

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 13 STUDENT DENTAL EXAMINATION REQUIREMENTS FOR ENROLLMENT

6.12.13.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.12.13.1 NMAC – N, 4/20/2021]

6.12.13.2 SCOPE: This rule applies to all school districts and public schools, including charter schools.
[6.12.13.2 NMAC – N, 4/20/2021]

6.12.13.3 STATUTORY AUTHORITY: This rule is promulgated by the secretary of public education and the public education department under the authority of Section 22-1-14 NMSA 1978.
[6.12.13.3 NMAC – N, 4/20/2021]

6.12.13.4 DURATION: Permanent.
[6.12.13.4 NMAC – N, 4/20/2021]

6.12.13.5 EFFECTIVE DATE: April 20, 2021, unless a later date is cited at the end of a section.
[6.12.13.5 NMAC – N, 4/20/2021]

6.12.13.6 OBJECTIVE: This rule provides parameters for the requirements of schools to verify student records of dental examination prior to initial enrollment in a New Mexico school district or charter school, providing an exception for an informed opt-out process based on parent or guardian understanding of the risks associated with not having a dental examination. The rule also provides parameters for the requirements of schools to report annual end-of-year compliance data to the department.
[6.12.13.6 NMAC – N, 4/20/2021]

6.12.13.7 DEFINITIONS:

A. “Dental examination” means an assessment conducted by a licensed dental health care provider such as a dental hygienist, dental therapist or dentist that includes the review and documentation of the oral condition, and the recognition and documentation of deviations from healthy oral condition, with or without a diagnosis to determine the cause or nature of disease or its treatment.

B. “Initial enrollment” or “initially enroll” means the first time a student registers at a New Mexico school district or charter school.

C. “Student dental examination waiver” means a designated field within a school district or charter school's enrollment application, signed by the parent or guardian, and collected and stored by schools, indicating the parent or guardian acknowledges the risks associated with the student not receiving a dental examination and opts not to obtain a dental examination for the student.

[6.12.13.7 NMAC – N, 4/20/2021]

6.12.13.8 DENTAL EXAMINATION REQUIREMENTS AND EXCEPTIONS FOR INITIAL ENROLLMENT:

A. Beginning July 1, 2021, a student shall not initially enroll in a school district or charter school unless the parent or guardian has provided:

(1) satisfactory evidence, as determined by the school district or charter school, of having received a dental examination within the past year; or

(2) the student dental examination waiver signed by a parent or guardian.

B. Students shall obtain the required dental examination at their own expense or the expense of any dental health coverage they may have.

[6.12.13.8 NMAC – N, 4/20/2021]

6.12.13.9 REPORTING REQUIREMENTS:

A. Beginning July 1, 2022, and each year thereafter, all school districts and charter schools shall report to the department end-of-year student data for dental examinations.

B. End-of-year student data shall include:

(1) total number of students enrolled with satisfactory evidence, as determined by the district or charter school, of a dental examination within the past year; and

(2) total number of students enrolled with a signed student dental examination waiver opting not to obtain a dental examination.

[6.12.13.9 NMAC – N, 4/20/2021]

HISTORY OF 6.12.13 NMAC: [RESERVED]