additional nurses, healthcare aides, and fulltime substitute employees;
- (2) survey high-risk staff members to gauge their intentions to return to work while maintaining confidentiality consistent with the Americans with Disabilities Act and other applicable state and federal privacy laws;
- (3) survey families with high-risk students to gauge their intentions in returning to a traditional school setting, when available, while maintaining confidentiality consistent with the Americans with Disabilities Act and other applicable federal and state privacy laws;
- (4) in consultation with parents and public health officials, provide remote learning opportunities for high-risk student and staff populations;
- (5) consult with local schoolboard attorneys and school district human resources officials to offer special accommodations to personnel who are members of high-risk populations, such as alternative teaching assignments;
- (6) adhere to the requirements of the federal Family Educational Rights and Privacy Act and the federal Health Insurance Portability and Accountability Act; and
- (7) adhere to state and federal employment law and extended leave allowances.

D. Transportation of students. Local school districts and public schools in the hybrid operating category shall consider practices for the safe transportation of students, including:

- (1) limiting students to one per bus seat to the best of their ability, including encouraging parents to drive their children to school when possible, staggering bus routes, and expanding the minimum radius of eligibility for bus service;
- (2) requiring students to sit in spaced and assigned seating of no more than two per bus seat when not possible to limit students to one per bus seat;
- (3) assigning bus attendants or other additional staff to help with safety and screening of students, to the extent possible;
- (4) providing hand sanitizer for students, bus drivers, and bus attendants;
- (5) providing face masks for bus drivers and attendants;
- (6) requiring students, bus drivers, and bus attendants to wear face masks;
- (7) screening students, bus drivers, and bus attendants for symptoms of illness;
- (8) eliminating field trips and other non-essential travel, except for travel conducted under New Mexico activities association guidelines for sports and extracurricular activities;
- (9) cleaning and disinfecting frequently touched surfaces on school uses at least daily;
- (10) establishing protocols for bus stops and the loading and unloading of students to minimize congregation of students from different households;
- (11) airing out buses not in use; and
- (12) restricting group transportation, including carpooling.

E. Meal service. Local school districts and public schools in the hybrid operating category shall provide meals to students participating in remote learning on a given day per remote guidelines, according to Subsection C of Section 6.12.14.9 NMAC. Local school districts and public schools in the hybrid category shall consider additional practices to promote COVID-19 safety for meal service, including:

- (1) using disposable plates and utensils;
- (2) if serving meals in the school cafeteria:
 - (a) marking spaced lines to enter the cafeteria and serving lines, and designating entrance and exit flow paths;
 - (b) scheduling longer meal periods to accommodate more staggered meal delivery;
 - (c) maximizing social distancing to space seating and utilizing outdoor seating as practicable and appropriate; and
 - (d) conducting cleaning of cafeterias and high-touch surfaces throughout the day;
- (3) if serving meals in classrooms:
 - (a) serving pre-packaged boxed or bagged lunches for each student instead of traditional serving lines; and
 - (b) avoid sharing of food and utensils.

F. Student movement and gathering. Local school districts and public schools in the hybrid operating category shall consider practices to keep student and student groups' movements and gatherings safe, including:

- (1) limiting mixing among different student groups to the greatest extent practicable;
- (2) for class changes and other transitions throughout the day:
 - (a) providing additional time to reach destinations;
 - (b) designating flow paths in hallways to keep students separated and minimize the congregation of students;
 - (c) planning staggered class changes to decrease the number of students in the hallways at one time;
 - (d) having the same group of students stay with the same staff – all day for children in prekindergarten through third grade, and as much as feasible for other children; and
 - (e) when self-contained classrooms are not feasible, having teachers rotate, rather than students;
- (3) for student gatherings:
 - (a) avoiding large group gatherings, and abiding by the maximum number of people allowed to congregate as defined by current statewide public health orders;
 - (b) discouraging the congregation of students in parking lots and common areas;
 - (c) staggering the schedules for group gatherings such as recess or meals;

- (d) identifying and utilizing large spaces, such as gymnasiums, auditoriums, and outdoor spaces as weather permits for social distancing;
 - (e) working with local officials and partners to identify other community spaces, such as libraries, churches, recreational centers, and unused municipal offices or conference rooms, in which classes can be convened with maximum social distancing;
 - (f) following the New Mexico activities association’s guidelines for extracurricular activities and similar congregate events to the greatest extent possible;
 - (g) having all coaches and student athletes tested for COVID-19 before the competitive season, to the extent possible; and
 - (h) when possible, holding professional development sessions and staff meetings virtually or in small groups with maximum social distancing.
- [6.12.14.10 NMAC – N/E, 12/3/2020]

6.12.14.11 LOCAL SCHOOL DISTRICTS AND PUBLIC SCHOOLS OPERATING UNDER THE FULL REENTRY OPERATING CATEGORY:

A. COVID-19 safe practices. Local school districts and public schools in the hybrid operating category shall consider implementing requirements for COVID-19 safety, including requirements to:

- (1) mandate that all persons on school premises practice social distancing to the greatest extent possible at all times;
- (2) post signs in classrooms, hallways, and entrances to communicate how to stop the spread of COVID-19;
- (3) establish a protocol for students and staff who feel ill or experience symptoms when they are at school;
- (4) teach and reinforce good hygiene measures, such as handwashing, covering coughs, and appropriate use of face coverings;
- (5) provide hand soap, hand sanitizer with at least sixty percent alcohol, paper towels, and no-touch trashcans in all bathrooms, classrooms, and other frequently trafficked areas;
- (6) require students and staff to wear face coverings unless they have a valid medical reason why they cannot;
- (7) post signs in classrooms, hallways, and entrances, to communicate how to stop the spread of COVID-19;
- (8) clean and disinfect frequently touched surfaces at least daily, and frequently shared objects after each use;
- (9) provide face masks and other appropriate personal protective equipment to staff;
- (10) require students and staff to wear face masks unless a valid medical reason is provided;
- (11) allow student and staff to bring hand sanitizer and face masks and shields from home;
- (12) to the extent possible, turn off water fountains and provide bottled water or allow students and staff to bring bottled water from home;
- (13) take steps to ensure all water systems and features, including water fountains that cannot be shut off, are safe;
- (14) ensure ventilation systems operate properly and increase the circulation of outdoor air as much as possible without posing a safety or health risk to students or staff; and
- (15) conduct deep cleaning of schools prior to students and staff returning, and schedule additional cleanings during weekends and school holidays and breaks.

B. Entering school buildings. Local school districts and public schools in the full reentry operating category shall consider practices for safely entering school buildings, including:

- (1) mandating face masks for all students and staff, except while eating or drinking or exercising, including exercise during recess, with limited exceptions for students or staff that have medical reasons for not being able to wear a mask;
- (2) while maintaining confidentiality, screening all staff daily before being permitted to enter school buildings, including temperature checks and reviews of potential symptoms;
- (3) isolating and sending home those who register temperatures of greater than 100.4 degrees fahrenheit or 38 degrees celsius;
- (4) working with state and local health officials to have a plan for contact-tracing;

(5) to the extent practicable, and while maintaining confidentiality, screening all students for temperature before they enter school buildings, and isolating and sending home those who register a temperature of greater than 100.4 fahrenheit or 38 degrees celsius;

(6) restricting non-essential school visitors and volunteers;

(7) establishing a protocol for essential visitors, including calling the front office before entering school premises and requiring the use of face masks;

(8) avoiding large group gatherings;

(9) marking spaced lines to enter school buildings and designating entrance and exit flow paths;

(10) establishing a protocol for student drop-off and pick-up, such as staggered entry and release by grade, class, or bus number, with marked spacing for pick-up;

(11) posting signs in classrooms, hallways, and entrances to communicate how to stop the spread of COVID-19; and

(12) establishing a protocol for students and staff who feel ill or experience symptoms when they come to school.

C. Protecting high-risk students and staff. Local school districts and public schools in the full reentry operating category shall:

(1) establish a point of contact with the local health department;

(2) identify local COVID-19 testing sites;

(3) provide hand sanitizer of at least sixty percent alcohol content to students and staff;

(4) allow high-risk students to complete coursework virtually;

(5) establish a process for regular check-ins with high risk staff and students;

(6) allow an early transition period for high-risk students to go to classes; and

(7) avoid large group gatherings and interactions

D. Transportation of students. Local school districts and public schools in the hybrid operating category shall consider practices for the safe transportation of students, including:

(1) limiting students to one per bus seat to the best of their ability, including encouraging parents to drive their children to school when possible, staggering bus routes, and expanding the minimum radius of eligibility for bus service;

(2) when not possible to limit students to one per bus seat, requiring students to sit in spaced and assigned seating of no more than two per bus seat;

(3) assigning bus attendants or other additional staff to help with safety and screening of students, to the extent possible;

(4) providing hand sanitizer for students, bus drivers, and bus attendants;

(5) providing face masks for bus drivers and attendants;

(6) requiring students, bus drivers, and bus attendants to wear face masks;

(7) screening students, bus drivers, and bus attendants for symptoms of illness;

(8) eliminating field trips and other non-essential travel, except for travel conducted under New Mexico activities association guidelines for sports and extracurricular activities;

(9) cleaning and disinfecting frequently touched surfaces on school uses at least daily;

(10) establishing protocols for bus stops and the loading and unloading of students to minimize congregation of students from different households;

(11) airing out buses not in use; and

(12) restricting group transportation, including carpooling.

E. Meal service. Local school districts and public schools in the full reentry operating category shall provide meals to high-risk students participating in remote learning on a given day per remote guidelines, according to Subsection C of Section 6.12.14.9 NMAC. Local school districts and public schools in the full reentry operating category shall also consider additional practices to promote COVID-19 safety for meal service, including:

(1) using disposable plates and utensils;

(2) if serving meals in the school cafeteria:

(a) marking spaced lines to enter the cafeteria and serving lines, and designating entrance and exit flow paths;

(b) scheduling longer meal periods to accommodate more staggered meal delivery;

(c) maximizing social distancing to space seating and utilizing outdoor seating as practicable and appropriate; and

(d) conducting cleaning of cafeterias and high-touch surfaces throughout the day;

- (3) if serving meals in classrooms:
 - (a) serving pre-packaged boxed or bagged lunches for each student instead of traditional serving lines; and
 - (b) avoiding sharing of food and utensils.

F. Student movement and gathering. Local school districts and public schools in the full reentry operating category shall consider practices to keep student and student groups' movements and gatherings safe, including:

- (1) limiting mixing among different student groups to the greatest extent practicable;
- (2) for class changes and other transitions throughout the day:
 - (a) providing additional time to reach destinations;
 - (b) designating flow paths in hallways to keep students separated and minimize the congregation of students;
 - (c) planning staggered class changes to decrease the number of students in the hallways at one time;
 - (d) having the same group of students stay with the same staff all day for children in prekindergarten through third grade, and as much as feasible for other children; and
 - (e) when self-contained classrooms are not feasible, having teachers rotate, rather than students;
- (3) for student gatherings:
 - (a) avoiding large group gatherings, and abiding by the maximum number of people allowed to congregate as defined by current statewide public health orders;
 - (b) discouraging the congregation of students in parking lots and common areas;
 - (c) staggering the schedules for group gatherings such as recess or meals;
 - (d) identifying and utilizing large spaces, such as gymnasiums, auditoriums, and outdoor spaces – as weather permits – for social distancing;
 - (e) working with local officials and partners to identify other community spaces, such as libraries, churches, recreational centers, and unused municipal offices or conference rooms, in which classes can be convened with maximum social distancing;
 - (f) following the New Mexico activities association's guidelines for extracurricular activities and similar congregate events to the greatest extent possible;
 - (g) having all coaches and student athletes tested for COVID-19 before the competitive season, to the extent possible; and
 - (h) when possible, holding professional development sessions and staff meetings virtually or in small groups with maximum social distancing.

[6.12.14.11 NMAC – N/E, 12/3/2020]

6.12.14.12 SUPPORTS AND SERVICES FOR AT-RISK STUDENTS: All local school districts and public schools shall develop learning opportunities for students that are culturally and linguistically relevant, and maintain maintenance of effort for special education students.

A. Remote operating category. All local school districts and public schools in the remote operating category shall consider additional support for at-risk students, including:

- (1) recording online instruction for students to re-watch;
- (2) implementing small group instruction in order to meet students' individual learning needs;
- (3) identifying and implementing relevant formative assessments that may be specific to at-risk student groups to accelerate student learning;
- (4) ensuring synchronous remote learning that includes explicit language practice for English language learners;
- (5) providing support at the word, sentence and discourse levels;
- (6) ensuring English language development instruction continues to be appropriate to the grade level and the English language proficiency level of the students;
- (7) considering bringing Special Education students to school for services that cannot be provided remotely or implemented during distance learning; and
- (8) providing communication in a language families can understand, at no charge to families.

B. Hybrid operating category. All local school districts and public schools in the hybrid operating category shall consider additional support for at-risk students, including:

- (1) prioritizing scheduling for English language learners, Native American students and students with disabilities;
- (2) considering Native American tribes, pueblos, nations, and urban Native American organizations' reopening plans, which may differ from state and department guidance;
- (3) considering the length of commute time required of rural students, as full days maybe better than half days when distance is an issue;
- (4) having extra PPE available for students who lack or forget them; and
- (5) consider allowing small groups of special education students to continue in-person instruction.

C. Full reentry operating category. All local school districts and public schools in the full reentry operating category shall consider additional supports for at-risk student, including:

- (1) considering all the regular aspects of schooling, such as designated English language development time for special education students;
- (2) identifying and implementing relevant formative assessments that may be specific to at-risk students groups to accelerate student learning;
- (3) implementing small group instruction in order to meet students' individual learning needs; and
- (4) providing high-quality academic language instruction throughout the day, during which English language development instruction should continue to be appropriate to the grade level and the English language proficiency level of the students.

[6.12.14.12 NMAC – N/E, 12/3/2020]

HISTORY OF 6.12.14 NMAC: [RESERVED]