**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, 7/14/2020]

**6.12.13.2 SCOPE:** This rule applies to all school districts and public schools, including charter schools.

[6.12.13.2 NMAC – N, 7/14/2020]

**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, 7/14/2020]

**6.12.13.4 DURATION:** Permanent

[6.12.13.4 NMAC – N, 7/14/2020]

**6.12.13.5 EFFECTIVE DATE:** July 14, 2020, unless a later date is cited at the end of a section.

[6.12.13.5 NMAC – N, 7/14/2020]

**6.12.13.6 OBJECTIVE:** This rule provides parameters for the requirements of schools to verify student records of dental examination prior to enrollment, 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, 7/14/2020]

**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, without a diagnosis to determine the cause or nature of disease or its treatment.

 **B. “Student dental examination waiver form”** means a form prescribed by the department, 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, 7/14/2020]

**6.12.13.8 DENTAL EXAMINATION ENROLLMENT REQUIREMENTS AND EXCEPTIONS:**

 **A.** Beginning July 1, 2021, a student shall not enroll in a public school unless the student has provided:

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

 **(2)** the student dental examination waiver form 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, 7/14/2020]

**6.12.13.9 REPORTING REQUIREMENTS:**

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

 **B.** End-of-year student compliance 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 form waiver opting not to obtain a dental examination.

[6.12.13.9 NMAC – N, 7/14/2020]

**HISTORY OF 6.12.13 NMAC: [RESERVED]**