

This is an amendment to 6.60.11 NMAC, Sections 3, 6, 7, 8 and adding new 10 and 11, effective 12/23/2025.

6.60.11.3 STATUTORY AUTHORITY: Sections 9-24-8, 22-2-1, 22-2-2, [and] 22-10A-32, 22-33-2, and 22-33-6 NMSA 1978.

[6.60.11.3 NMAC - N, 5/24/2022; A, 12/23/2025]

6.60.11.6 OBJECTIVE: This rule establishes the mandatory ethical misconduct training course requirements for all school district personnel, school employees, school volunteers, contractors, and contractors' employees. It also establishes the training course requirements for the response to a sudden cardiac arrest or similar life-threatening emergency, as well as the use of automated external defibrillators in a manner consistent with standards adopted by the american heart association.

[6.60.11.7 NMAC - N, 5/24/2022; A, 12/23/2025]

6.60.11.7 DEFINITIONS:

A. "Automated external defibrillator" or "AED" means a medical device heart monitor and defibrillator that:

(1) has received approval of its premarket modification filed pursuant to 21 U.S.C. 360(k), from the United States food and drug administration;

(2) is capable of recognizing cardiac arrest that will respond to defibrillation, ventricular fibrillation or rapid ventricular tachycardia and is capable of determining whether defibrillation should be performed; and

(3) upon determining that defibrillation should be performed, automatically charges and is capable of delivering an electrical impulse to an individual's heart.

B. "Cardiac Emergency Response Plan" or "CERP" means a written document that establishes the specific steps to reduce death from cardiac arrest in any setting whether it be it a school, community organization, workplace, or sports facility.

[A] C. "Child abuse" means a child:

(1) who has suffered or who is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian, custodian, or other adult;

(2) who has suffered physical abuse, emotional abuse, or psychological abuse inflicted or caused by the child's parent, guardian, custodian, or other adult;

(3) who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian, custodian, or other adult;

(4) whose parent, guardian, custodian, or other adult has knowingly, intentionally, or negligently placed the child in a situation that may endanger the child's life or health; or

(5) whose parent, guardian, custodian, or other adult has knowingly or intentionally tortured, cruelly confined, or cruelly punished the child.

[B] D. "Contractor" means an individual who is under contract with a public school and is hired to provide services to the public school, but does not include a general contractor or a building or maintenance contractor who is supervised and has no access to students at the public school.

[C] E. "Ethical misconduct" means the following behavior or conduct by school district personnel, school employees, school volunteers, contractors or contractors' employees:

(1) discriminatory practice based on race, age, color, national origin, ethnicity, sex, pregnancy, sexual orientation, gender identity, mental or physical disability, marital status, religion, citizenship, domestic abuse reporting status, or serious medical condition;

(2) sexual misconduct or any sexual offense prohibited by Chapter 30, Article 6A or Article 9 NMSA 1978 involving an adult or child, regardless of a child's enrollment status;

(3) fondling a child or student, including touching private body parts, such as breasts, buttocks, genitals, inner thighs, groin, or anus; or

(4) any other behavior, including licentious, enticing or solicitous behavior, that is reasonably apparent to result in inappropriate sexual contact with a child or student or to induce a child or student into engaging in illegal, immoral, or other prohibited behavior.

[D] E. “Public school” means a school district, charter school, constitutional special school, regional education cooperative, or the educational program of another state agency.

[E] G. “School district” includes charter schools.

[F] H. “School employee” includes licensed and unlicensed employees of a public school.

[G] I. “School volunteer” means a person, including a relative of a student, who commits to serve on a regular basis at a school district, charter school, or other educational entity without compensation.

[H] J. “State agency” means a regional education cooperative or state institution.

[I] K. “State institution” means the New Mexico boys' school, girls' welfare home, New Mexico youth diagnostic and development center, Sequoyah adolescent treatment center, Carrie Tingley crippled children's hospital, New Mexico behavioral health institute at Las Vegas, and any other state agency responsible for educating resident children.

[6.60.11.7 NMAC - N, 5/24/2022; A, 12/23/2025]

6.60.11.8 MANDATORY ETHICAL MISCONDUCT TRAINING PROGRAM FOR ALL SCHOOL DISTRICT PERSONNEL, SCHOOL EMPLOYEES, SCHOOL VOLUNTEERS, CONTRACTORS, AND CONTRACTORS' EMPLOYEES:

A. Within the first year of employment or provision of contractual or volunteer services, all newly hired school district personnel, school employees, contractors, contractors' employees, and all new school volunteers shall complete training provided by approved providers, including the New Mexico public school insurance authority's contracted entities and ~~[New Mexico state university's]~~ the state's training on recognizing and reporting child abuse; or provide evidence that they have already completed the required training. The ethical misconduct training shall address child abuse and neglect, ethical misconduct, professional responsibilities, sexual abuse and assault, and substance abuse, and shall include, at a minimum training on the following:

- (1) reporting requirements, including minimal standards triggering reporting;
- (2) trauma-informed instruction;
- (3) identification of circumstances and factors that are indicators of likely child abuse or inappropriate behaviors;
- (4) ethical misconduct;
- (5) professional responsibilities;
- (6) investigations and procedures; and
- (7) relevant legal and regulatory definitions.

B. Current school district personnel, school employees, school volunteers, contractors, and contractors' employees shall complete the training required under Subsection A of 6.60.11.8 NMAC within one year of the final adoption and promulgation of 6.60.11 NMAC.

C. The department shall make the training programs required pursuant to 6.60.11.8 NMAC available to the deans and directors of all colleges of education in New Mexico for use in providing training to candidates seeking elementary and secondary education licensure.

D. All school district personnel, school employees, school volunteers, contractors, and contractors' employees shall complete all the training required under Subsection A of 6.60.11.8 NMAC every two years.

[6.60.11.8 NMAC - N, 5/24/2022; A, 12/23/2025]

6.60.11.10 TRAINING OF SCHOOL EMPLOYEES ON THE USE OF AUTOMATED EXTERNAL DEFIBRILLATORS:

A. Any school district personnel, school employees, school volunteers, contractors, and contractors' employees identified as cardiac emergency response personnel, shall complete training on response to a sudden cardiac arrest or similar life-threatening emergency as well as the use of automated external defibrillators in a manner consistent with standards adopted by the american heart association within one month of being identified as such; or provide evidence that they have already completed the required training.

B. All identified cardiac emergency response personnel shall complete all the training required under Subsection A of this section every two years.

C. Per the recommendations by the american heart association, schools and charter schools shall have at least five people or ten percent of staff (whichever is greater) identified as cardiac emergency response personnel and all staff identified as such should have current CPR and AED training from a nationally recognized organization.

D. Each school shall develop a CERP in accordance with the american heart association guidelines or nationally recognized, evidence-based standards with core elements focused on emergency cardiovascular care,

including appropriate placement and routine maintenance of AEDs in accordance with Section 22-33-6 NMSA 1978.

E. Per Section 22-33-6 NMSA 1978, the identification of appropriate personnel and fulfillment of these training requirements shall be completed by all:

(1) public non-charter high schools no later than the 2026-2027 school year; and

(2) elementary schools, middle schools, charter schools, and private schools no later than the 2027-2028 school year.

[6.60.11.10 NMAC - N, 12/23/2025]

6.60.11.11 SEVERABILITY: In the event that any one or more of the sections of this rule, in whole or in part, should be held to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining sections of this rule shall not in any way be affected or impaired.

[6.60.11.10 NMAC - N, 12/23/2025]