

**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:** All public schools, including charter schools, and state supported educational institutions.  
[6.12.7.2 NMAC - N, 11-30-06]

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

**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 districts, schools and state supported educational institutions to address bullying of students by adopting and implementing policies.  
[6.12.7.6 NMAC - N, 11-30-06]

**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.        "Department" means the public education department.

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

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

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.

[6.12.7.7 NMAC - N, 11-30-06]

**6.12.7.8            REQUIREMENTS:**

A.        This section applies to local school boards, local school districts, and charter schools and governs policies to be adopted and implemented by local school districts with regards to addressing bullying.

B.        Each school district and charter school shall develop and implement a policy that addresses bullying, no later than April 1, 2007.

C.        Any such anti-bullying policy shall at least include, but shall not be limited to:

(1) definitions;

(2) an absolute prohibition against bullying;

(3) a method to ensure initial and annual dissemination of the anti-bullying policy to all students, parents, teachers, administrators and all other school or district employees;

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

(5) consequences for bullying 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
  - (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”).
- [6.12.7.8 NMAC - N, 11-30-06]

History of 6.12.7 NMAC: [Reserved]