

**Sections 9-24-8, 12-10-10, 22-2-1, 22-2-2, and 22-10A-3 NMSA 1978.**

Wade Frazee <wfrazee@portalesschools.com>

Tue 8/24/2021 9:31 AM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

Public Comment:

I'm sure that this will be excluded from comment because it doesn't fit the prescribed politically correct narrative.

The PED needs to be dissolved and control given back to local school boards. One size does not fit all... every community is different and local communities and their members know what is best for their own children. An unelected board/entity with unlimited control isn't what is best for our children. New Mexico was around 48th in the nation in education for decades but after years and years of PED control of our public education we have dropped to 50th and the distance between us and #49 is increasing rapidly! We aren't even close to #49 anymore.

Dissolve the PED! No more mandates from the governor who mandates dictatorial decrees through the arm that is the PED.

Wade Frazee

## Covid policy

Yvonne Corcoran <ycorcoran@yahoo.com>

Wed 8/25/2021 6:28 PM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

I'm concerned that the close contact policy for vaccinated vs unvaccinated kids is based on how the vaccine responded to the original covid strain, not the delta virus. We now know that both groups of people can catch covid, have significant viral count, and can spread to others. The vaccine doesn't protect you from getting the virus, only from getting extremely sick (which is great-I'm supportive of the vaccine). The vaccinated kids are not required to quarantine or get tested. Chances are, if positive, they will be asymptomatic and not show any signs of illness, but can absolutely be bringing significant viral loads into the school unknowingly. This seems insane. I also think if an unvaccinated kid tests negative within a timeframe that is appropriate, they should be allowed back in school.

EMAIL CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient of this message or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are notified that any use, dissemination, distribution, copying, or storage of this message or any attachment is strictly prohibited

## Comment on the 6.12.15 rulemaking, set for hearing on 9/28/01

Chris Mechels <cmechels@q.com>

Sat 8/28/2021 2:04 PM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

My comment;

Upon examination, I feel that this new rule is not well considered. It adds nothing to current guidance, and simply serves to create confusion. It should be abandoned.

6.12.15.6 states, in part; "This rule establishes the requirements for the operation of public schools during the pandemic."

This is a dangerous claim, as it can be taken to LIMIT the requirements laid on the schools to the content of this Rule. As the Rule, basically, simply lists EXISTING requirements, not new ones, those left off the list are no longer required. Is that intended?? I suspect not. If, on the other hand, the unlisted requirements ARE still required, then that overrides the proposed rule. Surely, the problem is apparent. The same sort of problem troubled the founding fathers in listing the "Bill of Rights".

Another example is at 6.12.15.8.B which reads in part: "shall perform all COVID-19 safe practices described or referenced in department guidance, such as:". This appears simply to say that departmental guidance must be followed. The examples following are simply that, examples, thus NOT mandated. If the examples are, in fact, mandated THEN they may override the departmental guidance. This suggests the problems, which seem not to have been considered.

Addressing these concerns is NOT simple, and I suggest cannot be accomplished within the scheduled Rule Making.

I see NO benefit from this new Rule, and many problems. There seems no statutory change driving this effort, simply some bureaucratic whim, so best to simply trash it. If there IS some need, please clearly identify it, and try again.

One bit of good news however. I notice that PED is now posting received comments as received, as required under 1.24.25, the Default Rule Making procedure. This is progress, and welcome.

Regards,

Chris Mechels  
505-982-7144



## [EXTERNAL] Household member quarantine length

Alise Mullen <alise.mullen@yahoo.com>

Sun 9/12/2021 10:03 PM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

 1 attachments (225 KB)

CDC covid guidelines.html;

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good evening,

I am a school nurse in the state of NM. I deal daily with covid positive and close contact individuals. There are actually several issues I have read in the PED Covid19 response toolkit but the most important one I would like to address is the quarantining of an household member of a Covid positive. 10 days (during covid positive isolation) then an additional 10 days of quarantine=20 days quarantine for an household member. That is almost a month! I have doctors and the NMDOH telling parents their household member should only quarantine 10 days. The CDC does not recommend that either. 20 days is too long for a child to be out of school and is not even recommended as per above. I have the attached link from the CDC, I would like to recommend a 10 day quarantine as per what the doctors and the NMDOH are stating. Our kids are already struggling from the lack of education last year-keeping them out for 20 day quarantine will only set them back even further. It also hinders the household parents who are trying to get back to work. Please go by the CDC recommendations. Thank you for taking the time to read about my concern for the education of our students.

Alise Mullen RN

Sent from [Mail](#) for Windows

Self-Checker



TM

## Coronavirus Self-Checker

Restart

[Centers for Disease Control and Prevention. CDC twenty four seven. Saving Lives, Protecting People](#)



Centers for Disease Control and Prevention  
CDC 24/7: Saving Lives, Protecting People™



Centers for Disease Control and Prevention

Search COVID-19

Submit

[HOME](#)

[COVID-19](#)

[COVID-19](#)

[Coronavirus Home](#)

- [Home](#)
- [Your Health](#)
- [Vaccines](#)
- [Cases & Data](#)
- [Work & School](#)
- [Healthcare Workers](#)
- [Health Depts](#)
- [Science](#)
- [More](#)

Section Navigation

[CDC Home](#)

# Your Health

Your Health

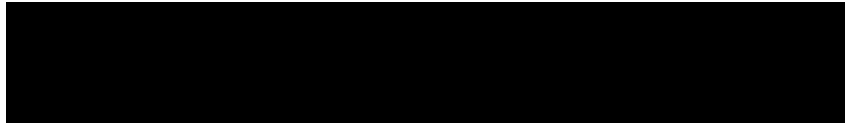
Updated Mar. 23, 2021

Languages

[Español](#) [简体中文](#) [Tiếng Việt](#) [한국어](#)

[Other Languages](#)

[Print](#)



Related Pages  
Delta Variant

The Delta variant causes more infections and spreads faster than earlier forms of the virus that causes COVID-19. It might cause more severe illness than previous strains in unvaccinated people.

- Vaccines continue to reduce a person’s risk of contracting the virus that cause COVID-19, including this variant.
- Vaccines continue to be highly effective at preventing hospitalization and death, including against this variant.
- Fully vaccinated people with breakthrough infections from this variant appear to be infectious for a shorter period.
- Get vaccinated and wear masks indoors in public spaces to reduce the spread of this variant.

### [About the Delta Variant](#)[Variants in the US](#)

#### Looking for a Vaccine? [Find a Vaccine](#)

plane departure light icon  
Travel

- [Domestic Travel](#)
  - [International Travel](#)
  - [More](#)
- 

bed light icon  
Quarantine

- [When to quarantine](#)
  - [Caring for someone at home](#)
- 

head side cough light icon  
Feeling Sick?

- [Symptoms](#)
  - [Testing for COVID-19](#)
  - [What to do if you are sick](#)
- 

head side mask light icon  
Prevent Getting Sick

- [Get a vaccine](#)
  - [Protect yourself](#)
  - [Wear a mask](#)
  - [More](#)
- 

users light icon  
Different Groups of People

- [Unvaccinated family members](#)
  - [Medical conditions](#)
  - [Pregnancy](#)
  - [More](#)
- 

virus light icon  
About COVID-19



- [Variants of the virus](#)
- [Frequently asked questions](#)
- [Reinfection with COVID-19](#)
- [More](#)

## Archived Content

To find a list of content that has been archived for historical purposes, [please visit our archive](#). Please note the content of these pages and files may be out of date as they are no longer being updated. [View Archive](#)

- [Facebook](#)
- [Twitter](#)
- [LinkedIn](#)
- [Syndicate](#)

Last Updated Mar. 23, 2021

Content source: [National Center for Immunization and Respiratory Diseases \(NCIRD\)](#), [Division of Viral Diseases](#)

[home](#)[Your Health](#)

- [About COVID-19](#)[plus icon](#)
  - [Transmission](#)[plus icon](#)
    - [How COVID-19 Spreads](#)
    - [Reinfection](#)
  - [Frequently Asked Questions](#)
  - [Animals & COVID-19](#)
  - [Basics of COVID-19](#)
- [Variants of the Virus](#)[plus icon](#)
  - [About Variants](#)
  - [Delta Variant](#)
  - [Understanding Variants](#)
- [Symptoms](#)[plus icon](#)
  - [Coronavirus Self-Checker](#)
- [Testing](#)[plus icon](#)
  - [Testing for COVID-19](#)
  - [Test for Current Infection](#)
  - [Test for Past Infection](#)
  - [Self-Testing](#)
  - [Contact Tracing](#)[plus icon](#)
    - [How To Talk To Your Close Contacts](#)
    - [Contact Tracing Steps](#)
- [Prevent Getting Sick](#)[plus icon](#)
  - [Protect Yourself](#)
  - [Get a Vaccine](#)
  - [Masks](#)[plus icon](#)
    - [Your Guide to Masks](#)
    - [Improve How Your Mask Protects You](#)
    - [Types of Masks and Respirators](#)
  - [Cleaning Your Home](#)
  - [Improving Ventilation in Your Home](#)
- [If You Are Sick](#)[plus icon](#)
  - [What to Do If You Are Sick](#)
  - [Quarantine & Isolation](#)
  - [Caring for Someone](#)
  - [Breastfeeding & Caring for Newborns](#)

- [Potential Treatments](#)
- [Long-Term Effects](#)[plus icon](#)
  - [Caring for People with Post-COVID Conditions](#)
  - [Patient Appointment Tips](#)
- [Different Groups of People](#)[plus icon](#)
  - [Families & Children](#)[plus icon](#)
    - [Unvaccinated Family Members](#)
    - [Families & COVID-19](#)
    - [At School or Early Care and Education Programs](#)
  - [Medical Conditions](#)[plus icon](#)
    - [People with Moderate to Severe Asthma](#)
  - [Pregnant People](#)
  - [People Living in Prisons & Jails](#)
  - [Refugee Populations](#)
- [Activities, Gatherings & Holidays](#)[plus icon](#)
  - [Daily Activities](#)
  - [Outdoor and Indoor Activities](#)
  - [Small and Large Gatherings](#)
  - [Holiday Celebrations](#)
  - [Event Planning FAQs](#)
- [Travel](#)[plus icon](#)
  - [Domestic Travel During COVID-19](#)
  - [International Travel During COVID-19](#)
  - [Required Testing before Air Travel to the US](#)
  - [When Not to Travel](#)
  - [Safer Travel Tips](#)
  - [Mask Requirement](#)
  - [Travel Health Notices](#)[plus icon](#)
    - [How COVID-19 Travel Health Notice Levels Are Determined](#)
  - [Travelers Prohibited from Entry to the US](#)
  - [After International Travel](#)
  - [Travel Planner](#)[plus icon](#)
    - [Travel Planner Instructions for Health Departments](#)
  - [Cruise Ship Travel](#)
  - [Travel FAQs](#)
  - [Communication Resources for Travelers](#)[plus icon](#)
    - [Air Travel Toolkit for Airline Partners](#)
    - [Southern Border Toolkit for Partners](#)
- [Archive](#)

email\_03Get Email Updates

To receive email updates about COVID-19, enter your email address:

Email Address

[What's this?](#)

***HAVE QUESTIONS?***

[Visit CDC-INFO](#)

*Call 800-232-4636*

[Email CDC-INFO](#)

[Open 24/7](#)

**CDC INFORMATION**

- [About CDC](#)
- [Jobs](#)
- [Funding](#)
- [Policies](#)
- [File Viewers & Players](#)
  
- [Privacy](#)
- [FOIA](#)
- [No Fear Act](#)
- [OIG](#)
- [Nondiscrimination](#)
- [Accessibility](#)

## CONNECT WITH CDC

- [Facebook](#)
- [Twitter](#)
- [Instagram](#)
- [LinkedIn](#)
- [Snapchat](#)

- [Youtube](#)
- [Syndicate](#)
- [CDC TV](#)
- [RSS](#)
- [Email](#)

### CONTACT CDC

[Visit CDC-INFO](#)

*Call 800-232-4636*

[Email CDC-INFO](#)

[Open 24/7](#)

### ABOUT CDC

- [About CDC](#)
- [Jobs](#)
- [Funding](#)

### POLICIES

- [Policies](#)
- [File Viewers & Players](#)
- [Privacy](#)
- [FOIA](#)
- [No Fear Act](#)
- [OIG](#)
- [Nondiscrimination](#)
- [Accessibility](#)
- [CDC Website Exit Disclaimer](#) external icon

### LANGUAGE ASSISTANCE

- [Español](#)

- [繁體中文](#)
- [Tiếng Việt](#)
- [한국어](#)
- [Tagalog](#)
- [Русский](#)
- [العربية](#)
- [Kreyòl Ayisyen](#)
- [Français](#)
- [Polski](#)
- [Português](#)
- [Italiano](#)
- [Deutsch](#)
- [日本語](#)
- [فارسی](#)
- [English](#)
  
- [Facebook](#)
- [Twitter](#)
- [Instagram](#)
- [LinkedIn](#)
- [Snapchat](#)
- [Youtube](#)
- [Syndicate](#)
- [CDC TV](#)
- [RSS](#)
- [Email](#)

[U.S. Department of Health & Human Services](#)  
[USA.gov](#)  
[CDC Website Exit Disclaimer](#) external icon  
**[LANGUAGE ASSISTANCE](#)**

[Español](#)

[繁體中文](#)

[Tiếng Việt](#)

[한국어](#)

[Tagalog](#)

[Русский](#)

[العربية](#)

[Kreyòl Ayisyen](#)

[Français](#)

[Polski](#)

[Português](#)

[Italiano](#)

[Deutsch](#)

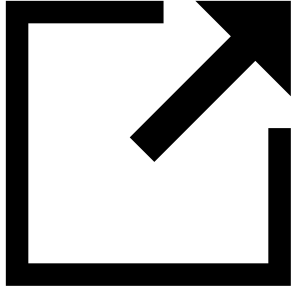
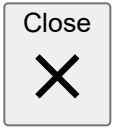
[日本語](#)

[فارسی](#)

[English](#)



**Exit Notification / Disclaimer Policy**



**Links with this icon website.**

**indicate that you are leaving the CDC**

- The Centers for Disease Control and Prevention (CDC) cannot attest to the accuracy of a non-federal website.
- Linking to a non-federal website does not constitute an endorsement by CDC or any of its employees of the sponsors or the information and products presented on the website.
- You will be subject to the destination website's privacy policy when you follow the link.
- CDC is not responsible for Section 508 compliance (accessibility) on other federal or private website.

For more information on CDC's web notification policies, see [Website Disclaimers](#).

[EXTERNAL] COVID

Hailie Drake <hailie.drake@icloud.com>

Mon 9/13/2021 11:59 AM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I would like everyone to understand the extra stress our students feel when they are forced to wear a mask that is uncomfortable, distracting and often a breeding ground for bacteria. The students learning is interrupted by quarantines that are completely unnecessary and come days after exposure. Classrooms don't have teachers in them bc they have been sent home and students who are in person are forced to learn via zoom still. My straight A 6th grader find this very frustrating. I feel the health department needs to be honest with parents and students. Death has and will always be a consequence to illness. This virus has turned into a huge fear campaign. We have never advertised the flu, strep or any other commonly spread illnesses even though they have killed people also. Please let the teachers and students get back to learning. Our state has some of the lowest scores and needs to focus on improving education.

Thank you

A mother of 4 students

Hailie Drake

Sent from my iPhone

[EXTERNAL] COVID-19

Linda Drake <ldrake61@icloud.com>

Mon 9/13/2021 3:34 PM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

My opinion on how the school has handled COVID-19. I think it's crazy that the kids have to wear a mask the little ones in elementary touch their mask share their mass have snotty nose is they lick them they are so filthy I think they do more harm than good!! Scientifically they're not proven to help scientifically proven their harmful to the little ones.

My opinion on The way they send kids home when they've been exposed is crazy to me and I hate how the kids are being segregated by having to wear a mask not wear a mask put on your name tag that you've been vaccinated and others not have the same name tag that your not vaccinated!!!

I'm VERY against teachers having to be vaccinated or get tested all the time there again we should have the freedom nit to be vaccinated!!!!

We live 10 miles from Texas and those kids don't have to wear a mask don't have to be vaccinated they get to play sports well all along our kids are the ones suffering it's a crying shame that you can have freedom in one state and not in another sad days to live in New Mexico!!!!

Thank you

Lunda Drake

Sent from my iPhone



[EXTERNAL] Public Comment

MELISSA PARKIN <melissa.parkin@clovis-schools.org>

Tue 9/14/2021 12:34 PM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

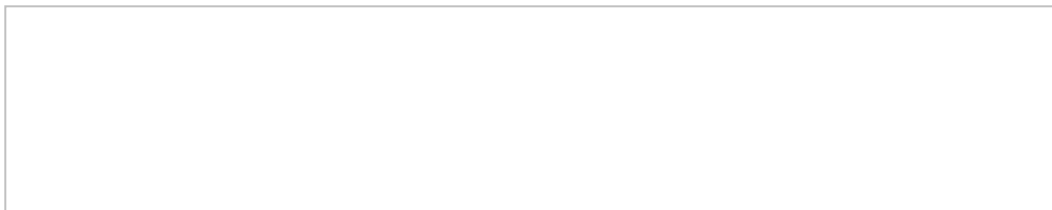
This rule needs to be reconsidered. Many of these rules are illogical and do not make sense. I am an educator in the thick of it and I can see the damage first hand that the "Covid safe practices" are causing to our children. In her last address, Governor Grishma stated that it was false that teachers do not agree with the Covid practices going on in schools. Although it may be true that there are some teachers who believe these measures are necessary to keep students safe, there are an overwhelming number of teachers who do not feel that way. We have lost many great teachers to an already in our state because of the further unnecessary demands Covid has put on our children, teachers, and school systems. Our state has already been in a teacher shortage and unfortunately, this loss is going to increase because of the way the PED and state government has chosen to deal with Covid.

The masking of children is wrong and is causing unnecessary social emotional issues, learning delays, and health issues. The science shows that Covid is less deadly and severe to people under the age of 20 than any other age group. On the CDC's website, data shows that Covid death in children is lower than any other age group and more children died from the flu in 2018 than the total number of children have from Covid to date. Children are more likely to die in a car accident or from drowning than from Covid.

Also, the hoops that teachers are having to jump through who choose not to be vaccinated is wrong and can be considered coercion. The fact that natural immunity is not considered is absurd. Everyone who wants the vaccine has already had the opportunity to get it, and those who have not have the right to make that choice and face those consequences. If the vaccine is so effective, why would we worry about those who are not vaccinated? I am very concerned that this is less about health and safety and more about other agendas.

Please, for the betterment of our state, these rules and practices very much need to be reviewed and revised. They are causing more harm and damage in people than Covid itself.

Still hopeful,  
~Melissa Parkin



---

**Disclaimer:** Privileged/confidential information may be contained in this message and may be subject to legal privilege. Access to this email by anyone other than the intended is unauthorized. If you are not the intended recipient (or responsible for delivery of this message to such person), you may not use, copy, distribute, or deliver this message to anyone this message (or any part of its contents) or take any action in reliance on it. In such case, you should destroy this message immediately.



---

**Disclaimer:** Privileged/confidential information may be contained in this message and may be subject to legal privilege. Access to this email by anyone other than the intended is unauthorized. If you are not the intended recipient (or responsible for delivery of this message to such person), you may not use, copy, distribute, or deliver this message to anyone this message (or any part of its contents) or take any action in reliance on it. In such case, you should destroy this message immediately.

**[EXTERNAL] Proposed new rule 6.12.15 NMAC, COVID-19 School Requirements**

RENEE RUSS &lt;renee.russ@clovis-schools.org&gt;

Tue 9/21/2021 7:11 PM

To: FeedBack, Rule, PED &lt;Rule.FeedBack@state.nm.us&gt;

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Although the need for health officials to intervene under certain circumstances is clearly understood, I would like to advocate for a greater span of local control for New Mexico Public School Districts in managing and responding to the COVID-19 pandemic specifically, as well as any future public health situations that might arise.

Since being granted a minor degree of local control with regard to monitoring and responding to the percent of positive cases over a 14-day period at each campus in our district, we have confirmed the fact that spread within the school setting is typically low. Watching and responding to campus-specific data has engaged and empowered campus and district staff and has allowed us to be responsive in ways that best fit our needs and that has increased our degree of fidelity to COVID-safe practices in our district. Because we could see direct cause and effect more clearly, we have been able to make necessary adjustments in real time. Additionally, our partnership with local health officials and community members has been extremely productive and is becoming an incredible asset to our overall program. We have learned and evolved and are capable of making determinations that best suit our local context.

With regard to the proposed rule regarding COVID school requirements, I would advocate for allowing complete district control over mitigation and management until a certain threshold of positive cases were reached at a given campus. The 3% and 5% currently in place to dictate an increased response is far more reasonable and helps to keep more students in school, accessing in-person learning, than the previously used 4-in-14 system. Only after a campus/district were to reach a designated threshold would NMPED guidelines be imposed.

Also important to note is the devastating blow that excessive quarantining is having on the entire teaching and learning cycle. The process of quarantining is not as simple as it appears as written in the current Toolkit. Especially hard hit are pre-K and primary grades because of the nature of these young children and their lack of true understanding of what a 3-ft distance is and how to appropriately and consistently wear a mask. Also hard hit are secondary sites where a COVID-positive student has been in 7 different classrooms over the course of the day as well as extracurricular groups. In spite of having greatly amplified the skillset of our teaching staff in the area of virtual instruction, the current quarantining requirements create a nightmare of a situation when teachers are unable to adequately plan instruction because their class roster is a revolving door. It is just absolutely not as straightforward as it seems in the Toolkit.

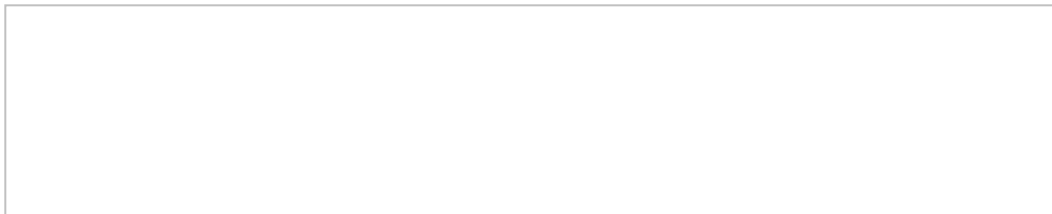
Additionally, when students are quarantined, there is a tremendous impact on the community because parents become unavailable to work. Our local hospital has specifically shared the drain on their system and their ability to actually respond to local cases when schools are closed or when large numbers of students are quarantined.

When pleading for greater local control in an earlier communication with NMPED leaders, I shared that I was certain there were lessons yet unlearned about the enormous responsibility that comes with local control, and, I'm confident there are still lessons to be learned. However, I do not hesitate to state that we are capable and we are committed and through authentic partnership with state leaders and through responsible management by local leaders, we can successfully do what is right for our students and our community.

Respectfully submitted,  
Renee Russ  
Superintendent  
Clovis Municipal Schools

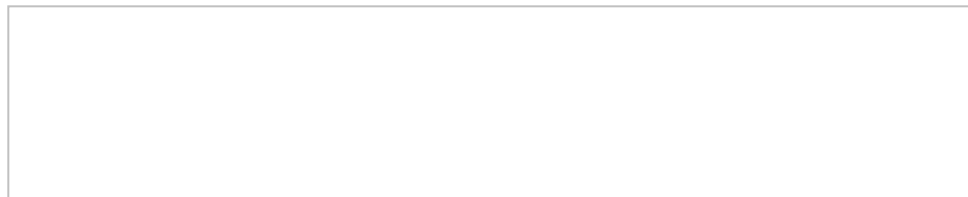
--

**Renee Russ**  
**Superintendent**  
**Clovis Municipal Schools**  
**575-769-4300**



---

**Disclaimer:** Privileged/confidential information may be contained in this message and may be subject to legal privilege. Access to this email by anyone other than the intended is unauthorized. If you are not the intended recipient (or responsible for delivery of this message to such person), you may not use, copy, distribute, or deliver this message to anyone this message (or any part of its contents) or take any action in reliance on it. In such case, you should destroy this message immediately.



---

**Disclaimer:** Privileged/confidential information may be contained in this message and may be subject to legal privilege. Access to this email by anyone other than the intended is unauthorized. If you are not the intended recipient (or responsible for delivery of this message to such person), you may not use, copy, distribute, or deliver this message to anyone this message (or any part of its contents) or take any action in reliance on it. In such case, you should destroy this message immediately.

## [EXTERNAL] 6.12.15 NMAC, COVID-19 School Requirements

Cindy Sims, PhD <cindy.sims@emsdbears.us>

Thu 9/23/2021 1:00 PM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

📎 1 attachments (26 KB)

6.12.15-NMAC\_COVID-19-School-Requirements\_8.12.21\_PreApprovedDB\_WebFinal\_CORRECTED- Estancia Input.docx;

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Thank you for the opportunity to provide feedback. I have just a few suggestions:

1. Expand the opening (A.1) to be a little more explicit, including an expectation of alignment;
2. Expand from tribal communities to ALL communities;
3. Clarify reporting (to whom and remove off-contract/off-campus reporting requirement);
4. Alignment of "if possible" in 24-hour closure following COVID positivity; and
5. Include the term "quarantine" for purposes of consistency.

Please do not hesitate to call should you have any questions.

Respectfully submitted,  
Cindy

Cindy L. Sims, PhD  
Superintendent  
Estancia Municipal Schools  
PO Box 68  
Estancia, NM 87016  
(505) 384-2006

**Every Student, Every Day  
Go Bears!**

CONFIDENTIALITY NOTICE: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

*CONFIDENTIALITY NOTICE: This email and attached documents may contain confidential information. All information is intended only for the use of the named recipient. If you are not the named recipient, you are not authorized to read, disclose, copy, distribute or take any action in reliance on the information and any action other than immediate delivery to the named recipient is strictly prohibited. If you have received this email in error, do not read the information and please immediately notify sender by telephone or email to arrange for a return of the original documents. If you are the named recipient you are not authorized to reveal any of this information to any other unauthorized person. If you did not receive all pages listed or if pages are not legible, please immediately notify sender by phone or email.*

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 12       PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY**  
**PART 15            COVID-19 SCHOOL REQUIREMENTS**

**6.12.15.1            ISSUING AGENCY:** Public Education Department hereinafter referred to as the department.  
[6.12.15.1 NMAC – N, 10/13/2021]

**6.12.15.2            SCOPE:** The provisions of this regulation apply to all public schools in New Mexico.  
[6.12.15.2 NMAC - N, 10/13/2021]

**6.12.15.3            STATUTORY AUTHORITY:** Sections 9-24-8, 12-10-10, 22-2-1, and 22-2-2 NMSA 1978.  
[6.12.15.3 NMAC - N, 10/13/2021]

**6.12.15.4            DURATION:** Permanent.  
[6.12.15.4 NMAC - N, 10/13/2021]

**6.12.15.5            EFFECTIVE DATE:** October 13, 2021, unless a later date is cited at the end of a section.  
[6.12.15.5 NMAC - N, 10/13/2021]

**6.12.15.6            OBJECTIVE:** This rule establishes the requirements for the operation of public schools during the pandemic.  
[6.12.15.6 NMAC – N, 10/13/2021]

**6.12.15.7            DEFINITIONS:** [RESERVED]

**6.12.15.8            REQUIREMENTS FOR SCHOOLS:**

A. All public schools and local school districts shall:

(1) follow all public health orders and executive orders and department guidance for the operation of schools, school sponsored activities, and school premises, including school transportation;

I believe alignment of all these orders and guiding documents are critical, and including NMAA guidelines to be beneficial along with everyone else on the list (although that may be asking too much). For these reasons, I suggest the following revision:

(1) follow all public health and executive orders, and department and NMAA guidance as written, updated, and aligned, for the operation of school facilities, school sponsored activities, athletic events, and all school instructional and operational programs premises, including school transportation and school meals;

(2) participate in surveillance testing programs detailed in department guidance;

(3) adhere to social distancing requirements;

(4) require all persons in school buildings, vehicles, and at indoor school events to wear face coverings per department guidance and current statewide public health orders;

(5) cooperate immediately and fully with department officials, environment department officials, fire marshals, state police, and other officials conducting site visits and investigating COVID-safe practices; and

(6) to the extent possible, implement practices to promote social emotional learning, support high quality teaching and learning, and effectively communicate with tribal and school communities and families.

This should be about ALL communities, not just tribal communities. We need to keep ALL of our communities informed and on the same page (more than just parents).

B. **COVID-19 safe practices.** All local school districts and public schools shall report all confirmed cases of COVID-19 in students, staff, contractors and volunteers who were infectious while on campus to parties outlined by the department, shall report all staff cases, regardless of whether the employees were on campus while infectious, to the environment department; and shall perform all COVID-19 safe practices described or referenced in department guidance, such as:

Currently we have to report to the department as well as OSHA and DOH. Adding this clarification allows the department to have flexibility in determining who district report to. Another way to address this would be by the following: “while on campus as outlined in the department’s current guidelines, and shall perform all COVID-19 safe practices....”

To what end should staff cases be reported if they have not been on campus? As written, this would require districts to monitor staff while off contract (in the summer) and over breaks. This seems invasive, and does not impact the need for students or staff to quarantine due to close-contact. Given the 48-hour window for positivity, most staff who are positive on the weekend would be reported under the “infectious while on campus” part of the rule. I recommend striking this section out as indicated. If it will remain, there should be an explanation. This practice has been challenged throughout the last 18 months.

(1) working with school administrators, school nurses, and other healthcare providers to identify an isolation room or area to separate anyone who exhibits COVID-like symptoms;

(2) closing off and limiting access to areas potentially affected by COVID-19 exposure and, if possible, wait 24 hours before cleaning and disinfecting;

B.2 and B.4.b do not have the same language. I recommend adding the “if possible” verbiage to B.4.b. What is critical is that disinfecting occurs. This can be accomplished by staff wearing appropriate PPE to avoid contamination while disinfecting, as is accomplished in hospitals without a 24-hour closure. Many schools do not have space for students to remain for in-person learning if parts of school buildings are closed down for 24 hours, resulting in distance learning, interruption to instruction, and lost learning. Even though there are systems in place to move to distance learning, there is *still* a lapse in parent availability at short notice to be home to support (particularly elementary) students in logging on for distance learning for one day at a time, resulting in loss of engagement and learning.

(3) requiring school nurses and other healthcare providers to use centers for disease control and prevention (CDC) recommended standard precautions when caring for sick people, including:

(a) engaging in frequent hand hygiene;

(b) using personal protective equipment when there is an expectation of possible exposure to infectious individuals or materials;

(c) following respiratory hygiene and coughing etiquette;

(d) ensuring appropriate patient placement in quarantine or isolation;

(e) ensuring the proper handling and disinfection of patient care equipment and instruments; and

(f) ensuring healthcare provider safety, including proper handling and disposal of needles and other sharps.

(4) requiring school nurses and other healthcare workers to use CDC recommended transmission-based precautions when caring for sick people, including:

(a) establishing procedures for safely transporting anyone who is sick home or to a healthcare facility;

(b) closing for 24 hours parts of school buildings if used by a COVID-19 infected person then clean and disinfect before re-opening affected areas;

(c) advising sick staff members and children not to return until they have met department criteria to discontinue home isolation/quarantine; and

I believe it is important to be consistent in the use of language – “quarantine” has been a key word in our practice these last 18 months.

(d) informing those who have had close contact with a person diagnosed with COVID-19 to stay home/quarantine and follow department guidance.

**C. Transportation.** School districts and schools shall follow department guidance, which requires students to sit in spaced and assigned seating while being transported to and from schools, limits the number of students who may be seated together on a bus seat, and sets forth detailed requirements and suggestions for COVID-19 safe practices for the transportation of students.

**D. Staffing.** All school districts and schools shall follow public health orders, executive orders and department guidance as updated from time to time and shall train staff in local and state rules regarding health and safety procedures, such as appropriate use of personal protective equipment and procedures for when school personnel or students exhibit symptoms of COVID-19.

**E. Tribal sovereignty.** School districts and schools shall honor tribal sovereignty and abide by applicable tribal public health orders, tribal executive orders, and tribal council resolutions.

[6.12.15.8 NMAC – N, 10/13/2021]

6.12.15.9 [RESERVED]

6.12.15.10 [RESERVED]



**6.12.15.11 [RESERVED]**

**6.12.15.12 [RESERVED]**

**HISTORY OF 6.12.15 NMAC: [RESERVED]**

DRAFT

**[EXTERNAL] Citizen Comments to COVID-19 School Requirements, 6.12.15 NMAC**

Rick R &lt;rreynaud23@gmail.com&gt;

Sat 9/25/2021 12:09 PM

To: FeedBack, Rule, PED &lt;Rule.FeedBack@state.nm.us&gt;

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear NM PED Policy Division: I am a member of a group Coalition of Conservatives in Action (CCIA). We have been studying the CLR Education/Pedogagy being brought to Las Cruces Public Schools. I am commenting here as a concerned parent.

Our group has been focusing lately on Social Emotional Learning and we are skeptical.

We believe the following should be deleted from requirement (6) of the Rule, because SEL is a curriculum/pedagogy needing discussion for another time and place:

*From COVID-19 Req, Paragraph 6.12.15.8A.(6).* "to the extent possible, implement practices to promote *social emotional learning*".

We recommend deleting this part (in quotes) of the sentence.

Thank you,

Rick Reynaud,

LC Centennial HS parent,

Lifelong Las Cruces, CCIA Member

## FW: [EXTERNAL] RE: Rule Link

MacDonald, Heidi, PED <Heidi.MacDonald@state.nm.us>

Tue 9/28/2021 9:29 AM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

---

**From:** Stan Rounds <[stan@nmcel.org](mailto:stan@nmcel.org)>

**Sent:** Thursday, September 23, 2021 11:56 AM

**To:** Sena, John, PED <[John.Sena@state.nm.us](mailto:John.Sena@state.nm.us)>

**Cc:** Sandoval, Katarina, PED <[Katarina.Sandoval@state.nm.us](mailto:Katarina.Sandoval@state.nm.us)>; Steinhaus, Kurt <[k.steinhaus@laschools.net](mailto:k.steinhaus@laschools.net)>; Mizell, Dr. Kimberly <[kmizell@bsin.k12.nm.us](mailto:kmizell@bsin.k12.nm.us)>; Jo Lynn Gallegos <[jolynn@nmcel.org](mailto:jolynn@nmcel.org)>

**Subject:** RE: [EXTERNAL] RE: Rule Link

John:

I still feel that you may be “boxing in” our emergence from COVID to standard practice with the provisions of 6.12.15 NMAC and continue to urge the regulation be amended at 6.12.15.8.B to simply state “All local school districts and public schools shall comply with the prevailing Public Education Department Toolkit and/or alternative plan approved by the Secretary of Education.”

It is my opinion that this creates the necessary compliance enforcement needed while not placing future iterations or compromises the Secretary may wish to reach with local districts. This recommended language would open the door for options that have not been placed into consideration, yet places no stricture on the decisions of the Secretary.

In reviewing the document in brief, I will note that there is a confusion within 6.12.15.8.B at (2) which stipulates that “closing off and limiting access to areas potentially affected by COVID-19 exposure and, **if possible**, wait 24 hours before cleaning and disinfecting. While under 6.12.15.8 at 4(b) stipulates “closing for 24 hours for parts of school buildings if used by COVID-19 infected person then clean and disinfect before reopening affected areas.”

Also, I find that the 6.12.15.C provisions for seating of students including spaced and assigned seating is problematic and may not conform with district plans in response to the prevailing toolkit.

Thank you for the opportunity to review, interact, and comment on the ruling before us. This email constitutes my formal response to the public input opportunity afforded this rule change review period.

Let me reiterate my objection to the adoption of 6.12.15 NMAC as drafted and presented as the corrected rule. This objection represents the view of the New Mexico School Superintendents Association which I represent as their Executive Director.

Best Regards:

Stan

Stan Rounds  
Executive Director  
NMSSA/NMCEL  
[stan@nmcel.org](mailto:stan@nmcel.org)  
cell: 575-915-7868  
6600 Palomas Ave.  
Albuquerque, NM 87109

## [EXTERNAL] Disability Rights New Mexico Public Comment, New Rule 6.12.15 NMAC

Laurel Nesbitt <lnesbitt@drnm.org>

Tue 9/28/2021 4:51 PM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>

📎 1 attachments (26 KB)

6.12.15-NMAC\_COVID-19-School-Requirements\_8.12.21, DRNM edits.docx;

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Mr. Sena:

Disability Rights New Mexico (“DRNM”) is the designated protection and advocacy agency in New Mexico whose purpose is to promote, protect, and expand the rights of individuals with disabilities. As part of that mission, DRNM advocates on behalf of students with disabilities across the state. In fulfilling that objective, DRNM is submitting the written comments below regarding the Department’s proposed new rule 6.12.15 NMAC, COVID-19 School Requirements, the purpose of which is “to establish the requirements for the operation of public schools during the COVID-19 pandemic.”

As written, the rule neglects to give any specific attention to or even mention of the particularized needs and rights of students with disabilities, either those who receive special education and related services by way of an Individualized Education Program (IEP) or those who are provided necessary accommodations/modifications under either an IEP or a Section 504 Plan. Since the outset of the pandemic, questions about districts’ obligations to students with disabilities have been at the center of the discussion, and both the Department and the United States Department of Education have issued detailed guidance about how to meet the instructional, related service, and accommodation needs of students with disabilities. *See, e.g.,* September 28, 2020 OSEP QA 20-01, *available at*, <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-provision-of-services-idea-part-b-09-28-2020.pdf>; July 13, 2020 NMPED Guidance for Special Education Upon Reentry, *available at*, [https://webnew.ped.state.nm.us/wp-content/uploads/2020/07/NMPED\\_SupportDoc\\_SpecialEducation.pdf](https://webnew.ped.state.nm.us/wp-content/uploads/2020/07/NMPED_SupportDoc_SpecialEducation.pdf).

To address the rights of students with disabilities directly and clearly, DRNM suggests two simple revisions to Section 6.12.15.8 (Requirements for Schools).

First, in Section 6.12.15.8(A), an item (6) should be added, which reads:

(6) ensure that students with disabilities are provided a free, appropriate public education (FAPE) in their least restrictive environment; and

Second, in Section 6.12.15.8(B), an item (5) should be added, which reads:

(5) ensuring that students with disabilities are provided reasonable accommodations and modifications in compliance with federal and department guidance on COVID-safe practices.

A redlined version of the rule, showing these two suggested revisions embedded in the text, is attached. Please do not hesitate to reach out to us at DRNM if you have questions about these comments or would like to discuss further.

Regards,

Laurel Nesbitt

Senior Attorney

Disability Rights New Mexico

3916 Juan Tabo Blvd. NE

Albuquerque, NM 87111

P: 505-256-3100

F: 505-256-3184

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 12       PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY**  
**PART 15            COVID-19 SCHOOL REQUIREMENTS**

**6.12.15.1            ISSUING AGENCY:** Public Education Department hereinafter referred to as the department.  
[6.12.15.1 NMAC – N, 10/13/2021]

**6.12.15.2            SCOPE:** The provisions of this regulation apply to all public schools in New Mexico.  
[6.12.15.2 NMAC - N, 10/13/2021]

**6.12.15.3            STATUTORY AUTHORITY:** Sections 9-24-8, 12-10-10, 22-2-1, and 22-2-2 NMSA 1978.  
[6.12.15.3 NMAC - N, 10/13/2021]

**6.12.15.4            DURATION:** Permanent.  
[6.12.15.4 NMAC - N, 10/13/2021]

**6.12.15.5            EFFECTIVE DATE:** October 13, 2021, unless a later date is cited at the end of a section.  
[6.12.15.5 NMAC - N, 10/13/2021]

**6.12.15.6            OBJECTIVE:** This rule establishes the requirements for the operation of public schools during the pandemic.  
[6.12.15.6 NMAC – N, 10/13/2021]

**6.12.15.7            DEFINITIONS: [RESERVED]**

**6.12.15.8            REQUIREMENTS FOR SCHOOLS:**

- A.** All public schools and local school districts shall:
- (1) follow all public health orders and executive orders and department guidance for the operation of schools, school sponsored activities, and school premises, including school transportation;
  - (2) participate in surveillance testing programs detailed in department guidance;
  - (3) adhere to social distancing requirements;
  - (4) require all persons in school buildings, vehicles, and at indoor school events to wear face coverings per department guidance and current statewide public health orders;
  - (5) cooperate immediately and fully with department officials, environment department officials, fire marshals, state police, and other officials conducting site visits and investigating COVID-safe practices;
  - (6) ensure that students with disabilities are provided a free, appropriate public education (FAPE) in their least restrictive environment (LRE); and
  - (7) to the extent possible, implement practices to promote social emotional learning, support high quality teaching and learning, and effectively communicate with tribal communities and families.
- B. COVID-19 safe practices.** All local school districts and public schools shall report all confirmed cases of COVID-19 in students, staff, contractors and volunteers who were infectious while on campus to the department; shall report all staff cases, regardless of whether the employees were on campus while infectious, to the environment department; and shall perform all COVID-19 safe practices described or referenced in department guidance, such as:
- (1) working with school administrators, school nurses, and other healthcare providers to identify an isolation room or area to separate anyone who exhibits COVID-like symptoms;
  - (2) closing off and limiting access to areas potentially affected by COVID-19 exposure and, if possible, wait 24 hours before cleaning and disinfecting;
  - (3) requiring school nurses and other healthcare providers to use centers for disease control and prevention (CDC) recommended standard precautions when caring for sick people, including:
    - (a) engaging in frequent hand hygiene;
    - (b) using personal protective equipment when there is an expectation of possible exposure to infectious individuals or materials;
    - (c) following respiratory hygiene and coughing etiquette;
    - (d) ensuring appropriate patient placement in quarantine or isolation;

- instruments; and
- (e) ensuring the proper handling and disinfection of patient care equipment and
  - (f) ensuring healthcare provider safety, including proper handling and disposal of needles and other sharps.
- (4) requiring school nurses and other healthcare workers to use CDC recommended transmission-based precautions when caring for sick people, including:
- (a) establishing procedures for safely transporting anyone who is sick home or to a healthcare facility;
  - (b) closing for 24 hours parts of school buildings if used by a COVID-19 infected person then clean and disinfect before re-opening affected areas;
  - (c) advising sick staff members and children not to return until they have met department criteria to discontinue home isolation; and
  - (d) informing those who have had close contact with a person diagnosed with COVID-19 to stay home and follow department guidance.
- (5) ensuring that students with disabilities are provided reasonable accommodations and modifications in compliance with federal and department guidance on COVID-safe practices;

**C. Transportation.** School districts and schools shall follow department guidance, which requires students to sit in spaced and assigned seating while being transported to and from schools, limits the number of students who may be seated together on a bus seat, and sets forth detailed requirements and suggestions for COVID-19 safe practices for the transportation of students.

**D. Staffing.** All school districts and schools shall follow public health orders, executive orders and department guidance as updated from time to time and shall train staff in local and state rules regarding health and safety procedures, such as appropriate use of personal protective equipment and procedures for when school personnel or students exhibit symptoms of COVID-19.

**E. Tribal sovereignty.** School districts and schools shall honor tribal sovereignty and abide by applicable tribal public health orders, tribal executive orders, and tribal council resolutions.  
[6.12.15.8 NMAC – N, 10/13/2021]

6.12.15.9 [RESERVED]

6.12.15.10 [RESERVED]

6.12.15.11 [RESERVED]

6.12.15.12 [RESERVED]

**HISTORY OF 6.12.15 NMAC: [RESERVED]**