



# *New Mexico School Boards Association*

## **POLICY SERVICES ALERT**

**To: All Superintendents and Board Members**

**Date: October 25, 2021**

**Re: New Public Education Department COVID-19 rule issued**

On October 13, 2021, the New Mexico Public Education Department published a new regulation in the New Mexico Administrative Code, which addresses COVID-19 requirements.

The body of the new regulation reads as follows:

- A. School districts and schools shall follow all public health orders, executive orders, and department guidance, including the COVID-19 response toolkit for New Mexico's public schools, for the operation of schools, school sponsored activities, and school premises, including school transportation.
- B. School districts and schools shall honor tribal sovereignty and abide by applicable tribal public health orders, tribal executive orders, and tribal council resolutions.

NMAC 6.12.15.1

Policy Services assumes that the issuance of these mandates as state regulation is intended to bolster the Department's power uniformly to enforce public health orders in the state's schools, and to respect tribal authority to do the same, as needed.

This new PED regulation is immediately effective and applicable to all New Mexico public schools. (As you know, properly issued and published regulations, by an executive level agency of the state government, have the force and effect of law in New Mexico.)