

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 60 SCHOOL PERSONNEL – GENERAL PROVISIONS
PART 11 REQUIRED TRAINING PROGRAM FOR SCHOOL DISTRICT PERSONNEL, SCHOOL VOLUNTEERS, AND CONTRACTORS

6.60.11.1 ISSUING AGENCY: Public Education Department (PED), hereinafter the department.
[6.60.11.1 NMAC - N, 5/24/2022]

6.60.11.2 SCOPE: This rule shall apply to all school district personnel, school employees, school volunteers, contractors, and contractors' employees.
[6.60.11.2 NMAC - N, 5/24/2022]

6.60.11.3 STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2, and 22-10A-32 NMSA 1978.
[6.60.11.3 NMAC - N, 5/24/2022]

6.60.11.4 DURATION: Permanent.
[6.60.11.4 NMAC - N, 5/24/2022]

6.60.11.5 EFFECTIVE DATE: May 24, 2022, unless a later date is cited in the history note at the end of a section.
[6.60.11.5 NMAC - N, 5/24/2022]

6.60.11.6 OBJECTIVE: This rule establishes the mandatory ethical misconduct training course requirements for all school district personnel, school employees, school volunteers, contractors, and contractors' employees.
[6.60.11.6 NMAC - N, 5/24/2022]

6.60.11.7 DEFINITIONS:

A. "Child abuse" means a child:
 (1) who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian, custodian, or other adult;
 (2) who has suffered physical abuse, emotional abuse, or psychological abuse inflicted or caused by the child's parent, guardian, custodian, or other adult;
 (3) who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian, custodian, or other adult;
 (4) whose parent, guardian, custodian, or other adult has knowingly, intentionally, or negligently placed the child in a situation that may endanger the child's life or health; or
 (5) whose parent, guardian, custodian, or other adult has knowingly or intentionally tortured, cruelly confined, or cruelly punished the child.

B. "Contractor" means an individual who is under contract with a public school and is hired to provide services to the public school, but does not include a general contractor or a building or maintenance contractor who is supervised and has no access to students at the public school.

C. "Ethical misconduct" means the following behavior or conduct by school district personnel, school employees, school volunteers, contractors or contractors' employees:

(1) discriminatory practice based on race, age, color, national origin, ethnicity, sex, pregnancy, sexual orientation, gender identity, mental or physical disability, marital status, religion, citizenship, domestic abuse reporting status, or serious medical condition;
 (2) sexual misconduct or any sexual offense prohibited by Chapter 30, Article 6A or Article 9 NMSA 1978 involving an adult or child, regardless of a child's enrollment status;
 (3) fondling a child or student, including touching private body parts, such as breasts, buttocks, genitals, inner thighs, groin, or anus; or

(4) any other behavior, including licentious, enticing or solicitous behavior, that is reasonably apparent to result in inappropriate sexual contact with a child or student or to induce a child or student into engaging in illegal, immoral, or other prohibited behavior.

D. “Public school” means a school district, charter school, constitutional special school, regional education cooperative, or the educational program of another state agency.

E. “School district” includes charter schools.

F. “School employee” includes licensed and unlicensed employees of a public school.

G. “School volunteer” means a person, including a relative of a student, who commits to serve on a regular basis at a school district, charter school, or other educational entity without compensation.

H. “State agency” means a regional education cooperative or state institution.

I. “State institution” means the New Mexico boys' school, girls' welfare home, New Mexico youth diagnostic and development center, Sequoyah adolescent treatment center, Carrie Tingley crippled children's hospital, New Mexico behavioral health institute at Las Vegas, and any other state agency responsible for educating resident children.

[6.60.11.7 NMAC - N, 5/24/2022]

6.60.11.8 MANDATORY ETHICAL MISCONDUCT TRAINING PROGRAM FOR ALL SCHOOL DISTRICT PERSONNEL, SCHOOL EMPLOYEES, SCHOOL VOLUNTEERS, CONTRACTORS, AND CONTRACTORS' EMPLOYEES:

A. Within the first year of employment or provision of contractual or volunteer services, all newly hired school district personnel, school employees, contractors, contractors' employees, and all new school volunteers shall complete training provided by approved providers, including the New Mexico public school insurance authority's contracted entities and New Mexico state university's training on recognizing and reporting child abuse; or provide evidence that they have already completed the required training. The ethical misconduct training shall address child abuse and neglect, ethical misconduct, professional responsibilities, sexual abuse and assault, and substance abuse, and shall include, at a minimum training on the following:

(1) reporting requirements, including minimal standards triggering reporting;

(2) trauma-informed instruction;

(3) identification of circumstances and factors that are indicators of likely child abuse or inappropriate behaviors;

(4) ethical misconduct;

(5) professional responsibilities;

(6) investigations and procedures; and

(7) relevant legal and regulatory definitions.

B. Current school district personnel, school employees, school volunteers, contractors, and contractors' employees shall complete the training required under Subsection A of 6.60.11.8 NMAC within one year of the final adoption and promulgation of 6.60.11 NMAC.

C. The department shall make the training programs required pursuant to 6.60.11.8 NMAC available to the deans and directors of all colleges of education in New Mexico for use in providing training to candidates seeking elementary and secondary education licensure.

D. All school district personnel, school employees, school volunteers, contractors, and contractors' employees shall complete all the training required under Subsection A of 6.60.11.8 NMAC every two years.

[6.60.11.8 NMAC - N, 5/24/2022]

6.60.11.9 ETHICAL MISCONDUCT TRAINING REPORTING AND COMPLIANCE: All school districts and public schools shall maintain records of the ethical misconduct training completion required under Subsection A of 6.60.11.8 NMAC, including initial and biennial training, of all school district personnel, school employees, school volunteers, contractors, and contractors' employees.

[6.60.11.9 NMAC - N, 5/24/2022]

HISTORY OF 6.60.11 NMAC: [RESERVED]