

This is an emergency amendment to 6.12.14 NMAC, Sections 6, 7, 8, 9, 10, 11, and 12, effective 2/11/2021.

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]~~ public schools' operation during the pandemic.
[6.12.14.6 NMAC – N/E, 12/3/2020, A/E, 2/11/2021]

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.]~~ **A. "Formative assessment"** means measures of academic achievement during the learning process.

~~[C.]~~ **B. "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 COVID-Safe Practices and other practices in department guidance.

~~[D.]~~ **C. "High-risk staff"** means ~~[adult persons]~~ a person employed by a school or school district [with the following underlying condition] who is 65 years of age or older or has one or more of the following conditions that [make them more at risk for severe illness from the virus that causes COVID-19] places the person at an increased risk of severe illness from the virus that causes COVID-19:

- ~~(1)~~ cancer;
- ~~(2)~~ chronic kidney disease;
- ~~(3)~~ chronic obstructive pulmonary disease;
- ~~(4)~~ ~~[heart conditions such as heart failure]~~ down syndrome;
- ~~(5)~~ heart conditions such as heart failure, coronary artery disease or [cardiomyopathy]

cardiomyopathies;

~~(6)~~ immunocompromised state (weakened immune system) from solid organ transplant;

~~(6)~~ ~~(7)~~ severe obesity (body mass index greater than [or equal to 30kg/m2] 40 kg/m2);

~~(7)~~ ~~(8)~~ pregnancy;

~~(8)~~ ~~(9)~~ sickle cell disease;

~~(9)~~ smoking;

~~(10)~~ type 1 diabetes mellitus;

~~(11)~~ ~~(10)~~ 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.]~~ **D.** "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 and other criteria provided in guidance documents, including limitations on the percentage of students eligible to be on school premises at one time.

~~[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.]~~ **E.** "Remote operating category" means the instructional model that requires all students to engage in ~~[online]~~ remote learning, with limited possible exceptions ~~[for small groups], as defined in department guidance,~~ of students with disabilities and students in grades pre-kindergarten through grade three to engage in in-person learning ~~[, such as students receiving special education services. The student to teacher ratio in small groups shall be provided in department guidance.]~~ Schools should take all practical measures to provide each student with a digital device and to provide support for in-home internet connectivity.

[6.12.14.7 NMAC – N/E, 12/3/2021, A/E, 1/29/2021, A/E, 2/11/2021]

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

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 criteria established by the New Mexico department of health and the department]~~ all public health orders and executive orders and department guidance for the operation of schools and school premises, including school transportation;

(2) participate in ~~[a]~~ surveillance ~~[and rapid response testing program for all staff]~~ testing programs detailed in department guidance;

(3) adhere to social distancing requirements ~~[according to their safe reentry category];~~

~~(4)~~ avoid large group gatherings;

~~(5)~~ (4) require all ~~[staff and students]~~ persons on school premises, and in school vehicles, to wear face coverings per department guidance and current statewide public health orders;

~~(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)~~ (5) ~~[when providing transportation:]~~ cooperate immediately and fully with department officials, environment department officials, fire marshals, state police and other officials conducting site visits and investigating COVID-safe practices; and

~~(a)~~ require all staff and students to wear face coverings;

~~(b)~~ limit the number of students permitted on each bus seat pursuant to current department guidance;

~~(8)~~ provide meals to students during both in-person instruction and remote learning]

~~(9)~~ (6) to the extent possible, ~~[consider]~~ implement 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 report all confirmed cases of COVID-19 in students, staff, contractors and volunteers to the department and the environment department as appropriate; and shall perform all COVID-19 safe practices described or referenced in department guidance, such as:

(1) ~~[work]~~ working 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) closing off and limiting access to areas potentially affected by COVID-19 exposure and, if possible, wait 24 hours before cleaning and disinfecting;

~~(2)~~ (3) ~~[require]~~ requiring 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) ensuring the proper handling and disinfection of patient care equipment and instruments;
- (f) ensuring the 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)~~ (4) ~~require~~ requiring school nurses and other healthcare providers to use CDC recommended transmission-based precautions when caring for sick people, including:

- (a) ~~establish~~ establishing 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] closing for 24 hours parts of school buildings if used by a COVID-19 infected person then clean and disinfect before re-opening affected areas;~~

~~(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)~~ (c) ~~advise~~ advising sick staff members and children not to return until they have met New Mexico department of health criteria to discontinue home isolation; and

~~(f)~~ (d) ~~inform~~ informing 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. Small group instruction. School districts and schools are permitted to provide small group instruction pursuant to department guidance regardless of whether the school district or school is in the remote learning, hybrid learning, or full reentry operational model.

D. Continuation of Remote Learning. When in-person learning is available through a hybrid operational model or full reentry operational model, school districts and schools shall continue to offer remote learning to students who choose remote learning.

E. Transportation. School districts and schools shall follow department guidance, which requires students to sit in spaced and assigned seating while being transported to and from schools, limits the number of students who may be seated together on a bus seat, and sets forth detailed requirements and suggestions for COVID-19 safe practices for the transportation of students.

F. Student movement and gathering. School districts and public schools in the hybrid operating category shall keep students' and student groups' movements and gatherings safe pursuant to current department guidance, which presently includes:

(1) limiting mixing among different student groups to the greatest extent practicable;

(2) for class changes and other transitions throughout the day;

(a) designating flow paths in hallways to keep students separated and minimize the congregation of students;

(b) planning staggered class changes to decrease the number of students in the hallways at one time;

(c) having the same group of students stay with the same staff in elementary school; and

(3) for student gatherings:

(a) avoiding large group gatherings, and abiding by the maximum number of people allowed to congregate as defined by current public health orders;

(b) prohibiting 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; and~~

~~(e) following the New Mexico activities association's guidelines for extracurricular activities and similar congregate events.~~

~~[C:]~~ **G. Staffing.** All school districts and schools shall follow ~~[guidelines in current statewide]~~ public health orders, ~~[All local school districts and public schools shall]~~ executive orders and department guidance and 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 process formal requests from COVID-19 high-risk staff to work remotely; and~~

~~(a) consider formal requests from COVID-19 high risk staff to work remotely;~~

~~(b) consider the circumstances of school personnel who live with someone who is in a COVID-19 high risk group; and~~

~~(c) other criteria as stated in department of public education guidance.]~~

~~(3) adhere to department guidance stating that work that may be performed remotely should be performed remotely. For certain work that may only be performed on school premises, schools and districts may require staff to physically report to the building. Examples include food service preparation and delivery; work done to clean, maintain, supervise, and sanitize LEA premises, property, materials, and supplies; instructional services provided to students in-person; and any other work that cannot physically be performed off-site. For work that need not be done on school campus, such as most professional development, staff meetings and team planning, and fully remote instruction, staff's presence on school premises shall not be required. However, if the school district or school deems it to be safe, then staff whose work need not be physically performed on school premises may choose to work on the school premises.~~

H. Tribal sovereignty. School districts and schools shall honor tribal sovereignty and abide by applicable tribal public health orders, tribal executive orders and tribal council resolutions.

[6.12.14.8 NMAC – N/E, 12/3/2020, A/E, 1/29/2021, A/E, 2/11/2021]

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 implement 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) leveraging virtual tools and platforms whenever possible to conduct essential business, and keep in person reporting to a minimum;~~

~~(c) 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~~

~~(d) providing support for students, families, and school personnel in their protection of high risk students and staff; and developing and communicating guidelines for how best to support students, families, and school personnel.~~

~~(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 coverings and practice social distancing, teachers may reenter school premises at their own choosing 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 and in line with the accessibility needs of the local community;~~
 - ~~(b) practice social distancing protocols;~~
 - ~~(c) provide face coverings to staff pursuant to guidance from the department;~~
 - ~~(d) provide face coverings to students who left their face coverings at home; and~~
 - ~~(e) 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.] **[RESERVED]**~~

~~[6.12.14.9 NMAC – N/E, 12/3/2020, A/E, 1/29/2021; Repealed 2/11/2021]~~

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 implement 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 and staff 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 coverings;~~
 - ~~(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 coverings and other appropriate personal protective equipment to staff;~~
 - ~~(11) require students and staff to wear face coverings unless a valid medical reason is provided;~~
 - ~~(12) allow students and staff to bring hand sanitizer and face coverings 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 implement practices for safely entering school buildings, including:

- ~~_____~~ (1) mandating face coverings for all students and staff pursuant to department guidance;
- ~~_____~~ (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 students and staff who register temperatures greater than 100.4 degrees fahrenheit or 38 degrees celsius or exhibit COVID-19 symptoms;
- ~~_____~~ (4) working with state and local health officials to implement school contact tracing;
- ~~_____~~ (5) restricting non-essential school visitors and volunteers;
- ~~_____~~ (6) establishing a protocol for essential visitors, including calling the front office before entering school premises and requiring the use of face coverings;
- ~~_____~~ (7) avoiding large group gatherings;
- ~~_____~~ (8) marking spaced lines to enter school buildings and designating entrance and exit flow paths;
- ~~_____~~ (9) 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;
- ~~_____~~ (10) posting signs in classrooms, hallways, and entrances to communicate how to stop the spread of COVID-19; and
- ~~_____~~ (11) 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) provide a remote learning option;
- ~~_____~~ (3) consult with local school board 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;
- ~~_____~~ (4) adhere to the requirements of the federal Family Educational Rights and Privacy Act and the federal Health Insurance Portability and Accountability Act; and
- ~~_____~~ (5) 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 coverings for bus drivers and attendants;
- ~~_____~~ (6) requiring students, bus drivers, and bus attendants to wear face coverings;
- ~~_____~~ (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 buses 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] implement 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
- _____ (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) prohibiting 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.] **[RESERVED]**

[6.12.14.10 NMAC – N/E, 12/3/2020, A/E, 1/29/2021; Repealed 2/11/2021]

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] implement 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 coverings and other appropriate personal protective equipment to staff;
- _____ (10) _____ require students and staff to wear face coverings unless a valid medical reason is provided;
- _____ (11) _____ allow student and staff to bring hand sanitizer and face coverings 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 coverings for all students and staff per department guidance and current statewide public health orders;
- _____ (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 students and staff 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) _____ restricting non-essential school visitors and volunteers;
- _____ (6) _____ establishing a protocol for essential visitors, including calling the front office before entering school premises and requiring the use of face coverings;
- _____ (7) _____ avoiding large group gatherings;
- _____ (8) _____ marking spaced lines to enter school buildings and designating entrance and exit flow paths;
- _____ (9) _____ 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;
- _____ (10) _____ posting signs in classrooms, hallways, and entrances to communicate how to stop the spread of COVID-19; and
- _____ (11) _____ 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) _____ following current department guidance; at the time of publication this includes limiting students to [one] two students per bus seat to the best of their ability, 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 two 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 coverings for bus drivers and attendants;~~
- ~~_____ (6) _____ requiring students, bus drivers, and bus attendants to wear face coverings;~~
- ~~_____ (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 buses 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.] [RESERVED]
[6.12.14.11 NMAC – N/E, 12/3/2020, A/E, 1/29/2021; Repealed 2/11/2021]~~

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.] [RESERVED]~~

~~[6.12.14.12 NMAC – N/E, 12/3/2020; Repealed 2/11/2021]~~

HISTORY OF 6.12.14 NMAC: [RESERVED]