NEW MEXICO HIGHER EDUCATION DEPARTMENT

MICHELLE LUJAN GRISHAM
GOVERNOR

STEPHANIE RODRIGUEZ
ACTING CABINET SECRETARY

November 10, 2020

MEMORANDUM

TO: New Mexico Early Care and Education Business Owners and Directors
New Mexico Public, Private, and Charter School Leaders
New Mexico Higher Education Institution Presidents, Chancellors and Administrators
FROM: Elizabeth Groginsky, Cabinet Secretary, New Mexico Early Childhood Education and Care Department
Ryan Stewart, Cabinet Secretary, New Mexico Public Education Department
Stephanie Rodriguez, Acting Cabinet Secretary, New Mexico Higher Education Department
CC: Billy Jimenez, Acting Cabinet Secretary, New Mexico Department of Health
James Kenney, Secretary, New Mexico Environment Department
DATE: November 9, 2020
RE: Rapid Response Protocol, Rapid Response COVID-19 Watchlist, and Mandatory 14-Day Shutdown

To prevent the spread and transmission of COVID 19, the Office of the Governor, New Mexico Early Childhood Education and Care Department (ECECD), New Mexico Public Education Department (PED), and New Mexico Higher Education Department (HED) have worked together to develop and implement a set of COVID-safe practices for New Mexico's child care providers, schools, colleges, and universities.

Three principles guide New Mexico's COVID-safe practices for education:

1. Prioritize the health and safety of students, faculty, staff members, and the community at large;
2. Maximize the number of safe child care providers and learning opportunities; and
3. Institute evidence-based and data driven guidance and decisions.

These COVID-safe practices allow essential early child care providers to remain open and allow schools, colleges and universities to implement a measured approach for reopening.

However, COVID-19 cases continue to surge throughout New Mexico, and that surge has directly impacted every community, child care provider, school, college and university. Given this surge, educational institutions and facilities in New Mexico will be adhering to the guidelines for closure outlined by the New Mexico Environment Department (ENV). This memo provides guidance and information about the New Mexico Environment Department's rapid response protocol, the Rapid Response COVID-19 Watchlist, and the 14-day shutdown protocol.

What is the Rapid Response COVID-19 Watchlist & what does it mean?

ENV's Rapid Response COVID-19 Watchlist allows the public to make informed decisions about their daily routines and engagements, and assists state and local regulatory agencies in evaluating whether employers are complying with state public health orders and COVID-safe practices.

When will a child care provider, educational facility or institution be added to the Watchlist?

Any New Mexico business, building or facility with two or more rapid responses within a 14-day period will be added to the COVID-19 Watchlist. A child care provider, educational facility or institution is added to the Watchlist when an authorized state agency initiates two or more rapid responses.

Operations of the child care provider, facility or institution while it is on the COVID-19 Watchlist will not be affected. The primary purpose of the Watchlist is to ensure timely and transparent public notification.

What Constitutes a Rapid Response?

A rapid response begins when a child care provider, school, college or university is notified by the New Mexico Department of Health or by an affected individual that an employee or a student has received a confirmed positive test for COVID-19 and that the employee or student has been physically present on the campus during the identified infectious period. Please note, a confirmed positive case of an employee or a student who has *not* been physically present during the infectious period will not be counted as a rapid response.

How is the Watchlist enforced for a remote employee or student?

A positive COVID-19 case among employees or students who are exclusively studying or working remotely will not initiate a rapid response at the facility or institution and will not be added as an instance toward placement on the Watchlist. Additionally, it is important for your facility or institution to note when the employee or student was last present in-person on the reporting form submitted to ENV and other state agencies.

What is the 14-day shutdown protocol?

Any business, building or facility that experiences a fourth rapid response protocol within a 14-day calendar period is subject to a mandatory 14-day shutdown of the building and (as applicable) should switch to remote learning. The shutdown and switch to remote learning must occur within seven (7) calendar days of initiation of the fourth rapid response.

For facilities and institutions under PED jurisdiction, "facility or institution" means a single school or administrative building within a local educational agency (LEA). For example, a LEA could have one school close for 14 days, another on the Watchlist, and others with no impact.

For higher education institutions, we understand the complexities of campus facilities. HED will evaluate next steps in consultation with the New Mexico Department of Health and the impacted college, university, or special school. In any closure, remote learning may continue if a facility or institution ceases regular operations because of rapid responses.

For further details, please see Section 15 of the operative public health order, which mandates closure of certain business entities that receive four (4) or more rapid responses in a 14-day period. Specifically:

> Any "food and drink establishment," "close-contact business," "place of lodging," "retail space," ***or other business that poses a significant public health risk***, as determined by the Department of Health, must close for a period of two weeks following the occurrence of four (4) or more rapid responses within a fourteen (14) day period. For purposes of this directive, rapid responses will be counted on a rolling basis.

Questions

Please refer to ENV's Rapid Response COVID-19 Watchlist webpage for more detailed information about the Watchlist, about what constitutes a rapid response, as and frequently asked questions regarding the Watchlist.