

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 60 SCHOOL PERSONNEL - GENERAL PROVISIONS
PART 8 BACKGROUND CHECKS FOR EDUCATOR LICENSURE

6.60.8.1 ISSUING AGENCY: Public Education Department
[06-15-98, 07-30-99; 6.60.8.1 NMAC - Rn, 6 NMAC 4.2.4.8.1, 03-31-01; A, 06-15-06]

6.60.8.2 SCOPE: All persons applying for initial standard, alternative or substitute licensure.
[06-15-98; 6.60.8.2 NMAC - Rn, 6 NMAC 4.2.4.8.2 & A, 03-31-01]

6.60.8.3 STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2, 22-10A-5 NMSA 1978.
[06-15-98, 11-15-99; 6.60.8.3 NMAC - Rn, 6 NMAC 4.2.4.8.3, 03-31-01; A, 06-15-06]

6.60.8.4 DURATION: Permanent
[06-15-98; 6.60.8.4 NMAC - Rn, 6 NMAC 4.2.4.8.4, 03-31-01]

6.60.8.5 EFFECTIVE DATE: June 15, 1998, unless a later date is cited in the history note at the end of a section.
[06-15-98; 6.60.8.5 NMAC - Rn, 6 NMAC 4.2.4.8.5 & A, 03-31-01]

6.60.8.6 OBJECTIVE: This rule establishes the requirements for background checks on all initial applicants for licensure and for sharing information from employment background checks between school districts and the New Mexico public education department ("PED").
[06-15-98, 11-15-99; 6.60.8.6 NMAC - Rn, 6 NMAC 4.2.4.8.6 & A, 03-31-01; A, 06-15-06]

6.60.8.7 DEFINITIONS: "Criminal history" means convictions of felonies or misdemeanors of moral turpitude, or other information concerning a person's arrests, indictments, other formal criminal charges and any dispositions arising therefrom, including convictions, dismissals, acquittals, sentencing, and correctional supervision, collected by criminal justice agencies and stored in the computerized databases of the federal bureau of investigation ("FBI"), the national law enforcement telecommunications system, the New Mexico department of public safety ("DPS"), or the repositories of criminal history information of other states.
[06-15-98, 11-15-99; 6.60.8.7 NMAC - Rn, 6 NMAC 4.2.4.8.7 & A, 03-31-01]

6.60.8.8 REQUIREMENTS:

A. An applicant for initial educator licensure shall be fingerprinted using fingerprint cards supplied by the PED or the equivalent electronic fingerprints. The applicant will submit the two completed fingerprint cards or equivalent electronic fingerprints to the PED either prior to or with the initial application for educator licensure. A criminal history background record issued by either the DPS or the FBI shall be valid and may be disseminated by the PED pursuant to FBI and DPS guidelines for twenty-four months from the date of issuance entered on the criminal history background record.

B. The PED shall not disseminate a DPS or FBI criminal history background record more than twenty-four months from the date of issuance, regardless of when an applicant for initial employment already possessing current New Mexico educator licensure is offered employment or commences employment duties for any new employer.

C. The applicant shall pay by certified check, money order, or credit card, if authorized by the PED, a background check fee in an amount established by that agency sufficient to cover the agency's actual costs of obtaining criminal history background reports from the DPS and the FBI.
[06-15-98, 11-15-99; 6.60.8.8 NMAC - Rn, 6 NMAC 4.2.4.8.8 & A, 03-31-01; A, 06-15-06]

6.60.8.9 IMPLEMENTATION:

A. The PED will not issue an educator license until the applicant's background check has been successfully completed.

B. An applicant will be notified of any information in the background check reports that could result in licensure denial, suspension, or revocation prior to the initiation of any such action by the PED.

C. If requested by a local school board, a DPS or FBI criminal history report that is not more than

twenty-four months old may be provided by the PED to the applicant's school employer. The PED may inform a licensure applicant's school employer, if known, of any background check information that reveals a conviction of a felony or misdemeanor of moral turpitude at the same time that the information is reported to the applicant.

D. School district officials, who in the course of their background checks of employment applicants, discover that a licensed applicant or applicant pending a license has a conviction of a felony or misdemeanor of moral turpitude that results in any kind of action against that individual, shall share that information with the professional licensure or educator ethics bureaus of the PED. If the applicant has education licensure, the PED will notify the license holder, and his/her current school employer, if known, of the conviction(s) following the procedures in Subsections B and C of 6.60.8.9 NMAC.

E. Applicants will be given the opportunity on the application form to disclose, explain, and provide information, including rehabilitation, related to their criminal history.

[06-15-98, 11-15-99; 6.60.8.9 NMAC - Rn, 6 NMAC 4.2.4.8.9 & A, 03-31-01; A, 06-15-06]

HISTORY OF 6.60.8 NMAC: [RESERVED]