

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]