

Dexter Consolidated School District

Wellness Policy

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Introduction

A comprehensive school district wellness policy is essential to the academic success and lifelong well-being of students in the Dexter Consolidated School District. The intent of a wellness policy is to create a learning environment that allows students to achieve their full academic potential and enjoy lifelong health, while meeting the Public Education Department Wellness Policy rule 6.12.6.6 NMAC and the requirements of Section 204 of Public Law 108-265-June 30, 2004-Child Nutrition and WIC Reauthorization Act of 2004.

The link between nutrition, physical activity and good health has been well researched and documented. Healthy habits are known to reduce the risk of mortality and the development of many chronic diseases in adulthood. As a school district, we have a responsibility to assist staff and students in establishing and maintaining beneficial lifelong health habits.

All students shall possess the knowledge and skills necessary to make well-informed choices about healthy eating and physical activity as a valuable part of daily living. Dexter Consolidated School District will implement a comprehensive plan to encourage healthy life habits. This plan will include the use of school and community resources, while equitably serving the needs and interests of all students and staff in the district.

Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804.
2. School District Wellness Policy Rule 6.12.6.6 NMAC.
3. Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) on line at <http://www.fns.usda.gov/cnd/Governance/Legislation/PL108-265.pdf>.
4. The Centers for Disease Control and Prevention, Division of Adolescent and School Health online at <http://www.cdc.gov/HealthyYouth/healthtopics/wellness.htm>.
5. Fit, Healthy and Ready to Learn: National Association of State boards of Education online at www.nasbe.org/HealthySchools/fithealthy.html.
6. National Association of State Boards of Education: online at www.nasbe.org.

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Physical Activity

Definition:

Physical activity is body movement of any type, which includes recreational, fitness, and sport activities.

Note: physical activity is a component of, but is not a substitute for, quality physical education. Physical education is an instructional program taught by a certified physical educator and focuses on developing skills, knowledge, and attitudes necessary to personally decide to participate in a lifetime of healthful physical activity. Physical education is one source, but should not be the only source of physical activity before, during and/or after school.

Goal:

The goal of physical activity within the coordinated school health approach provides students with increased opportunities to engage in moderate to vigorous physical activity before, during and/or after school.

Required Activities:

Dexter Consolidated Schools will provide opportunities for supervised physical activity for students before, during and/or after school hours. Opportunities shall include but are not limited to: free play (recess), organized intramurals, physical education classes and school sponsored extra curricular activities.

Each school site will provide education on the health benefits of physical activity that align with the New Mexico Health Education Content Standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for: School District Wellness Policy Rule 6.12.6.6 NMAC.
New Mexico Health Education Content Standards 6.30.2.19 NMAC.
2. American Alliance for Health, Physical Education, Recreation, and Dance: online at www.aahperd.org/naspe , click on: Media and Advocacy and/or Publications.

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Nutrition

Definitions:

Nutrition includes programs that provide access to a variety of nutritious and appealing meals that accommodate the health and nutritional needs of all students.

Nutrition Education aims to teach, encourage and support healthy eating by students. Nutrition Education and healthy eating will encourage proper physical growth, physical activity, brain development, the ability to learn, emotional balance, a sense of well-being, obesity prevention and the ability to resist disease.

Goal:

The goal of this nutrition policy is to promote the role of nutrition in academic performance and quality of life, and to ensure the adoption of school practices that provide adequate nutritional opportunities.

Required Activities:

Dexter Consolidated Schools will:

1. Promote and meet the minimal guidelines for a la carte offerings as set forth in Subsection B of 6.12.4.8 NMAC.
2. Provide a salad bar for elementary students.
3. Have third grade actively participate in Healthy Kids of Chavez County 5-2-1-0 program.
4. Promote and meet the minimal guidelines for school-sponsored fundraisers during the normal school hours as set forth in Paragraph (1) of Subsection C of 6.12.5.8 NMAC.
5. Promote and meet the minimal guidelines for school-sponsored fundraisers before and after school hours ensuring that at least 50% of the food offerings shall be healthy choices in accordance with the requirements set forth in Paragraph (2) of Subsection C of 6.12.5.8 NMAC.
6. Provide all students with educational activities that align with the New Mexico Health Education Content Standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for:
Nutrition: Competitive Food Sales Rule 6.12.4.8 NMAC
Nutrition: Competitive Food Sales Rule 6.12.5.8 NMAC
New Mexico Health Education Content Standards 6.30.2.19 NMAC
2. Action for Healthy Kids: online at www.actionforhealthykids.org/resources.php

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Family, School and Community Involvement

Definition:

Family, school and community involvement is an integrated approach for enhancing the health and well-being of students by establishing a district School Health Advisory Council (SHAC) that has the responsibility to make recommendations to the local school board in the development or revision, implementation and evaluation of the wellness policy.

The family, school and community involvement component promotes long-term, effective partnerships between families, schools, and the community in the planning and implementation of health promotion projects and events, both within the school and throughout the community. The partnership can encourage and sustain environmental changes that support healthy lifestyles for children and their families in the district.

Goal:

The goal of a family, school and community involvement policy within a coordinated school health approach is to create a total school environment that is conducive to student health and academic achievement. This inclusive atmosphere features a shared responsibility that supports healthy children and families. Effective partnerships between families, schools and communities will support the development and the maintenance of this comprehensive learning environment.

Required Activities:

Dexter Consolidated Schools will establish a School Health Advisory Council (SHAC). The SHAC will be responsible for development, implementation, monitoring and evaluation of the district wellness policy. The School Health Advisory Council will consist of parents, school food authority personnel, school board members, school administrators, school staff, students, and community members.

The School Health Advisory Council (SHAC) will designate one or more persons within the school district, or at each school site, as appropriate, charged with operational responsibility for ensuring that each site fulfills the district's wellness policy.

The School Health Advisory Council (SHAC) will develop, implement, revise, and evaluate guidelines in the areas of:

1. Physical activity before, during and /or after school.
2. Nutrition of a la carte offerings meeting the guidelines as stated in the Competitive Food Sales Rule.
3. School sponsored fundraisers during school hours meeting the guidelines as stated in the Competitive Food Sales Rule.

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4. School sponsored fundraisers before and after school hours ensuring that at least 50% of the food offerings shall be healthy choices as stated in the Competitive Food Sales Rule.
5. Planned, sequential, K-12 health education curriculum that addresses the physical, mental, emotional, and social dimensions of health and is aligned to the New Mexico Health Education Content Standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.
6. Planned, sequential, K-12 physical education curriculum that provides the optimal opportunity for all students to learn and develop skills, knowledge and attitudes necessary to personally decide to participate in a lifetime of healthful physical activity and is aligned to the New Mexico Physical Education Content Standards with benchmarks and performance standards as set forth in 6.30.2.20 NMAC.
7. A plan addressing the behavioral health needs of all students in the educational process by focusing on students' social and emotional well-being.
8. A school safety plan at each school site focused on supporting health and safe environments and including, but not necessarily limited to, prevention, policies and procedures, and emergency response.
9. A plan addressing the health services needs of students in the educational process.
10. A plan addressing the staff wellness needs of all staff that minimally ensures an equitable work environment and meets the American with Disabilities Act Part III.
11. A plan for measuring, implementation and evaluation of the wellness policy.
12. Backpack Blessings – provided by a local church – students receive nutritional – nonperishable snack items for family members over the weekends.
13. Girl Scouts invite ALL elementary students to learn the benefits of exercise and start a jump rope club during lunch. All participants receive a jump rope at the completion of the weeks of practice and instruction.

Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for:
School District Wellness Policy Rule 6.12.5.6 NMAC
Nutrition: Competitive Food Sales Rule 6.12.5.6 NMAC
2. Team Nutrition: Local Wellness Policy online at www.fns.usda.gov/tn/Healthy/wellnesspolicy.html
3. Youth Risk and Resiliency Survey online at <http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or <http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.

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4. The Centers for Disease Control and Prevention, Division of Adolescent and School Health online at <http://www.cdc.gov/HealthyYouth/healthtopics/wellness.htm>

Social and Emotional Well-being

Definition:

Social and emotional well-being refers to a student's mental, emotional, behavioral and social health, including the services provided to maintain and/or improve them.

Goal:

The goal of social and emotional well-being is to collaborate with students, parents, staff and community to encourage student success by providing awareness and promoting strategies to maintain and/or improve student mental health.

Required Activities:

Dexter Consolidated School District will:

1. Create a plan addressing the behavioral health needs of all students in the educational process by focusing on students' social and emotional well-being.
2. Provide an environment in which students are able to request assistance when needed.
3. Provide a supportive school environment that links to community resources.

Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for: School District Wellness Policy Rule 6.12.5.6 NMAC
Nutrition: Complete Food Sales Rule 6.12.5.6 NMAC
2. Youth Risk and Resiliency Survey – online at <http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or <http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.
3. Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265): http://www.fns.usda.gov/cnd/Governance/Legislation/PL_108-265.pdf.
4. The Centers for Disease Control and Prevention, Division of Adolescent and School Health: <http://www.cdc.gov/HealthyYouth/healthtopics/wellness.htm>.
5. Team Nutrition: Local Wellness Policy. A team of community members must be involved in the development of each local wellness policy. Parents, students, representatives of the school food authority, the school board, school administrators and the public must be a part of the development process: <http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>.

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6. Fit, Healthy and Ready to Learn: National Association of State Boards of Education provides detailed guidance for development of school health policy following the Coordinated School Health Program model:
<http://www.nasbe.org/HealthySchools/fithealthy.html>.

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Health Services

Definition:

Health Services are services provided for students to inform, protect and promote health. These services are designed to:

- ensure access or referral to primary health care and/or behavioral health services
- foster appropriate use of primary health care services and/or behavioral health services,
- prevent and control communicable diseases and other health problems,
- provide emergency care for illness or injury,
- promote and provide optimum sanitary conditions for a safe school facility and school environment,
- provide educational and/or counseling opportunities for promoting and maintaining individual, family and community health.

Goal:

The goal of health services is to provide coordinated, accessible physical and mental health services for students, families and staff.

Required Activities:

Dexter Consolidated Schools will:

1. Create a plan addressing the health service needs of students in the educational process.
2. Provide services in partnership with students, parents, staff and community.
3. Provide health services staff with professional development opportunities such as workshops, conventions and collaboration for the purpose of receiving the latest information, innovations and ideas in their field and implementing them in their areas of expertise.
4. Ensure that all health service programs strive to meet all reporting, record-keeping and confidentiality requirements.

Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for: School District Wellness Policy Rule 6.12.5.6 NMAC
Nutrition: Complete Food Sales Rule 6.12.5.6 NMAC
2. Youth Risk and Resiliency Survey – online at <http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or <http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.
3. Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265): http://www.fns.usda.gov/cnd/Governance/Legislation/PL_108-265.pdf.
4. The Centers for Disease Control and Prevention, Division of Adolescent and School Health. <http://www.cdc.gov/HealthyYouth/healthtopics/wellness.htm>.

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5. Team Nutrition: Local Wellness Policy: A team of community members must be involved in the development of each local wellness policy. Parents, students, representatives of the school food authority, the school board, school administrators and the public must be a part of the development process:
<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>.
6. Fit, Healthy and Ready to Learn: National Association of State Boards of Education, provides detailed guidance for development of school health policy following the Coordinated School Health Program model:
<http://www.nasbe.org/HealthySchools/fithealthy.html>.
7. American School Counselors Association: <http://www.schoolcounselor.org/>.
8. National Mental Health Association: <http://www.nmha.org/>.
9. National Association of School Psychologists <http://www.nasponline.org/index2.html>.
10. National Association of School Nurses <http://nasn.org/positions/positions.htm>
11. Crisis Response Team: <http://www.healthinschools.org/sh/CrisisResponse.pdf> or
<http://www.healthinschools.org/sh/schoolresponse.asp>

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Staff Wellness

Definition:

Staff wellness refers to the opportunities for school staff to improve their health status through activities such as health assessments, health education and health-related fitness activities. These opportunities encourage school staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale and a greater personal commitment to their students.

A staff wellness program allows the staff to learn and practice skills to make personal decisions about health-enhancing daily habits by modeling and participating in the district's overall coordinated school health approach to student success.

Goal:

The goal of staff wellness is to promote activities for staff that are designed to enhance the physical, emotional and mental health of school employees as well as to prevent disease and disability.

Required Activity:

Dexter Consolidated Schools will create a plan addressing the staff wellness needs of all school staff that minimally insures an equitable work environment and meets the Americans with Disabilities Act, Part III.

Provide opportunities for staff to receive annual flu / pneumonia/ vaccines.

Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for: School District Wellness Policy Rule 6.12.5.6 NMAC
Nutrition: Complete Food Sales Rule 6.12.5.6 NMAC
2. Youth Risk and Resiliency Survey – online at <http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or <http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.
3. Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265): http://www.fns.usda.gov/cnd/Governance/Legislation/PL_108-265.pdf.
4. The Centers for Disease Control and Prevention, Division of Adolescent and School Health. <http://www.cdc.gov/HealthyYouth/healthtopics/wellness.htm>.
5. Team Nutrition: Local Wellness Policy. A team of community members must be involved in the development of each local wellness policy. Parents, students, representatives of the school food authority, the school board, school administrators and the public must be a part of the development process: <http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>

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6. Fit, Healthy and Ready to Learn: National Association of State Boards of Education provides detailed guidance for development of school health policy following the Coordinated School Health Program model:
<http://www.nasbe.org/HealthySchools/fithealthy.html>.
7. The National Wellness Institute: <http://www.wellnessnwi.org/>.

Physical Education

Definition:

Physical education is the instructional program that provides cognitive content and learning experiences in a variety of activity areas. It provides the opportunity for all students to learn and develop the skills, knowledge and attitudes necessary to personally decide to participate in a lifetime of healthy physical activity. It meets the Content Standards with benchmarks and performance standards as set forth in Section 6.30.2.20 NMAC.

Goal:

To provide every student with daily physical education during which a certified physical educator uses appropriate practices to teach the skills, knowledge, and attitudes needed to be physically fit and active for a lifetime. Activities are based on goals and objectives which are appropriate for all children, and are planned after referring to a curriculum which has an obvious scope and sequence and aligns with the New Mexico Content Standards including benchmarks and performance standards.

Required Activities:

The staff at Dexter Consolidated Schools will implement a planned, sequential, K-12 physical education curriculum that provides the optimal opportunity for all students to learn and develop skills, knowledge and attitudes necessary to make personal decisions to participate in a lifetime of healthful physical activity, and is aligned to the Physical Education Content Standards with benchmarks and performance standards as per 6.30.2.20 NMAC.

Dexter Consolidated Schools will:

1. Hire certified physical educators to teach physical education and plan additional opportunities for physical activity at all sites.
2. Limit physical education class sizes so they are consistent with those of other subject areas and/or self-contained classes.
3. Encourage physical educators to promote academic achievement by helping classroom teachers incorporate physical education concepts in classroom activities.

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Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for:
School District Wellness Policy Rule 6.12.5.6 NMAC
Nutrition: Compleitive Food Sales Rule 6.12.5.6 NMAC
2. Youth Risk and Resiliency Survey – online at
<http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or
<http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.
3. Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265):
http://www.fns.usda.gov/cnd/Governance/Legislation/PL_108-265.pdf.
4. The Centers for Disease Control and Prevention, Division of Adolescent and School Health. <http://www.cdc.gov/HealthyYouth/healthtopics/wellness.htm>.
5. Team Nutrition: Local Wellness Policy: A team of community members must be involved in the development of each local wellness policy. Parents, students, representatives of the school food authority, the school board, school administrators and the public must be a part of the development process:
<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>.
6. Fit, Healthy and Ready to Learn: National Association of State Boards of Education, provides detailed guidance for development of school health policy following the Coordinated School Health Program model:
<http://www.nasbe.org/HealthySchools/fithealthy.html>
7. Action for Healthy Kids <http://www.actionforhealthykids.org/resources.php>.
8. American Alliance for Health, Physical Education, Recreation, and Dance:
<http://www.aahperd.org/naspe>, click on: Media and Advocacy and/or Publications.
9. PE Central <http://www.pecentral.org/>.
10. National Association of State Boards of Education <http://www.nasbe.org/>.

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Health Education

Definition:

Health Education is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease and reduce health-related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the New Mexico Content Standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Goal:

The goal of a comprehensive health education curriculum within a coordinated school health approach is to acquire life skills in order to attain personal, family, community, consumer and environmental health.

Required Activities:

The staff at Dexter Consolidated Schools will implement a planned, sequential, K-12 health education curriculum that addresses the physical, mental, emotional and social dimensions of health and is aligned to the health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

The Dexter school district insures that parents have the right to request their child be exempted from the parts of the health education curriculum that address the sexuality performance standards.

1. Parents may request an exemption from the parts of the health education curriculum that address the sexuality performance standards or
2. Parents may request alternative lessons be established in place of the exempted parts of the curriculum.

Dexter Consolidated School District will:

1. Provide at all sites, activities in comprehensive health education that align with the New Mexico Health Education Content Standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.
2. Provide instruction about HIV and related issues in the curriculum of the required Health Education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades as set forth in 6.12.2.10.C NMAC.
3. Encourage staff to integrate Health Education into the core curriculum.
4. Insure that teachers, staff and administrators are aware of and have opportunities to participate in coordinated school health professional development (i.e. School Health Institute, Head to Toe, NM Association for Health, Physical Education, Recreation and Dance.)

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Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for:
School District Wellness Policy Rule 6.12.5.6 NMAC
Nutrition: Compleitive Food Sales Rule 6.12.5.6 NMAC
2. Youth Risk and Resiliency Survey – online at
<http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or
<http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.
3. Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265):
http://www.fns.usda.gov/cnd/Governance/Legislation/PL_108-265.pdf.
4. The Centers for Disease Control and Prevention, Division of Adolescent and School Health. <http://www.cdc.gov/HealthyYouth/healthtopics/wellness.htm>.
5. Team Nutrition: Local Wellness Policy. A team of community members must be involved in the development of each local wellness policy. Parents, students, representatives of the school food authority, the school board, school administrators and the public must be a part of the development process:
<http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>
6. Fit, Healthy and Ready to Learn. National Association of State Boards of Education, provides detailed guidance for development of school health policy following the Coordinated School Health Program model:
<http://www.nasbe.org/HealthySchools/fithealthy.html>.
7. American Association for Health Education. Online at <http://www.aahperd.org/aahe/>
8. American Alliance for Health, Physical Education, Recreation and Dance: online at <http://www.aahperd.org/>
9. *Coordinated School Health Program Infrastructure Development Process Evaluation Manual*. Atlanta: CDC, 1997. Available at <http://www.cdc.gov/nccdphp/dash/publications/index.htm>
1. Evaluating a national program of school-based HIV prevention. Collins J, Rugg D, Kann L, Pateman B, Banspach S, Kolbe L. *Evaluation and Program Planning* 1996; 19(3): 209–18.
2. *Handbook for Evaluating HIV Education*. Atlanta: CDC, 1992. Available at <http://www.cdc.gov/nccdphp/dash/publications/index.htm>
3. *Introduction to Program Evaluation for Comprehensive Tobacco Control Programs*. MacDonald G, Starr G, Schooley M, Yee SL, Klimowski K, Turner K. Atlanta: CDC, 2001.
4. U.S. Department of Health and Human Services. *The Surgeon General's call to action to prevent and decrease overweight and obesity*. Rockville, MD.: U.S. Department of Health and Human Services, Public Health Service, Office of the Surgeon General, 2001. Online at <http://www.surgeongeneral.gov/topics/obesity/>

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5. U.S. Department of Health and Human Services. *The Surgeon General's call to promote sexual health and responsible sexual behavior*. Rockville, MD.: U.S. Department of Health and Human Services, Public Health Service, Office of the Surgeon General, 2001. Online at <http://www.surgeongeneral.gov/library/sexualhealth/default.htm>.
6. U.S. Department of Health and Human Services. *The Surgeon General's call to action to prevent suicide*. Rockville, MD.: U.S. Department of Health and Human Services, Public Health Service, Office of the Surgeon General, 1999. Online at <http://www.surgeongeneral.gov/library/calltoaction/default.htm>.
7. Health is Academic: <http://www.edc.org/HealthIsAcademic>.
8. The American School Health Association (ASHA): <http://www.ashaweb.org/>

Healthy and Safe Environment

Definition:

Healthy and safe environments are the physical and aesthetic surroundings, the psychosocial climate, and culture of a school. They support a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness and freedom from discrimination and abuse.

Goal:

The goal of a healthy and safe environment is to promote a climate and culture that supports academic achievement for all students, teachers, staff, parents and community members before, during and after school hours.

Required Activities:

Dexter Consolidated Schools will:

1. Create and implement a school safety plan at each school site that is focused on supporting healthy and safe environments, including, but not limited to, prevention, policies and procedures, and emergency response plans.
2. Insure that each school site performs 12 emergency drills each school year. Emergency drills shall consist of nine fire drills, two shelter in place drills and one evacuation drill at the intervals set forth in subsection M of 6.30.2.10 NMAC.
3. Providing safety procedures and appropriate training for students, teachers and staff that support personal safety and a violence/harassment-free environment.
4. Strive to meet current safety standards in all school buildings, structures, buses and on school grounds. Equipment and grounds will be kept inviting, clean, safe and in good repair.
5. Insure that all schools abide by district policies which create an environment free of tobacco, alcohol and other drugs.

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Resources:

1. New Mexico Public Education Department, School and Family Support Bureau online at <http://www.ped.state.nm.us> or phone: 505-827-1804. Online search for:
School District Wellness Policy Rule 6.12.5.6 NMAC
Nutrition: Complete Food Sales Rule 6.12.5.6 NMAC
2. Youth Risk and Resiliency Survey – online at <http://www.health.state.nm.us/pdf/YRRS2003FinalReport.pdf> or <http://hsc.unm.edu/chpdp/projects/pyrrs.htm>.
3. Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265): http://www.fns.usda.gov/cnd/Governance/Legislation/PL_108-265.pdf.
4. The Centers for Disease Control and Prevention, Division of Adolescent and School Health: <http://www.cdc.gov/HealthyYouth/healthtopics/wellness.htm>.
5. Team Nutrition: Local Wellness Policy. A team of community members must be involved in the development of each local wellness policy. Parents, students, representatives of the school food authority, the school board, school administrators and the public must be a part of the development process: <http://www.fns.usda.gov/tn/Healthy/wellnesspolicy.html>
6. Fit, Healthy and Ready to Learn: National Association of State Boards of Education, provides detailed guidance for development of school health policy following the Coordinated School Health Program model: <http://www.nasbe.org/HealthySchools/fithealthy.html>
7. U.S. Department of Education: Safe and Drug Free Schools Office: <http://www.ed.gov/offices/OESE/SDFS/index.html>
8. Federal Emergency Management Agency: <http://www.fema.gov/>.
9. American Red Cross: <http://www.redcross.org/>.
10. American School Counselors Association: <http://www.schoolcounselor.org/>
11. New Mexico Homeland Security Office: <http://www.governor.state.nm.us/homeland.php?mm=4>.
12. National School Safety and Security Services: <http://www.schoolsecurity.org/>
13. U.S. Department of Homeland Security: <http://www.ready.gov/>
14. National School Safety and Security Services: www.schoolsecurity.org.
15. U.S. Department of Homeland Security: <http://www.ready.gov/>.

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EVALUATION PLAN

Dexter Consolidated Schools will evaluate the district wellness policy and the implementation of the various components and activities contained in the policy on an annual basis. It will be the responsibility of the School Health Advisory Council (SHAC) to complete the required evaluation and make recommendations through the Superintendent to the Dexter Board of Education regarding any additions, revisions or changes in policy and/or the implementation of the policy. The SHAC will utilize the following process evaluation and outcome evaluation to complete the annual assessment.

Process Evaluation: A tool for measuring implementation of the Wellness Policy

Component/Activity	In Planning	In Process	In Place
School Board established a School Health Advisory Council (SHAC).			X
School Health Advisory Council contain all required members:			X
The School Health Advisory Council reports to the local school board recommendations for development/revision, implementation and evaluation of the wellness policy at least annually.			X
The School Health Advisory Council has met at least twice this year for the purpose of development or revision, implementation, and evaluation of the wellness policy.			X
The School Health Advisory council designated one or more persons within the school district, or at each school, as appropriate, charged with operational responsibility for ensuring that each school fulfills the district's wellness policy.			X
The school board has adopted physical activity guidelines for before, during and/or after school.			X
Nutrition guidelines for a la carte offerings minimally meeting guidelines set forth in subsection B of 6.12.5.8 NMAC.			X

Dexter Consolidated School District

Wellness Policy

<u>Component/Activity</u>	In Planning	In Process	In Place
Nutrition guidelines for school sponsored fundraisers during normal school hours minimally meeting guidelines set forth in paragraph (1) of subsection C of 6.12.5.8 NMAC.			X
Nutrition guidelines for school sponsored fund raisers before and after school hours ensuring that at least fifty percent of the offerings shall be healthy choices in accordance with the requirements set forth in paragraph (2) of subsection C of 6.12.5.8 NMAC.			X
Guidelines for a planned, sequential, K-12 health education curriculum that addresses the physical, mental, emotional and social dimensions of health and is aligned to the health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.			X
Guidelines for a planned, sequential K-12 physical education curriculum that provides the optimal opportunity for all students to learn and develop skills, knowledge and attitudes necessary to personally decide to participate in lifetime healthful physical activity and is aligned to the physical education content standards with benchmarks and performance standards as set forth in 6.30.2.20 NMAC.			X
A plan addressing the behavioral health needs of all students in the educational process by focusing on students' social and emotional well-being.			X
A school safety plan at each school building focused on supporting health and safe environments and including but not necessarily limited to prevention, policies and procedures and emergency response.			X
A plan addressing the health services needs of students in the educational process.			X
A plan addressing the staff wellness needs of all staff that minimally ensures an equitable work environment and meets the American with Disabilities Act Part III.			X

Dexter Consolidated School District

Wellness Policy

References:

- 6.12.5 NMAC Nutrition: Competitive Food Sales Rule Grid
- 6.12.2 NMAC: Primary and Secondary Education—Chapter 12 Public School Administration – Health and Safety – Part 2 Health Services
- 6.12.4 NMAC: Primary and Secondary Education—Chapter 12 Public School Administration – Health and Safety – Part 4 Tobacco, Alcohol and Drug Free School Districts
- 6.12.5 NMAC: Primary and Secondary Education—Chapter 12 Public School Administration – Health and Safety – Part 5 Nutrition: Competitive Food Sales
- 6.12.6 NMAC: Primary and Secondary Education—Chapter 12 Public School Administration – Health and Safety – Part 6 School District Wellness Policy
- 6.12.7 NMAC: Primary and Secondary Education—Chapter 12 Public School Administration – Health and Safety – Part 7 Bullying Prevention
- 6.12.8 NMAC: Primary and Secondary Education—Chapter 12 Public School Administration – Health and Safety – Part 8 – Diabetes Self-Management by Students in the School Setting
- 6.12.9 NMAC: Primary and Secondary Education—Chapter 12 Public School Administration – Health and Safety – Part 9 Elementary School Free Breakfast Program During Instructional Time

6.12.5 NMAC Nutrition: Competitive Food Sales Rule Grid

“Competitive Food” means a food or beverage sold at school other than one served as part of the United States Department of Agriculture school meal program. The term includes any item sold in vending machines, a la carte or through other school fundraising efforts during normal school hours.

Vended Beverages and Foods

“Vended beverages and foods” means a beverage or food product sold in vending machines to student in schools.

Vended

Elementary

Allowed after the last lunch period:

- Milk 2% or less
- Soy milk
- Water

Beverages

Middle

Allowed any time:

- Milk 2% or less
- Soy milk
- Water
- 100% fruit juice that has:
 - no added sweeteners
 - no more than 125 calories/container and
 - a serving size not to exceed 20 oz.

****No Carbonated Drinks**

****No Carbonated Drinks**

High

Allow any time:

- Milk 2% or less
- Soy milk
- Water
- At least 50% fruit juice that has:
 - no added sweeteners and
 - a serving size not to exceed 20 oz.

Allowed after the last lunch period:

- Sugar free/Caffeine free soft drinks (must be both)
- Non-carbonated flavored water with no added sweeteners
- Sports drinks

	Elementary	Middle	High
<p><u>Vended Foods</u></p>	<p>NONE</p>	<p><u>Allowed after the last lunch period.</u> Foods meeting the following guidelines <u>**with the exception of nuts, seeds, cheese, yogurt, and fruit:</u></p> <ul style="list-style-type: none"> • No more than 200 calories per container or per package or amount served, and • No more than 8 grams fats per serving with no more than 2 grams from saturated and trans fats per container or per package or amount served and • No more than 15 grams of sugar per container or per package or amount served 	<p><u>Allowed any time.</u> Foods meeting the following guidelines <u>**with the exception of nuts, seeds, cheese, yogurt, and fruit:</u></p> <ul style="list-style-type: none"> • No more than 200 calories per container or per package or amount served, and • No more than 8 grams fats per serving with no more than 2 grams from saturated and trans fats per container or per package or amount served and • No more than 15 grams of sugar per container or per package or amount served

<p>A La Carte (only during lunch period) “A la carte” means a beverage or food product sold in schools to students during the lunch period that is not part of the United States Department of Agriculture school meal program.</p>			
	Elementary	Middle	High
<p><u>Beverages</u></p>	<p><u>Allowed only during lunch period:</u></p> <ul style="list-style-type: none"> • Milk 2% or less • Soy milk • Water 	<p><u>Allowed only during lunch period:</u></p> <ul style="list-style-type: none"> • Milk 2% or less • Soy milk • Water • 100% fruit juice that has: <ul style="list-style-type: none"> • no added sweeteners • no more than 125 calories/container and • a serving size not to exceed 20 oz. 	<p><u>Allowed only during lunch period:</u></p> <ul style="list-style-type: none"> • Milk 2% or less • Soy milk • Water • At least 50% fruit juice that has: <ul style="list-style-type: none"> • no added sweeteners and • a serving size not to exceed 20 oz.
	<p><u>**No Carbonated Drinks</u></p>	<p><u>**No Carbonated Drinks</u></p>	<p><u>**No Carbonated Drinks</u></p>
<p>A La Carte</p>	<p>Foods products sold in Elementary, Middle and High School only during the lunch period as a la carte sales must meet the following guidelines</p> <p><u>**with the exception of nuts, seeds, cheese, yogurt, and fruit:</u></p> <ul style="list-style-type: none"> • No more than 400 calories per container or per package or amount served; and • No more than 16 grams of fat (no more than 2 grams from saturated and trans fats combined) per container or per package or amount served and • No more than 30 grams of total sugar per container or per package or amount served. 		
<p><u>Foods</u></p>			

Fund Raisers (Beverages/Food)

“Fund Raisers” means beverage or food products sold to raise money that are not sold in vending machines, a la carte sales or part of the United States Department of Agriculture school meal program.

Fund Raisers	Elementary	Middle	High
<p><u>During Normal School Hours</u></p>	<p><u>Beverages Allowed as fund raiser except during lunch period</u></p> <ul style="list-style-type: none"> • Milk 2% or less • Soy milk • Water 	<p><u>Beverages Allowed as fund raiser except during lunch period</u></p> <ul style="list-style-type: none"> • Milk 2% or less • Soy milk • Water • 100% fruit juice that has: <ul style="list-style-type: none"> • no added sweeteners • no more than 125 calories/container and • a serving size not to exceed 20 oz. 	<p><u>Beverages Allowed as fund raiser except during lunch period</u></p> <ul style="list-style-type: none"> • Milk 2% or less • Soy milk • Water • At least 50% fruit juice that has: <ul style="list-style-type: none"> • no added sweeteners and • a serving size not to exceed 20 oz.
<p><u>Beverages</u></p>	<p><u>**No Carbonated Drinks</u></p>	<p><u>**No Carbonated Drinks</u></p>	<p><u>**No Carbonated Drinks</u></p>

	Elementary	Middle	High
Fund Raisers <u>During Normal School Hours</u> <u>Foods</u>	NONE	<p>Allowed as fund raiser except during lunch period</p> <p>Foods meeting the following guidelines</p> <p>**with the exception of nuts, seeds, cheese, yogurt, and fruit:</p> <ul style="list-style-type: none"> • No more than 200 calories per container or per package or amount served, and • No more than 8 grams fats per serving with no more than 2 grams from saturated and trans fats per container or per package or amount served and • No more than 15 grams of sugar per container or per package or amount served 	<p>Allowed as fund raiser except during lunch period</p> <p>Foods meeting the following guidelines</p> <p>**with the exception of nuts, seeds, cheese, yogurt, and fruit:</p> <ul style="list-style-type: none"> • No more than 200 calories per container or per package or amount served, and • No more than 8 grams fats per serving with no more than 2 grams from saturated and trans fats per container or per package or amount served and • No more than 15 grams of sugar per container or per package or amount served

Fund Raisers <u>Outside of Normal School Hours</u>	<p>Beverages and food products may be sold as fund raisers outside of normal school hours for Elementary, Middle and High Schools provided that at least 50 per cent of the offerings meet the following requirements:</p> <p>Beverages:</p> <ul style="list-style-type: none"> • Milk 2% or less • Soy milk • Water • At least 50% fruit juice that has: <ul style="list-style-type: none"> • no added sweeteners • no more than 125 calories/container and • a serving size not to exceed 20 oz. 	<p>Foods:</p> <p>**with the exception of nuts, seeds, cheese, yogurt, and fruit:</p> <ul style="list-style-type: none"> • No more than 200 calories per container or per package or amount served, and • No more than 8 grams fats per serving with no more than 2 grams from saturated and trans fats per container or per package or amount served and • No more than 15 grams of sugar per container or per package or amount served
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TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 2 HEALTH SERVICES

6.12.2.1 ISSUING AGENCY: Public Education Department
[6.12.2.1 NMAC - Rp, 6.12.2.1 NMAC, 11-15-05]

6.12.2.2 SCOPE: This regulation applies to children attending public, nonpublic, or home schools in New Mexico unless otherwise expressly limited.
[6.12.2.2 NMAC - Rp, 6.12.2.2 NMAC, 11-15-05]

6.12.2.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Section 22-2-1 NMSA 1978.
[6.12.2.3 NMAC - Rp, 6.12.2.3 NMAC, 11-15-05]

6.12.2.4 DURATION: Permanent
[6.12.2.4 NMAC - Rp, 6.12.2.4 NMAC, 11-15-05]

6.12.2.5 EFFECTIVE DATE: 11-15-05, unless a later date is cited at the end of a section.
[6.12.2.5 NMAC - Rp, 6.12.2.5 NMAC, 11-15-05]

6.12.2.6 OBJECTIVE: This rule addresses health services for children attending schools in New Mexico.
[6.12.2.6 NMAC - Rp, 6.12.2.6 NMAC, 11-15-05]

6.12.2.7 DEFINITIONS: [Reserved]

6.12.2.8 REQUIREMENTS FOR IMMUNIZATION OF CHILDREN ATTENDING PUBLIC, NONPUBLIC, OR HOME SCHOOLS:

A. The following definitions apply to this section.

(1) "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

(2) "Administrative authority" means the superintendent, principal or the designee of such person.

(3) "Children of military families" means children enrolled in kindergarten through twelfth grade in the household of an active duty member.

(4) "Public health division regulations" means those regulations adopted by the public health division of the department of health pursuant to the authority granted in Sections 24-5-1 to 24-5-6, NMSA 1978 and including the immunization schedule.

(5) "Licensed physician" means a physician licensed to practice medicine or osteopathic medicine in New Mexico, another state or territory.

(6) "Certified nurse practitioner" means an individual licensed as a certified nurse practitioner with prescriptive authority by the New Mexico board of nursing, another state or territory.

(7) "Required immunizations" means those immunizations against diseases deemed to be dangerous to the public health by the public health division and set forth in its immunization schedule effective at date of enrollment.

(8) "Satisfactory evidence of commencement and completion of immunization" means satisfactory evidence of a person having begun the process of immunizations in a statement, certificate or record signed by a duly licensed physician, certified nurse practitioner, or other recognized public or private health facility stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule. Persons enrolling in schools who have begun the process of immunization shall have one month following the date of enrollment to complete the required immunizations and submit satisfactory evidence of completing the required immunizations or having continued the process of the required series.

(9) "Satisfactory evidence of immunization" means a statement, certificate or record signed by a duly licensed physician, certified nurse practitioner, or other recognized, licensed health facility stating that the required immunizations have been administered to the person.

B. No student shall be enrolled in the public, nonpublic, or home schools in the state unless the student can present satisfactory evidence of commencement or completion of immunization in accordance with the immunization schedule and rules and regulations of the public health division.

C. Exemptions from immunization:

(1) The student is exempt from immunization as required by Subsection B of this rule upon filing with the governing authority:

(a) a statement or certificate signed by a licensed physician or certified nurse practitioner stating that the physical condition of the person seeking enrollment is such that immunization would seriously endanger the life or health of the person; or

(b) an exemption granted by the public health division on the basis of:

(i) notarized affidavits or written affirmation from an officer of a recognized religious denomination that such child's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or

(ii) notarized affidavits or written affirmation from his parent or legal guardian that his religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.

(2) Exemptions from obtaining the required immunizations, as listed under Subsection C of 6.12.2.8 NMAC are valid for a period not to exceed nine (9) months and will not extend beyond the end of the school year in which the child is currently enrolled.

D. Children of military families: Children of military families shall be enrolled and conditionally placed in any public, nonpublic or home school to which they are eligible for thirty (30) days while the student obtains the required immunizations. For a series of required immunizations, students of active military families must obtain at least the first in the series of required immunizations within thirty (30) days of the date of enrollment.

E. Disenrollment: If satisfactory evidence of commencement or completion of immunization or an exemption from immunization in accordance with Subsections C and D of 6.12.2.8 NMAC is subsequently determined to be invalid for any reasons and the student is unable to provide either valid satisfactory evidence of commencement or completion of immunization or a valid exemption from immunization in accordance with Subsections C and D of 6.12.2.8 NMAC, the administrative authority shall commence disenrollment proceedings.

F. Administrative duty to report:

(1) It is the duty of each school superintendent, whether of a public or nonpublic school, to cause to be prepared a record showing the required immunization status of every child enrolled in or attending a school under his (her) jurisdiction.

(2) These records must be kept current and available to public health authorities.

(3) The name of any parent or guardian who neglects or refuses to permit his (her) child to be immunized against diseases as required by rules and regulations promulgated by the public health division shall be reported by the school superintendent to the director of the public health division within a reasonable time after such facts become known to the superintendent.

[6.12.2.8 NMAC - Rp, 6.12.2.7, 8, 9, 10 & 11 NMAC, 11-15-05; A, 10-31-11]

6.12.2.9 STUDENT'S RIGHT TO SELF ADMINISTER CERTAIN MEDICATIONS

A. The following definitions apply to this section.

(1) "Health care practitioner" means a person authorized under law in New Mexico to prescribe drugs for the treatment of asthma and anaphylaxis associated medical conditions.

(2) "Medication" means a drug as that term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) and includes inhaled bronchodilators, inhaled corticosteroids and auto-injectable epinephrine.

(3) "Self-administration" means a student's discretionary use of his or her prescribed asthma or anaphylaxis medication, pursuant to prescription or written direction from a health care practitioner.

B. Requirements

(1) General rights: Schools (whether public or nonpublic) must grant to any student in grades kindergarten through 12 authorization to carry and self-administer health care practitioner prescribed asthma treatment medications and anaphylaxis emergency treatment medication if the following conditions are met:

(a) a health care practitioner has prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication; and

(b) the student has demonstrated the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed by the health care practitioner (or such practitioner's designee) and the school nurse or other school official who is a public education department licensed health care provider; and

(c) the school nurse (if available) with the health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

(d) the school has, in writing, informed the parent or guardian of the student that the school, including its employees and agents, is to incur no liability as a result of any injury arising from the self-administration of medication pursuant to this section; and

(e) the student's parent or guardian has completed and submitted to the school:

- Paragraph (1);
- (i) any written documentation required by the school, including the statement required by
 - (ii) the treatment plan formulated under Subparagraph (c) of this paragraph; and
 - (iii) a signed statement from the parent or guardian of the student acknowledging that, notwithstanding any provision of state law to the contrary, the school (including its employees and agents) is to incur no liability as a result of any injury arising from such self-administration of medication and the parent or guardian will indemnify and hold harmless the school (including its employees and agents) against any claim arising out of such self-administration of medication.
- (2) Extent of authorization: An authorization granted under Paragraph (1) of Subsection B must allow the student involved to possess and use his/her medication:
- (a) while in school;
 - (b) while at a school-sponsored activity;
 - (c) during normal before-school and after-school activities such as before-school or after school care on school-operated property; and,
 - (d) in transit to or from school or school-sponsored activities.
- (3) Duration of authorization. An authorization granted under Subsection B:
- (a) must be effective only for the school year for which it is granted; and
 - (b) must be renewed by the parent or guardian each subsequent school year in accordance with this section.
- (4) The school must ensure that back-up medication, if provided by a student's parent or guardian, be kept at the student's school at a location easily accessible to the student in event of an asthma or anaphylaxis emergency. Each school must develop policies and procedures to address the safekeeping of back-up medication in a manner that ensures the medication is easily accessible by the student. Authorized school personnel who in good faith provide a person with backup medication as provided in this paragraph are not liable for civil damages as a result of providing the medication.
- (5) Maintenance of information: Information described in Subparagraphs (c) and (e) of Paragraph (1) shall be kept on file at the student's school in a location easily accessible in the event of an asthma or anaphylaxis emergency. Each school must develop policies and procedures to address the safekeeping and confidentiality of the required information.

[6.12.2.9 NMAC - N, 11-15-05]

6.12.2.10 HUMAN IMMUNODEFICIENCY VIRUS (HIV)

A. This section applies to local school boards, local school districts, and charter schools and governs policies to be implemented by local school districts with regards to students and school employees infected with HIV, provides for appropriate curricula regarding HIV, and requires community involvement in the development of policies and the review of instructional materials.

B. Each school district shall implement a policy that will ensure that all students infected with HIV have appropriate access to public education and that their rights to privacy are protected and to further ensure that the rights to privacy of all school employees infected with HIV are protected.

C. Curricula:

(1) Each school district shall provide instruction about HIV and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades.

(2) Educational materials and grade levels of instruction shall be determined by the local school district and shall be appropriate to the age group being taught.

(3) The instructional program shall include, but not necessarily be limited to:

- (a) definition of HIV and acquired immune deficiency syndrome (AIDS);
- (b) the symptoms and prognosis of HIV and AIDS;
- (c) how the virus is spread;
- (d) how the virus is not spread;
- (e) ways to reduce the risks of getting HIV/AIDS, stressing abstinence;
- (f) societal implications for this disease;
- (g) local resources for appropriate medical care; and
- (h) ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.

D. Community involvement. Each local board of education shall insure the involvement of parents, staff; and students in the development of policies and the review of instructional materials.

[6.12.2.10 NMAC - Rp, 6.12.3.8, 9 & 10 NMAC, 11-15-05]

HISTORY OF 6.12.2 NMAC:

PRE-NMAC HISTORY: The material in 6.12.2.8 NMAC is derived from that previously filed with the State Records Center and Archives under: State Board of Education (SBE) Regulation No. 76-16, Immunization Of School Children, filed September 1, 1976; and State Board of Education (SBE) Regulation No. 76-16 (Amendment 1), Immunization Of School Children, filed October 19, 1988. The material in 6.12.2.10 NMAC was derived from that previously filed with the State Records Center and Archives under: State Board of Education (SBE) Regulation No. 87-11, Regulation On Acquired Immune Deficiency Syndrome (AIDS), filed April 13, 1988.

HISTORY OF REPEALED MATERIAL:

The material in 6.12.2.8 NMAC is derived from 6.12.2 NMAC, Immunization of School Children - repealed effective 11-15-05. The material in 6.12.2.10 NMAC is derived from 6.12.3 NMAC, Acquired Immune Deficiency Syndrome (AIDS) - repealed effective 11-15-05.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 4 TOBACCO, ALCOHOL AND DRUG FREE SCHOOL DISTRICTS

6.12.4.1 ISSUING AGENCY: Public Education Department
[12-31-98, 07-30-99; 6.12.4.1 NMAC - Rn, 6 NMAC 1.6.3.1, 05-31-01; A, 11-13-09]

6.12.4.2 SCOPE: This rule applies to local school boards and school districts.
[12-31-98; 6.12.4.2 NMAC - Rn, 6 NMAC 1.6.3.2, 05-31-01; A, 11-13-09]

6.12.4.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Sections 22-2-1, 22-2-2 and 22-5-4.4,
NMSA 1978.
[12-31-98; 6.12.4.3 NMAC - Rn, 6 NMAC 1.6.3.3, 05-31-01; A, 11-13-09]

6.12.4.4 DURATION: Permanent
[12-31-98; 6.12.4.4 NMAC - Rn, 6 NMAC 1.6.3.4, 05-31-01]

6.12.4.5 EFFECTIVE DATE: December 31, 1998
[12-31-98; 6.12.4.5 NMAC - Rn, 6 NMAC 1.6.3.5, 05-31-01]

6.12.4.6 OBJECTIVE: The purpose of this rule is to prohibit the use of tobacco products, alcoholic beverages
and illicit drugs in school buildings, on school property, and for students at school functions away from school property.
[12-31-98; 6.12.4.6 NMAC - Rn, 6 NMAC 1.6.3.6, 05-31-01; A, 11-13-09]

6.12.4.7 DEFINITIONS:

A. "Alcoholic beverage" means a beverage with no less than one-half percent alcohol and includes wine,
beer, fermented, distilled, rectified and fortified beverages.

B. "Illicit drugs" means steroids and prescription and over-the-counter medications being used for an
abusive purpose or when they are not used in compliance with the prescription or directions for use and are not being used
to treat a current health condition of the student.

C. "Mood-altering substances" means substances that include, but are not limited to paint, glue, aerosol
sprays and similar substances.

D. "Tobacco" means substances that include, but are not limited to cigarettes, cigars, chewing tobacco,
dipping tobacco, snuff and similar substances.

[6.12.4.7 NMAC - N, 11-13-09]

6.12.4.8 REQUIREMENTS: Each local school board shall implement a policy that will include:

A. Prohibiting tobacco use, alcoholic beverage possession or use, and illicit drug possession or use by
students, school staff, parents, and school visitors in school buildings, on school property, and for students at school
functions away from school property.

B. Each school district shall develop a procedure for communicating this policy to students, school staff,
parents, school visitors and the community.

C. Each school district shall develop provisions for enforcement of this policy which shall include
reporting to a designated person, without fear of retaliation, any known or suspected instances of tobacco use, alcoholic
beverage or illicit drug possession or use.

D. Each school district shall conspicuously post notices on school grounds stating that the use of tobacco
and possession or use of alcoholic beverages and illicit drugs is prohibited on school grounds.

[12-31-98; 6.12.4.8 NMAC - Rn, 6 NMAC 1.6.3.8, 05-31-01; A, 11-13-09]

HISTORY OF 6.12.4 NMAC:

PRE-NMAC HISTORY: The material in this regulation is derived from that previously filed with the State Records
Center and Archives under: State Board of Education Regulation No. 94-2, Regulation on Tobacco Free School Districts,
filed July 19, 1994.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 5 NUTRITION: IMPLEMENTATION OF FEDERAL REQUIREMENTS FOR
COMPETITIVE FOODS

6.12.5.1 ISSUING AGENCY: Public Education Department.
[6.12.5.1 NMAC - Rp, 6.12.5.1 NMAC, 12-30-14]

6.12.5.2 SCOPE: This rule applies to New Mexico schools that participate in programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 unless otherwise expressly limited.
[6.12.5.2 NMAC - Rp, 6.12.5.2 NMAC, 12-30-14]

6.12.5.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Sections 22-2-1 and 9-24-8, NMSA 1978.
[6.12.5.3 NMAC - Rp, 6.12.5.3 NMAC, 12-30-14]

6.12.5.4 DURATION: Permanent.
[6.12.5.4 NMAC - Rp, 6.12.5.4 NMAC, 12-30-14]

6.12.5.5 EFFECTIVE DATE: December 30, 2014, unless a later date is cited at the end of a section.
[6.12.5.5 NMAC - Rp, 6.12.5.5 NMAC, 12-30-14]

6.12.5.6 OBJECTIVE: This rule addresses the sale of competitive food sold to children attending New Mexico schools that participate in a United States department of agriculture school meal program.
[6.12.5.6 NMAC - Rp, 6.12.5.6 NMAC, 12-30-14]

6.12.5.7 DEFINITIONS: [RESERVED]
[6.12.5.7 NMAC - Rp, 6.12.5.7 NMAC, 12-30-14]

6.12.5.8 IMPLEMENTATION OF FEDERAL REQUIREMENTS FOR COMPETITIVE FOODS

A. Terms defined by federal laws and regulations. Terms defined in United States agriculture department competitive foods rules at 7 CFR 210.11 and 7 CFR 210.11a implementing the all foods sold in schools and smart snacks provisions of the Healthy, Hunger-Free Kids Act of 2010, the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 are incorporated for purposes of these rules.

B. Federal law, rule and guidance limitations regarding beverages and foods sold in schools shall govern the participation in and implementation of New Mexico school meal programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966, except that the public education department shall set a limit on the number of fundraisers permitted on a school campus during each school term. A fundraiser is a sale on a school campus to benefit a school or school organization of beverage or food products limited by a United States department of agriculture school meal program for use, consumption or sale during the school day. No fundraiser may be conducted in competition with school meals in the food service area during meal service. A fundraiser may be conducted only for up to one school day on two occasions per semester or trimester term in a school that participates in United States department of agriculture school meal programs.

C. A wellness policy created pursuant to requirements of 6.12.6 NMAC shall incorporate the limitations stated in Subsection B of this section in annual assurances by a school district or a charter school to the New Mexico public education department. Such assurances shall be reviewed in conjunction with the administrative review of a school food authority.

[6.12.5.8 NMAC - Rp, 6.12.5.8 NMAC, 12-30-14]

HISTORY OF 6.12.5 NMAC:

History of Repealed Material:

6.12.5 NMAC, Nutrition: Competitive Food Sales (filed 02-14-2006) repealed 12-30-14.

This is an amendment to 6.12.5 NMAC, Sections 2, 7 and 8, effective 8-15-14.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 5 NUTRITION: COMPETITIVE FOOD SALES

6.12.5.1 ISSUING AGENCY: Public Education Department
[6.12.5.1 NMAC - N, 02-28-06; A, 07-15-14]

6.12.5.2 SCOPE: This rule applies to public and private schools in New Mexico participating in the United States department of agriculture school meal program unless otherwise expressly limited.
[6.12.5.2 NMAC - A, 08-15-14]

6.12.5.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Sections 22-2-1 and 9-24-8, NMSA 1978.
[6.12.5.3 NMAC - N, 02-28-06]

6.12.5.4 DURATION: Permanent
[6.12.5.4 NMAC - N, 02-28-06]

6.12.5.5 EFFECTIVE DATE: February 28, 2006, unless a later date is cited at the end of a section.
[6.12.5.5 NMAC - N, 02-28-06]

6.12.5.6 OBJECTIVE: This rule addresses the sale of competitive food sold to children attending public schools in New Mexico.
[6.12.5.6 NMAC - N, 02-28-06]

6.12.5.7 DEFINITIONS:

A. “A la carte” means a beverage or food product sold in schools to students during the breakfast and lunch period that is not part of the United States department of agriculture school meal program.

B. “Competitive food” means a food or beverage sold at school other than one served as part of the United States department of agriculture school meal program. The term includes any item sold in vending machines, a la carte or through other school fundraising efforts.

C. “Fund raisers” means ~~[beverage or food products sold to raise money that are not sold in vending machines, a la carte sales or as part of the United States department of agriculture school meal program.]~~ an activity during which currency, tokens, tickets or other items of value are exchanged for the sale or purchase of a product in support of a school or school-related activity. A fund raiser may be conducted during school hours a maximum of one time per semester or trimester per school.

D. “School hours” for purposes of this rule extend from 12:01 a.m. to a half-hour after the end of the school day.

~~[D-]E.~~ “Vended beverages and foods” means a beverage or food product sold in vending machines to students in schools.

[6.12.5.7 NMAC - N, 02-28-06; A, 08-15-14]

6.12.5.8 REQUIREMENTS FOR COMPETITIVE FOODS SOLD TO STUDENTS:

A. Vended foods and beverages:

(1) Elementary schools:

(a) Beverages sold in vending machines to students in elementary schools shall ~~[only]~~ be sold only after the last lunch period is completed and shall ~~[only]~~ include only:

(i) ~~[milk with a fat content of 2 percent or less]~~ fat-free (unflavored and flavored) and unflavored low-fat milk not to exceed 8 ounces;

(ii) soy milk; and

(iii) water.

(b) Carbonated beverages shall not be sold in vending machines to students in elementary schools.

(c) Food products shall not be sold in vending machines to students in elementary schools.

- (2) Middle schools:
- (a) Beverages sold in vending machines to students in middle schools shall ~~[only]~~ include only:
 - (i) ~~[milk with a fat content of two percent or less]~~ fat-free (unflavored or flavored) and unflavored low-fat milk not to exceed 12 ounces;
 - (ii) soy milk;
 - (iii) water; and
 - (iv) 100 percent fruit juice that has no added sweeteners and no more ~~[that]~~ than 125 calories per container and a serving size not to exceed ~~[20]~~ 12 ounces.
 - (b) Carbonated beverages shall not be sold in vending machines to students in middle schools.
 - (c) Food products sold in vending machines to students in middle schools are subject to the following requirements:
 - (i) Nuts, seeds, cheese, yogurt with less than 30 percent sugar per amount served, and fruit may be sold in vending machines in middle schools at any time and are not subject to the restrictions in item (ii) of this subparagraph.
 - (ii) Food products other than those listed in item (i) of this subparagraph shall ~~[only]~~ be sold only after ~~[the last lunch period is completed and are subject to the following restrictions: shall contain no more than 200 calories per container or per package or amount served and shall contain no more than 8 grams of fat per container or per package or amount served with no more than 2 grams of fat from saturated and trans fats and shall contain no more than 15 grams of sugar per package or amount served]~~ school hours.
- (3) High schools:
- (a) Beverages sold in vending machines to students in high schools at any time shall ~~[only]~~ include only:
 - (i) ~~[milk with a fat content of 2 percent or less]~~ fat-free (unflavored or flavored) and unflavored low-fat milk not to exceed 12 ounces;
 - (ii) soy milk;
 - (iii) water; and
 - (iv) 100 percent fruit juice that ~~[is at least 50 percent fruit and that]~~ has no added sweeteners and a serving size not to exceed ~~[20]~~ 12 ounces.
 - (b) Beverages sold in vending machines to students in high schools after the last lunch period is completed shall only include the items in subparagraph (a) and:
 - (i) ~~[carbonated soft drinks that are both sugar free and caffeine free]~~ calorie-free, flavored or unflavored carbonated water not to exceed 20 ounces;
 - (ii) calorie-free non-carbonated flavored water with no added sweeteners not to exceed 20 ounces; and
 - (iii) sports drinks that do not exceed 5 calories per serving and do not exceed 20 ounces.
 - (c) Food products sold in vending machines to students in high schools may be sold at any time subject to the following requirements:
 - (i) Nuts, seeds, cheese, yogurt with less than 30 percent sugar per amount served, and fruit may be sold in vending machines in high schools at any time and are not subject to the restrictions in item (ii) of this subparagraph.
 - (ii) Food products other than those listed in item (i) of this subparagraph ~~[are subject to the following restrictions: shall contain no more than 200 calories per container or per package or amount served and shall contain no more than 8 grams of fat per container or per package or amount served with no more than 2 grams of fat from saturated and trans fats and shall contain no more than 15 grams of sugar per container or per package or amount served]~~ shall be sold only after school hours.
- B. A la carte offerings must meet the following requirements:
- (1) Beverages sold in a la carte offerings may ~~[only]~~ be sold only during breakfast and lunch [period] periods and shall ~~[only]~~ include only:
 - (a) Elementary schools:
 - (i) fat-free (unflavored or flavored) and unflavored low-fat milk [with a fat content of 2 percent or less] not to exceed 8 ounces;
 - (ii) soy milk; and
 - (iii) water.
 - (b) Middle schools:
 - (i) fat-free (unflavored or flavored) and unflavored low-fat milk [with a fat content of two percent or less] not to exceed 12 ounces;

(ii) soy milk;
(iii) water; and
(iv) 100 percent fruit juice that has no added sweeteners and no more than 125 calories per container and a serving size not to exceed [20] 12 ounces.

(c) High schools:

(i) fat-free (unflavored or flavored) and unflavored low-fat milk [~~with a fat content of 2 percent or less~~] not to exceed 12 ounces;

(ii) soy milk;

(iii) water; and

(iv) 100 percent fruit juice that [~~is at least 50 percent fruit and that~~] has no added sweeteners and a serving size not to exceed [20] 12 ounces.

(2) Carbonated beverages or soft drinks, non-carbonated flavored water and sports drinks shall not be sold in a la carte offerings.

(3) Food products sold in a la carte offerings may ~~only~~ be sold only during lunch and are subject to the following requirements:

(a) Nuts, seeds, cheese, yogurt with less than 30 percent sugar per amount served, and fruit are not subject to the restrictions in subparagraph (b) of this paragraph.

(b) Food products other than those listed in subparagraph (a) of this paragraph are subject to the following restrictions:

(i) snack items/side dishes shall contain no more than [400] 200 calories per container or per package or amount served and no more than 200 mg of sodium; and

(ii) entrée items shall contain no more than 350 calories per container or per package or amount served and no more than 480 mg of sodium; and

~~[(ii)]~~ (iii) shall contain no more than 16 grams of fat per container or per package or amount served, of which no more than 2 grams come from saturated fat and trans fats combined; and

~~[(iii)]~~ (iv) shall contain no more than 30 grams of total sugar per package or amount served.

C. Fund raisers:

(1) ~~[Beverages and food products may be sold as fund raisers at any time during normal school hours except during the lunch period and are subject to the following requirements and limitations:~~

~~(a) Elementary schools:~~

~~(i) Beverages sold shall only include: milk with a fat content of 2 percent or less; soy milk; and water. Carbonated beverages shall not be sold.~~

~~(ii) Food products shall not be sold as fund raisers to students in elementary schools.~~

~~(b) Middle schools:~~

~~(i) Beverages sold shall only include: milk with a fat content of 2 percent or less; soy milk; water; and one hundred percent fruit juice that has no added sweeteners and no more than 125 calories per container and a serving size not to exceed 20 ounces. Carbonated beverages shall not be sold.~~

~~(ii) Food products sold are subject to the following requirements: nuts, seeds, cheese, yogurt, and fruit may be sold and are not subject to restrictions; food products other than nuts, seeds, cheese, yogurt and fruit shall contain no more than 200 calories per container or per package or amount served and shall contain no more than 8 grams of fat per container or per package or amount served with no more than 2 grams of fat from saturated and trans fats and shall contain no more than 15 grams of sugar per container or per package or amount served.~~

~~(c) High schools:~~

~~(i) Beverages sold shall only include: milk with a fat content of 2 percent or less; soy milk, water and juice that is at least 50 percent fruit and that has no added sweeteners and a serving size not to exceed 20 ounces.~~

~~(ii) Food products sold are subject to the following requirements: nuts, seeds, cheese, yogurt, and fruit may be sold and are not subject to restrictions; food products other than nuts, seeds, cheese, yogurt and fruit shall contain no more than 200 calories per container or per package or amount served and shall contain no more than 8 grams of fat per container or per package or amount served with no more than 2 grams of fat from saturated and trans fats and shall contain no more than 15 grams of sugar per container or per package or amount served.] A fund raiser that does not follow the restrictions of this competitive foods rule may be held during school hours one time per semester or trimester at the discretion of the principal or charter school director.~~

(2) ~~[Beverages and food products may be sold as] A fund [raisers]raiser [outside of normal] may be~~

held after school hours provided that at least 50 percent of the offerings meet the following requirements:

(a) Beverages: fat-free (unflavored or flavored) and unflavored low-fat milk~~[with a fat content of 2 percent or less]~~; soy milk, water and juice that is at least 50 percent fruit and that has no added sweeteners and a serving size not to exceed ~~[20]~~ 12 ounces.

(b) Food products: nuts, seeds, cheese, yogurt with less than 30 percent sugar per amount served, and fruit may be sold and are not subject to restrictions; food products other than nuts, seeds, cheese, yogurt with less than 30 percent sugar per amount served and fruit shall contain no more than 200 calories per container or per package or amount served and shall contain no more than 8 grams of fat per container or per package or amount served with no more than 2 grams of fat from saturated and trans-fats, and shall contain no more than 15 grams of sugar per container or per package or amount served.

[6.12.5.8 NMAC - N, 02-28-06; A, 08-15-14]

History of 6.12.5 NMAC: [Reserved]

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 6 SCHOOL DISTRICT WELLNESS POLICY

6.12.6.1 ISSUING AGENCY: Public Education Department.
[6.12.6.1 NMAC - N, 02-28-06]

6.12.6.2 SCOPE: This regulation applies to public schools in New Mexico unless otherwise expressly limited.
[6.12.6.2 NMAC - N, 02-28-06]

6.12.6.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Sections 22-2-1 and 9-24-8
NMSA 1978.
[6.12.6.3 NMAC - N, 02-28-06]

6.12.6.4 DURATION: Permanent.
[6.12.6.4 NMAC - N, 02-28-06]

6.12.6.5 EFFECTIVE DATE: February 28, 2006, unless a later date is cited at the end of a section.
[6.12.6.5 NMAC - N, 02-28-06]

6.12.6.6 OBJECTIVE: This rule requires the adoption of local school district wellness policies.
[6.12.6.6 NMAC - N, 02-28-06]

6.12.6.7 DEFINITIONS:

A. "Coordinated school health approach" means the framework for linking health and education. The focus is healthy and successful students. There are eight interactive components of coordinated school health: health education; physical education and activity; nutrition; social and emotional well-being; healthy and safe environment; health services; staff wellness; and family, school and community involvement.

B. "Family, school and community involvement" means an integrated family, school and community approach for enhancing the health and well-being of students by establishing a district school health advisory council that has the responsibility to make recommendations to the local school board in the development or revision, implementation, and evaluation of the wellness policy.

C. "Fund raiser" means a sale on a school campus to benefit a school or school organization of beverage or food products limited by a United States department of agriculture school meal program for use, consumption or sale during the school day in competition with school meals. A fundraiser may be conducted only for up to one school day on two occasions per semester or trimester term in a school that participates in United States department of agriculture school meal programs. The wellness policy implemented through 6.12.6 NMAC shall include annual assurances to the New Mexico public education department of compliance with limitations on "fund raisers" pursuant to this subsection and subject to review as part of the administrative review of a school food authority.

D. "Health education" means the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health-related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

E. "Health services" means services provided for students to appraise, protect, and promote health. These services are designed to ensure access or referral to primary health care or behavioral health services or both, foster appropriate use of primary health care services, behavioral health services, prevent and control communicable diseases and other health problems, provide emergency care for illness or injury, promote and provide optimum sanitary conditions for a safe school facility and school environment, and provide educational and counseling opportunities for promoting and maintaining individual, family, and community health.

F. "Healthy and safe environment" means the physical and aesthetic surroundings and the psychosocial climate and culture of the school. It supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse.

G. "Nutrition" means programs that provide access to a variety of nutritious and appealing meals and snacks that accommodate the health and nutrition needs of all students.

H. "Physical activity" means body movement of any type which include recreational, fitness, and sport activities.

I. "Physical education" means the instructional program that provides cognitive content and learning experiences in a variety of activity areas. It provides the opportunity for all students to learn and develop the skills,

knowledge and attitudes necessary to personally decide to participate in a lifetime of healthful physical activity. It meets the content standards with benchmarks and performance standards as set forth in Section 6.30.2.20 NMAC.

J. "Social and emotional wellbeing" means services provided to maintain or improve students' mental, emotional, behavioral, and social health.

K. "Staff wellness" means opportunities for school staff to improve their health status through activities such as health assessments, health education and health-related fitness activities. These opportunities encourage school staff to pursue a healthy lifestyle that contributes to their improved health status, improved morale, and a greater personal commitment to the school's overall coordinated school health approach.

L. "Emergency Operation Plan (EOP)" means the document which outlines and explains functions, resources and coordination procedures for responding to and supporting crisis, emergency, terrorist-response, and disaster operations, and is that portion of a safe school plan that details risk assessments and establishes the plans or procedures to manage a crisis, emergency, terrorist or disaster event before, during and after it has occurred and includes, but is not limited to, emergency routes and staff assignments as they relate to immediate actions, delayed actions, mitigation actions, facility evacuations and facility reentry.

[6.12.6.7 NMAC - N, 02-28-06; A, 11-30-06; A, 05-15-14; A, 12-30-14]

6.12.6.8 REQUIREMENTS:

A. This section applies to local school boards, local school districts, and charter schools and governs policies to be implemented by local school districts with regards to student and school employee wellness.

B. Each school district and charter school shall develop and implement a policy that addresses student and school employee wellness through a coordinated school health approach.

C. Each school district and charter school shall submit the wellness policy to the public education department for approval.

(1) Sections of the wellness policy that meet the requirements set forth in Paragraphs (3), (4), (5) and (10) of Subsection D and the requirements set forth in Subsection E of this section shall be submitted to the public education department on or before August 30, 2006.

(2) Sections of the wellness policy that meet the requirements set forth in Paragraphs (1), (2), (6), (7), (8) and (9) of Subsection D of this section shall be submitted to the public education department on or before January 30, 2007.

D. The wellness policy shall include, but shall not be limited to:

(1) a planned, sequential, K-12 health education curriculum that addresses the physical, mental, emotional, and social dimensions of health and is aligned to the health education content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC;

(2) a planned, sequential, K-12 physical education curriculum that provides the optimal opportunity for all students to learn and develop skills, knowledge and attitudes necessary to personally decide to participate in lifetime healthful physical activity and is aligned to the physical education content standards with benchmarks and performance standards as set forth in 6.30.2.20 NMAC;

(3) guidelines to provide physical activity opportunities to students before, during and after school;

(4) nutrition guidelines meeting standards established by federal rules at 7 CFR 210.11 and 7 CFR 210.11a, the Healthy Hunger-Free Kids Act of 2010, the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966;

(5) guidelines for fund raisers established at 6.12.5 NMAC and an annual assurance of compliance with limitations on fund raisers established at 6.12.5 NMAC;

(6) a plan addressing the behavioral health needs of all students in the educational process by focusing on students' social and emotional wellbeing;

(7) school safety plans at each school building focused on supporting healthy and safe learning environments; the school safety plan must be submitted to the public education department for approval on a three-year cycle and must include the following minimum components:

(a) introduction;

(b) school policies and procedures;

(c) prevention; and

(d) a school EOP;

(8) a plan addressing the health services needs of students in the educational process;

(9) a plan addressing the staff wellness needs of all school staff that minimally ensures an equitable work environment and meets the American with Disabilities Act, Part III;

(10) a plan for measuring implementation and evaluation of the wellness policy, including the designation of one or more persons within the school district, or at each school, as appropriate, charged with operational responsibility for ensuring that each school fulfills the district's wellness policy.

E. Family, school and community involvement. Each local board of education shall establish a district school health advisory council that consists of parent(s), school food authority personnel, school board member(s), school administrator(s), school staff; student(s); and community member(s). The school health advisory council shall have the responsibility to make recommendations to the local school board in the development or revision, implementation, and evaluation of the wellness policy consistent with this rule. The school health advisory council shall meet for this purpose a minimum of two times annually.

[6.12.6.8 NMAC - N, 02-28-06; A, 11-30-06; A, 05-15-14; A, 12-30-14]

History of 6.12.6 NMAC: [Reserved]

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 7 BULLYING PREVENTION

6.12.7.1 ISSUING AGENCY: Public Education Department
[6.12.7.1 NMAC - N, 11-30-06]

6.12.7.2 SCOPE: Local school boards and all public schools, including charter schools.
[6.12.7.2 NMAC - N, 11-30-06; A, 05-15-14]

6.12.7.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Sections 22-2-1, 22-2-21 and 9-24-8 NMSA 1978.
[6.12.7.3 NMAC - N, 11-30-06; A, 05-15-14]

6.12.7.4 DURATION: Permanent
[6.12.7.4 NMAC - N, 11-30-06]

6.12.7.5 EFFECTIVE DATE: November 30, 2006, unless a later date is cited at the end of a section.
[6.12.7.5 NMAC - N, 11-30-06]

6.12.7.6 OBJECTIVE: This rule establishes requirements for local school boards and public schools, including charter schools, to address bullying of students by adopting and implementing policies and prevention programs.
[6.12.7.6 NMAC - N, 11-30-06; A, 05-15-14]

6.12.7.7 DEFINITIONS:

A. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

B. "Cyberbullying" means electronic communication that:
(1) targets a specific student;
(2) is published with the intention that the communication be seen by or disclosed to the targeted student;
(3) is in fact seen by or disclosed to the targeted student; and
(4) creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities or performance.

C. "Department" means the public education department.

D. "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.

E. "IDEA" means the federal Individuals with Disabilities Education Act, 20 USC Secs. 1401 and following, including future amendments.

F. "Local school board" means the governing body of a school district.

G. "Public school" means a school as defined by Section 22-1-2 NMSA 1978, including charter schools.
[6.12.7.7 NMAC - N, 11-30-06; A, 05-15-14]

6.12.7.8 REQUIREMENTS:

A. This section governs policies and programs to be adopted and implemented by local school boards addressing bullying and cyberbullying. Cyberbullying policies and programs must be in effect beginning with the 2013-2014 school year.

B. Each local school board shall develop and implement a policy that addresses and cyberbullying. Each local school board shall make any necessary revisions to its disciplinary policies to ensure that cyberbullying is addressed in accordance with the requirements of this rule.

C. The anti-bullying policy shall at least include, but shall not be limited to:
(1) definitions;
(2) an absolute prohibition against bullying and cyberbullying;
(3) a method to ensure initial and annual dissemination of the anti-bullying and anti-cyberbullying policy to all students, parents, teachers, administrators and all other school or district employees;

(4) procedures for reporting incidents of bullying and cyberbullying which ensure confidentiality to those reporting bullying or cyberbullying incidents and protection from reprisal, retaliation or false accusation against victims, witnesses or others with information regarding a bullying or cyberbullying incident;

(5) consequences for bullying and cyberbullying which include consideration of compliance with state and federal IDEA requirements;

(6) consequences for knowingly making false reports pursuant to the anti-bullying policy;

(7) procedures for investigation by administration of incidents reported pursuant to the anti-bullying policy;

(8) a requirement that teachers and other school staff report any incidents of bullying and cyberbullying; and

(9) a requirement that anti-bullying is included as part of the health education curriculum as set forth in

6.30.2.19 NMAC ("content standards - health education").

D. The cyberbullying prevention policy shall require that:

(1) all licensed school employees complete training on how to recognize signs of cyberbullying;

(2) any licensed school employee who has information about or a reasonable suspicion of cyberbullying shall report the matter immediately to either or both the school principal and the local superintendent or to the head administrator of a charter school;

(3) any school administrator or local superintendent who receives a report of cyberbullying take immediate steps to ensure prompt investigation of the report; and

(4) school administrators take prompt disciplinary action in response to cyberbullying confirmed through investigation; disciplinary action taken pursuant to this subsection must be by the least restrictive means necessary to address a hostile environment on the school campus resulting from the confirmed cyberbullying and may include counseling, mediation and appropriate disciplinary action that is consistent with the legal rights of the involved students.

E. Every public school shall implement a bullying and cyberbullying prevention program.

F. Every local school board shall submit to the department, as directed by the department, assurances of:

(1) adoption and implementation of a policy addressing bullying and cyberbullying; and

(2) review and, if necessary, revision of disciplinary policies to ensure that the policies address cyberbullying; and

(3) implementation of cyberbullying training for all licensed school employees.

G. Every local school board and every charter school shall submit to the department, as directed by the department, assurances of implementation of bullying and cyberbullying prevention programs.

[6.12.7.8 NMAC - N, 11-30-06; A, 05-15-14]

History of 6.12.7 NMAC: [Reserved]

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 8 DIABETES SELF-MANAGEMENT BY STUDENTS IN THE SCHOOL SETTING

6.12.8.1 ISSUING AGENCY: New Mexico Department of Health.
[6.12.8.1 NMAC - N, 02/01/2009]

6.12.8.2 SCOPE: This rule applies to students enrolled in public, private, home or parochial schools in New Mexico unless otherwise expressly limited.
[6.12.8.2 NMAC - N, 02/01/2009]

6.12.8.3 STATUTORY AUTHORITY: This rule is adopted pursuant to the Department of Health Act, Section 9-7-6(E) and the Public Health Act, Sections 24-1-3(B), 24-1-3(G), and 24-1-3(O) NMSA 1978.
[6.12.8.3 NMAC - N, 02/01/2009]

6.12.8.4 DURATION: Permanent.
[6.12.8.4 NMAC - N, 02/01/2009]

6.12.8.5 EFFECTIVE DATE: February 1, 2009 unless a later date is cited in the history at the end of a section.
[6.12.8.5 NMAC - N, 02/01/2009]

6.12.8.6 OBJECTIVE: The purpose of this rule is to grant students who are authorized pursuant to this rule the right to self-manage their diabetes care in the school setting and to develop mechanisms that support safe diabetes self-management in the school environment.
[6.12.8.6 NMAC - N, 02/01/2009]

6.12.8.7 DEFINITIONS:

A. "Developmental level" means the appropriate age-specific stage of emotional, mental and physical growth as determined by the school nurse or other designated registered nurse or clinician.

B. "Equipment and supplies" means those materials required to store or dispose of sharps, to perform self-assessment procedures, or to self-administer medication.

C. "Health care practitioner" means a person authorized under law in New Mexico to prescribe drugs for the treatment of diabetes and associated medical conditions.

D. "Individualized healthcare plan" means a written plan that identifies the student's health care needs and is developed by the school nurse or designated registered nurse or clinician cooperatively with the student and parent or guardian based on the orders provided by the student's health care practitioner.

E. "Medication" means a drug as that term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) and includes oral and non-oral drugs in a pharmacy-labeled container.

F. "Other designated registered nurse or clinician" means a registered nurse or clinician designated by the school district to act in the capacity of a school nurse.

G. "School nurse" means a registered nurse (RN), clinical nurse specialist (CNS) or certified nurse practitioner (CNP) licensed by the New Mexico public education department to provide nursing services in the school setting.

H. "Self-administration" means a student's own use of prescribed diabetes medication pursuant to a prescription from a health care practitioner.

I. "Self-assessment" means a student's monitoring of his/her blood glucose levels and for the presence of ketones.

J. "Sharps" means a device with a keen edge or sharp point used to puncture the skin for the purpose of self-assessment or a needle used to inject medication.

[6.12.8.7 NMAC - N, 02/01/2009]

6.12.8.8 REQUIREMENTS:

A. **General rights:** Schools (whether public or nonpublic) are required to grant to any student in grades kindergarten through 12 authorization to carry and use equipment and supplies, for storage and disposal of sharps, for self-assessment and for self-administration of diabetes treatment medications prescribed by a health care practitioner if all of the following conditions are met.

(1) A health care practitioner has prescribed the medication, directed the instruction of the student in the correct and responsible use of the medication, and approved the student's ability to perform self-assessment and medication self-administration, pursuant to Subsection B of 6.12.8.8 NMAC.

(2) The student has demonstrated to the school nurse or other designated registered nurse or clinician the skill level and developmental level necessary to correctly store and use any equipment and supplies required to perform self-assessment and self-administration of such medication as prescribed by the health care practitioner (or the practitioner's designee).

(3) The school nurse or other designated registered nurse or clinician, with input from the parent or guardian and based on the student's health care practitioner's medical orders, has formulated a written individualized healthcare plan for management of diabetes care for the student that includes but is not limited to the correct storage and disposal of sharps by the student, the performance of self-assessment procedures and the self-administration of medication.

(4) The school has informed the parent or guardian of the student in writing that the school, including its employees and agents, is to incur no liability as a result of any injury arising from the performance of self-assessment procedures and the self-administration of medication nor from any injury arising from the student carrying and disposing of equipment and supplies to perform these procedures.

(5) The student's parent or guardian has completed and submitted to the school:

(a) all written documentation required by school policy; and

(b) the required treatment plan/medical orders; and

(c) a signed statement from the parent or guardian of the student acknowledging that the school, including its employees and agents, is to incur no liability as a result of any injury arising from the performance of self-assessment procedures and the self-administration of medication nor from any injury arising from the student carrying and disposing of equipment and supplies to perform these procedures, and the parent or guardian will indemnify and hold harmless the school, including its employees and agents, against any claim arising out of the performance of these procedures or storing and disposing of equipment and supplies to perform them.

B. Terms and limits of the student's rights: A student granted authorization under Subsection A of 6.12.8.8 NMAC shall:

(1) retain these rights not to exceed the duration of the current school year, but may lose these rights if, as determined by the school nurse and the school administrator, endangerment to the student's person or other persons occurs through the misuse of equipment, supplies, or medication or if the student's self-administration of medication is inconsistent with the prescribed dosage; and

(2) be responsible for storing and disposing of all sharps as agreed upon with the school nurse or other designated registered nurse or clinician; and

(3) be allowed to possess equipment and to perform routine self-assessment and self-treatment at locations identified in Subsection C of 6.12.8.8 NMAC but away from major traffic pathways as agreed upon with the school nurse or other designated registered nurse or clinician.

C. Extent of authorization: An authorization granted under Subsection A of 6.12.8.8 NMAC must allow the student granted authorization to store and dispose of equipment and supplies necessary for self-treatment and self-assessment in the school setting including:

(1) while at any location on school property, including the classroom, but away from major traffic pathways as agreed upon with the school nurse or other designated registered nurse or clinician;

(2) while at a school-sponsored activity;

(3) during regular before-school and after-school activities; and

(4) in transit to or from school or school-sponsored activities.

D. Duration of authorization: An authorization granted under Subsection A of 6.12.8.8 NMAC is effective only for the duration of the school year for which it is granted and must be renewed each subsequent school year in accordance with this subsection. It may be revoked at any time for failure to comply with Subsection B of 6.12.8.8 NMAC.

E. Back-up medication: The school must ensure that in the event of a diabetes emergency any back-up medication and equipment and supplies provided by the parent or guardian are kept at an easily accessible location agreed upon by the student and authorized individuals. The school must develop policies and procedures to address the safekeeping of these materials. Authorized school personnel who in case of an emergency and in good faith provide a person with back-up medication, equipment, or supplies are to incur no liability as a result of providing the materials and medication to an authorized student or individual.

F. Maintenance of information: Information described in Paragraphs (3) and (5) of Subsection A of 6.12.8.8 NMAC shall be kept on file at the student's school of enrollment in a location easily accessible by authorized individuals who have a legitimate need to know. Each school district must have in place policies and procedures that are in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Health Insurance Portability and Accountability Act of 1996 (HIPAA) to address the safekeeping and confidentiality of the described information.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 9 ELEMENTARY SCHOOL FREE BREAKFAST PROGRAM DURING INSTRUCTIONAL
TIME

6.12.9.1 ISSUING AGENCY: Public Education Department
[6.12.9.1 NMAC - N, 10-31-11]

6.12.9.2 SCOPE: All public schools, including charter schools.
[6.12.9.2 NMAC - N, 10-31-11]

6.12.9.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Sections 22-2-1 and 9-24-8
NMSA 1978.
[6.12.9.3 NMAC - N, 10-31-11]

6.12.9.4 DURATION: Permanent
[6.12.9.4 NMAC - N, 10-31-11]

6.12.9.5 EFFECTIVE DATE: October 31, 2011, unless a later date is cited in the history note at the end of a
section.
[6.12.9.5 NMAC - N, 10-31-11]

6.12.9.6 OBJECTIVE: This rule establishes requirements for districts and charter schools to establish a school
breakfast program providing free breakfast after the instructional day has begun, in all districts in which eighty-five
percent or more of the enrolled students at the elementary school were eligible for free or reduced lunch during the prior
school year.
[6.12.9.6 NMAC - N, 10-31-11]

6.12.9.7 DEFINITIONS:

A. "Breakfast after the bell program" means an elementary school breakfast program in which food shall
be served or consumed, at no charge, after the instructional day has begun, provided that instruction occurs
simultaneously, to all students attending that elementary school through a school breakfast program that meets the federal
school breakfast program standards as authorized by Section 4 of the Child Nutrition Act of 1966 and operated in
accordance with all applicable policies, guidance, and law, including the requirements listed in 7 CFR Part 220.

B. "Elementary school" means a public school providing instruction for grades kindergarten through
eight, unless there is a junior high school program approved by the department, in which case it means a public school
providing instruction for grades kindergarten through six (22-1-3, NMSA 1978).

C. "Federal reimbursement rate" means an amount prescribed annually by the United States secretary of
agriculture for federal payments towards each meal served; this rate differs for free, reduced price and paid meals and
depending upon whether the school is in "severe need," as defined in 7 CFR Part 220.2 and according to the criteria in 7
CFR 220.9.

D. "Financial hardship" means that if the school food services were to serve breakfast after the bell, it
would operate at a loss such that cost would exceed revenue and funds from the school districts or charter schools state
equalization guarantee would be required to cover the cost of serving breakfast after the bell.

E. "Local school board" means the governing body of a school district or charter school.

F. "School district" means an area of land established as a political subdivision of the state for the
administration of public schools and segregated geographically for taxation and bonding purposes.

[6.12.9.7 NMAC - N, 10-31-11]

6.12.9.8 REQUIREMENTS:

A. This section applies to local school boards, local school districts, and charter schools.

B. An elementary school in which eighty-five percent or more of the enrolled students at the school are
eligible for free or reduced-price lunch under the National School Lunch Act of 1946 during the prior school year shall
establish a breakfast after the bell program unless the school is granted a waiver by the department as per 6.12.9 NMAC.

C. An elementary school in which fewer than eighty-five percent or more of the enrolled students at the
school are eligible for free or reduced-price lunch under the National School Lunch Act of 1946 during the prior school
year and accepts state funding for the breakfast after the bell program shall establish a breakfast after the bell program.

D. Each school district and charter school that implements a breakfast after the bell program shall be reimbursed for students eligible for free or reduced price lunch under the National School Lunch Act of 1946 on a per-meal basis as set forth by the federal Child Nutrition Act of 1966.

E. Each school district and charter school that implements a breakfast after the bell program and accepts a department award for state funds for the breakfast after the bell program shall be reimbursed by the department for students not eligible for free price or reduced priced lunch under the National School Lunch Act of 1946 on a per-meal basis as set forth by the federal Child Nutrition Act of 1966 and shall be reimbursed by the department for students eligible for reduced priced lunch at a rate that reflects the difference between the federal established reduced meal rate and the free price meal rate under the National School Lunch Act of 1946.

F. Each school district and charter school that implements a breakfast after the bell program shall ensure that instruction occurs simultaneously when breakfast is served or consumed.
[6.12.9.8 NMAC - N, 10-31-11]

6.12.9.9 BREAKFAST AFTER THE BELL PROGRAM WAIVER:

A. A school district or charter school may apply to the department for a waiver of the breakfast after the bell program requirements if the school district or charter school can demonstrate that the providing program will result in financial hardship for the school district or charter school.

B. Request for a breakfast after the bell program waiver shall be submitted using the department's breakfast after the bell program waiver request form. This form shall include:

- (1) name of superintendent or director of charter;
- (2) district/school;
- (3) mailing address;
- (4) phone;
- (5) fax;
- (6) email;
- (7) name of secondary contact person including the same information as identified in Paragraphs (1)

through (6) of Subsection B;

- (8) date of submission;
- (9) statement district or charter school rationale for request; and

(10) the statement shall outline the financial hardship identifying how the breakfast after the bell program would operate at a loss such that cost would exceed revenue and funds from the school districts or charter schools state equalization guarantee would be required to cover the cost of serving breakfast after the bell.

[6.12.9.9 NMAC - N, 10-31-11]

History of 6.12.9 NMAC: [Reserved]