

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 10 PUBLIC SCHOOL ADMINISTRATION - PROCEDURAL REQUIREMENTS
PART 6 PROHIBITION ON THE SALE OR USE OF LISTS IN DIRECT MARKETING;
DEFINITION OF "LEGITIMATE EDUCATIONAL PURPOSES"

6.10.6.1 ISSUING AGENCY: Public Education Department
[12-31-98; 07-30-99; 6.10.6.1 NMAC - Rn, 6 NMAC 1.3.1.1, 12-29-00; A, 11-13-09]

6.10.6.2 SCOPE: This rule applies to local school boards, local school districts, and public schools.
[12-31-98; 6.10.6.2 NMAC - Rn, 6 NMAC 1.3.1.2, 12-29-00; A, 11-13-09]

6.10.6.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Sections 22-2-1 and 22-21-2,
NMSA 1978.
[12-31-98; 6.10.6.3 NMAC - Rn, 6 NMAC 1.3.1.3, 12-29-00; A, 11-13-09]

6.10.6.4 DURATION: Permanent
[12-31-98; 6.10.6.4 NMAC - Rn, 6 NMAC 1.3.1.4, 12-29-00]

6.10.6.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
[12-31-98; 6.10.6.5 NMAC - Rn, 6 NMAC 1.3.1.5, 12-29-00]

6.10.6.6 OBJECTIVE: This rule is intended to define "legitimate educational purposes" as required by
Section 22-1-8, NMSA 1978.
[12-31-98; 6.10.6.6 NMAC - Rn, 6 NMAC 1.3.1.6, 12-29-00; A, 11-13-09]

6.10.6.7 DEFINITIONS:
A. "Legitimate educational purposes" are defined as educational opportunities, services and/or
information offered or provided by accredited educational entities, professional educational organizations, the armed
forces of the United States or labor organizations defined in the New Mexico Public Employee Bargaining Act
conducting lawful organization and collective bargaining activities.
B. "Personal identifying information" means the names, addresses, telephone numbers, social
security numbers and other similar identifying information about students maintained by a public school or local
school district.
[12-31-98; 6.10.6.7 NMAC - Rn, 6 NMAC 1.3.1.7, 12-29-00]

6.10.6.8 PROHIBITION: No person shall sell or use student, faculty or staff lists with personal
identifying information obtained from a public school or local school district for the purpose of marketing goods or
services directly to students, faculty or staff or their families by means of telephone or mail. The exceptions to this
provision are when a parent or a student authorizes the release of the students personal identifying information in
writing to the public school or local school district, or for "legitimate educational purposes", as defined in
Subsection A of Section 6.10.6.7 NMAC above.
[12-31-98; 6.10.6.8 NMAC - Rn, 6 NMAC 1.3.1.8, 12-29-00]

HISTORY OF 6.10.6 NMAC:

PRE-NMAC HISTORY: The material in this regulation was derived from that previously filed with the State
Records Center and Archives under: State Board of Education Regulation No. 93-18, Regulation Relating To The
Prohibition On The Sale Or Use Of Student, Faculty And Staff Lists In Direct Marketing; Definition Of "Legitimate
Educational Purposes", filed October 20, 1993.