

retention comments

Jennifer Smith <jennifer.smith@rrps.net>

Fri 4/20/2018 1:39 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

To Whom It May Concern-

I am deeply troubled about the upcoming policy regarding retaining any student in any grade from k-3 who does not meet target benchmarks on standardized testing. First and foremost, I am not saying that students who are struggling should simply be pushed forward regardless of their difficulties. But I am deeply concerned about the academic, social, and emotional impact on students who are retained. My twin brother was retained in 7th grade. To make a point, he was smart and likely would have passed standardized assessments but he didn't want to do homework so he failed and was retained. As a result, he has struggled with depression for years, has felt "like a loser", and dropped out of high school his senior year. He went to trade school and has a successful job, but is dealing with the emotional effects to this day. He is 45 years old. Is this what we want for our youngest generation?

Studies do NOT show that more teaching of the same material is all they need. Studies do NOT show that kids who are retained aren't bothered by it. Studies do NOT show that after retention, students who are retained do as well or better than students who are promoted. Studies DO show that students find being retained to be in the "traumatic" category comparable to parents fighting or being caught stealing. Studies DO show that students who are retained actually achieve LESS academically than peers who were promoted. studies DO show that students who are retained are more likely to drop out. Studies DO show that retention is harmful and ineffective at increasing academic achievement. (<http://www.wrightslaw.com/info/fape.grade.retention.nasp.pdf>)

file:///C:/Users/jsmith/Downloads/GradeRetentionandSocialPromotion%20(1).pdf

<https://files.eric.ed.gov/fulltext/ED438916.pdf>

<http://www.wrightslaw.com/info/grade.ret.fallacy.pdf>

<http://www.ascd.org/publications/educational-leadership/mar08/vol65/num06/Grade-Retention.aspx>

<http://smhp.psych.ucla.edu/pdfdocs/graderet.pdf>

Please spend some time researching this proposal. Think of the effects on schools where we'll have tremendous expense in hiring double the number of first, second, and third grade teachers to account for retentions based on the criteria put forward, especially since kids can be retained multiple times. Will we have then students who are 14 in 5th grade? Is that healthy for students, both those retained and their supposed "peer group"? Are we prepared to pay to educate students until age 21? Are we willing to retain students with learning disabilities, when we know the reason they are not growing is because of a disability and not because they simply need more time? Will more time help a person in a wheelchair walk? Will more exposure to track and field teach this student to run?

Why can we not instead place our resources into other programs (since the state clearly has the resources to expand the number of students in the elementary schools across the state- we'll continue to get new kindergarten students but fewer students in grade 3-5.). Pay for Saturday schools. Provide more money for teachers to provide tutoring before and after school. Pay for more summer school programs. Provide pre-k literacy programs for at risk students. Provide more teachers to lower class sizes or pay for more interventionists

to provide concentrated support for students who show signs of struggle and who are at risk of failure. All of these address the root of the problem. Retention does not.

Please do not pass this dangerous ruling. People like my brother suffered from it in the past. He has still yet to recover from the harm it did to him. Don't do that to a generation of New Mexico's children. Instead, be willing to provide supports to our children. Don't call them FAILURES, Provide them with help and support so they can succeed!

Thank you for your consideration. (This is written as both an employee of the state ed department and as a mother of 3 students who attend NM educational institutions.)

Sincerely,

Jennifer Smith

Comment for proposed new rule 6.19.9 NMAC

Yo Benally <ybenally@yahoo.com>

Thu 4/26/2018 6:47 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

26APR18

Jamie Gonzales

Policy Division, New Mexico Public Education Department, Room 101

300 Don Gaspar Avenue,

Santa Fe, New Mexico 87501

In response to the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement, I am submitting my objection to this new proposed rule affecting my children.

The reasons for objecting is because the proposed rule relies on high-risk assessments to determine young children's proficiency in reading and uses that data alone to determine remediation and retention decisions. The proposed rule takes away my school district's discretion to determine what is best for my Navajo child based on her/his individual needs as a student, not based on what she scores on a standardized test. Early retention would have negative effects on student achievement long after their early childhood. Other programs such as afterschool programs that are being offered at our elementary would be better for improving and monitoring academic performance.

Professional development for teachers is also another program that could improve the performance in my children's education.

I do not support the proposed rule and should be not be passed because it will cause damage to young children today and in the future.

Sincerely,

Yolanda Benally-Littletree

Mother of 3 at Eva B. Stokely, Shiprock, NM.

Veteran & Engineer

State of New Mexico
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April 23, 2018

Christopher Ruszkowski
Secretary-Designate
New Mexico Public Education Department
300 Don Gaspar
Santa Fe, NM 87501

Dear Secretary-Designate Ruszkowski:

The Legislative Education Study Committee is submitting this letter as formal written comment to the department's proposed new rule, 6.19.9 NMAC, concerning early reading benchmark assessments, interventions, promotion, and retention. The rule in its current form, and based on the sections of statute the department cited as granting the department authority to promulgate the rule, exceeds the statutory authority granted to the department and conflicts with current statutory provisions, as follows:

- **Applicability to Kindergarten Students.** The proposed rule would apply to kindergarten through third-grade students; however, the provisions of Section 22-2C-6 NMSA 1978 only apply to first through 12th grade students. Kindergarten students are not mentioned in the Assessment and Accountability Act and as such, the Public Education Department (PED) does not have the authority to promulgate these rules to apply to kindergarten students.
- **PED-Approved Benchmark Assessment and PED-Designated Benchmarks for Kindergarten through Third Grade Students.** The proposed rule would require school districts and charter schools to administer a PED-approved benchmark assessment for literacy to kindergarten through third-grade students three times a year and use the results to make remediation and retention decisions. The Assessment and Accountability Act does not grant PED the authority to require school districts and charter schools to administer a PED-approved benchmark assessment for student literacy, nor does it grant the department the authority to establish the benchmarks that students must meet to be considered proficient. Subsection A of Section 22-2C-6 NMSA 1978 states, "Remediation programs, academic improvement programs and promotion policies shall

be aligned with school-district-determined assessment results and requirements of the state assessment and accountability program.” (The state assessment and accountability program referenced in this section refers only to standards-based assessments generally implemented pursuant to federal requirements).

- **Use of PED-Approved Benchmark Assessment for Remediation and Retention Decisions.** The proposed rule would require school districts and charter schools to make student remediation and retention decisions based on a PED-determined cut score on a PED-approved benchmark literacy assessment. Again, current law requires remediation programs, academic improvement programs, and promotion policies to “be aligned with school-district-determined assessment results...” Additionally, Subsection F of Section 22-2C-6 NMSA 1978 requires proficiency or lack thereof to be established through multiple measures, including “grades, performance on school district assessments and other measures identified by the school district.” This section does not give PED the statutory authority to approve or mandate a particular benchmark literacy assessment or to use a single assessment as the only metric to make remediation and retention decisions.
- **Good Cause Exemptions.** Because statute grants the authority to local school districts to make retention decisions based on locally identified multiple measures, PED does not appear to have the statutory authority to specify and limit “good cause” exemptions from student retention as identified in the proposed rule.
- **Accelerated Instruction.** The requirement for school districts and charter schools to make accelerated instruction available to kindergarten through third grade students also appears to fall outside of PED’s statutory authority; nowhere in the Assessment and Accountability Act is the idea of accelerated instruction contemplated.
- **Definitions.** The definitions of “academic improvement plan” and “student assistance team” are different than the definition of those terms in statute.

Pursuant to State Rules Act, no rule is valid or enforceable if it conflicts with statute and a conflict between a rule and a statute will be resolved in favor of the statute. The committee respectfully requests PED review the Assessment and Accountability Act and ensure the department is considering a rule that complies with current statutory requirements.

Thank you in advance for considering this request.

Sincerely,



Senator Mimi Stewart, Chair



Representative G. Andrés Romero, Vice Chair

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

State Capitol North, 325 Don Gaspar, Suite 200
Santa Fe, New Mexico 87501

ALBUQUERQUE NM 876

25 APR 2015 PM 31



Jamie Gonzales
New Mexico Public Education Department
Policy Division
300 Don Gaspar Ave, Room 101
Santa Fe, NM 87501

87501-278699



Untitled

Janet Harman <secondwindrepair@hotmail.com>

Wed 5/9/2018 10:08 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Thank you for the opportunity to provide feedback on this important rule. First of all - no instruction for young children should be data driven. As a parent of 2 (ages 16 and 12) I can tell you that their reading skills could not be accurately measured at the beginning stages. In fact, I do not know of anyone whose reading level could be measured when they were learning to read. The emphasis on data collection in modern education is a ruse and only serves to drain energy away from actual instruction, and line the pockets of companies selling programs to measure data. Everyone learns to read at a different pace, it cannot be standardized.

If the state wants reading skills to improve, especially in younger students, why not fund full-time librarians at every school? Librarians are the experts at encouraging reading. Why not fund at least one reading interventionist at every school? Reading interventionist know how to teach reading. And beyond that, anyone who is working with a child who has any training knows how to teach a child to read. Increase the numbers of teachers and I guarantee you more NM children will be reading. Also, it would be helpful for there to have more expertise in the schools about dyslexia which, if you take into consideration the many ways it can present, is far more prevalent than commonly believed.

Also, supporting literacy for the entire family is crucial. Involving families in meaningful ways in education is critical if you want to improve reading skills.

By the way, there is a common belief among some European educators that children should not learn to read before they are 7 or 8 years old. Faster, sooner, younger is not always better. Please research the literacy rates in countries where children are introduced to reading at a later age.

The rules proposed are totally off base.

Sincerely,

Janet Harman

Early Literacy

Janet Harman <secondwindrepair@hotmail.com>

Thu 5/10/2018 10:33 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Dear PED,

Once again your ignorance on child development has prevailed. These rules are disgusting, misguided and are nothing more than proof that the PED in this state is guided by some force that doesn't have anything to do with successful learning. Where do I begin? I suggest, since the department is data driven, that it do a little research to find ANY data that would support this initiative. Why don't you start in Europe where the expected age to begin to teach reading is generally accepted to be around 6-8 years old. Europe is generally thought of as a pretty literate continent, the last time I checked.

The acquirement of reading skills is a highly individual process, some children can read at 3 years, some begin to become literate at 8 years. You cannot standardize this process. Ask any literacy interventionist, or librarian, or teacher, or parent, or, for that matter, anyone who was ever a child. Speaking of professionals in this field - why is there no proposed increase in personnel to attack this problem? Why is there not a guarantee of a full-time on site librarian with an active library program at every school? Why is there no support proposed for families, many of which struggle with literacy themselves? You really think sticking a young child in front of a computer to test him/her 3 times a year will increase early literacy in this state?

The only outcome of this will be an increase in profits for the test manufacturers or administrators. And having our children spend even more time in front of a screen, which actually has been proven to decrease literacy among our youth. That's more data for you to research.

Please....the students of this state deserve for you to begin to take them into consideration, instead of some profit driven force.

Outraged,

Janet Harman

(mother of 12 year old, 16 year old students in APS)

Opposition Ltr to PED Rule Change 6.19.9

Michael Grossman <Michael.Grossman@la-panthers.org>

Fri 5/11/2018 7:40 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

Opposition Ltr to PED Rule Change 6.19.9.pdf;

Lake Arthur Municipal Schools comments in opposition of PED Rule Change 6.190.9

Michael Grossman, Superintendent
Lake Arthur Municipal Schools
700 Broadway
P.O. Box 98
Lake Arthur, NM 88253
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Subject: Opposition Ltr to PED Rule Change 6.19.9

Attachment File Type: pdf, Multi-Page



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May 10, 2017

New Mexico Public Education Department
Attn: Jamie Gonzales
Policy Division, Rm. 101
300 Don Gaspar Avenue
Santa Fe, NM 87501
Sent via email: rule.feedback@state.nm.us

Dear Secretary-Designate Ruszkowski:

The Board of Education and I, as superintendent, of Lake Arthur Municipal Schools do not support the proposed rule 6. 19.9 "Early Literacy Remediation, Interventions, and Parental Engagement."

The stated rule change does not address the basic student needs of literacy proficiency in the State of New Mexico. The presented statements cite significant weaknesses within the proposed changes and point out significant discrepancies across all school districts and their ability to meet even basic proficiency requirements in present literacy regulations and expectations.

The district questions the legal standing of such a rule change in that it contradicts the present statutory language.

The proposed rule is an increase in the unfunded mandate already in effect for districts to create intervention structures to address grades K-3 student non-proficiency status.

Tier 2 and Tier 3 instruction requires development and application of alternative instructional resources that are not universally available through professional development programs and/or funding of those alternative educational resources from validated research-based early learning instructional systems.

There is a significant lack of qualified teachers in reading across the State of New Mexico. This fact plays a pivotal role in providing professional experienced teaching to each New Mexico student.

The state has demonstrated a consistent inability to provide equal access across all New Mexico school districts to professional development to promote an increase in the ability of all New Mexico teachers to provide high quality reading instruction.

Embedded professional development by an instructional coach employed by a school district is not available to many school districts due to lack of funding to equally meet personnel needs in every New Mexico school district.

There is no balance to the system of the Public Education Department's process of endorsing research-based systemic reading programs as a basic right for each student and then creating a competitive application process and funding guidelines for implementation of the K3+ program and Reads to Lead that disqualifies universal reading improvement and is especially restrictive for application within small school districts.

The retention of students who have not met proficiency levels are often subjected to repeated same instruction due to the lack of investment in having professional reading teachers in the classroom and/or adequate professional development in the use of alternative instructional processes to improve the delivery of reading instruction. Therefore, the intended process becomes instruction that is punitive, socially inappropriate, and educationally ineffective.

The act of basing retention on high-stakes test scores has been substantiated that the act retention impacts disproportionately and negatively children of color, impoverished children, English language learners, and special needs students.

Research has shown that retaining students is strongly correlated with behavior problems and increased drop-out rates.

Grade retention represents policies that are based on a misleading advocacy of abolishing what is termed as "social promotion" when it is in fact the state's inability to fund a system of education in each school in which each student is provided the means to attain grade level proficiency.

Retention research has provided documentation that a child's self-concept is adversely affected by the act of retention with children feeling it is a cycle of punishment placed upon them, thereby diminishing their sense of belonging and reducing their opportunity for educational equity; and

Finally, the conclusion of retention research is that the academic benefits of retention are limited, short-lived, and far outweighed by the negative consequences on a student's development of reading, writing and all other aspects of literacy.

The proposed 6.19.9 rule change should be discarded. It is a misguided, punitive mandate and will not improve the ability of each New Mexico child to read with comprehension effectively.

The New Mexico Public Education Department should direct its reading instruction efforts to expand funding directly to school districts for qualified reading personnel and in-house instructional coaches, provide extensive professional development opportunities for expanding the instructional capacity of early childhood teachers and staff, provide extensive professional development training in parent education and engagement opportunities where appropriate, and collaboratively dialogue with all New Mexico school districts to implement plans that insure improvement of reading instruction not mandate it through an inadequate rule proposal.

Lake Arthur Municipal Schools therefore definitely opposes this rule as a means to improve student reading proficiency and strongly recommends that the New Mexico Public Education Department withdraw this inadequate early literacy rule from consideration.

Respectfully,



Michael Grossman, Superintendent

I OPPOSE 6.19.9 NMAC on Early Literacy

Sarah McKinney <sarah.a.mckinney@gmail.com>

Fri 5/11/2018 9:19 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I strongly oppose the proposed rule regarding early literacy. This rule is attempting to implement approaches to early childhood education and literacy instruction that have been roundly rejected by our communities of educators and families and by our elected officials through the legislative process. It is an overstep for PED to now try to sneak these provisions into rule. The proposed rule goes against current research on how young children learn, the benefits and risks of retention, and how our educators can best support students who struggle. The rule would also further solidify the over-reliance on narrow measures of student achievement and the big business of textbook and standardized testing corporations. Our children deserve better than this.

Sincerely,

Dr. Sarah McKinney

6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Bonnie Murphy <bonniej146@yahoo.com>

Sat 5/12/2018 9:02 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

6.19.9-NMAC_Proposed-Rule_Input_Bonnie Murphy.docx;

Dear Policy, Innovation, and Measurement Bureau Staff,

Thank you so much for the opportunity and honor to provide input on the creation of these rules for the benefit of our state's student population, school staff and regulatory institutions in New Mexico's Public Schools.

Attached is the proposed rule document with my input through edits, comments and references pertaining to the Proposed Rule for Early Literacy Remediation, Interventions, and Parental Engagement.

Most Sincerely,

Bonnie Murphy
Currently: Elementary Reading Interventions Teacher &
Special Education Case Manager
MAS Charter School
Soon to be: Student Supports Coordinator
Albuquerque Collegiate Charter School
cell# (505) 264-2401

“Your life doesn't get better by chance. Your life only gets better by change.” Jim Rohn

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY – ASSESSMENT AND ACCOUNTABILITY
PART 9 EARLY LITERACY REMEDIATION, INTERVENTIONS, AND FAMILY ENGAGEMENT

6.19.9.1 ISSUING AGENCY: Public Education Department, herein after the department.

[6.19.9.1 NMAC - N, 7/1/2018]

6.19.9.2 SCOPE: All public schools, state education institutions, and educational programs conducted in state institutions, other than the New Mexico military institute, serving students in kindergarten and grades one through three. If any part or application of this rule is held invalid, the remainder of the rule or its application in other situations shall not be affected.

[6.19.9.2 NMAC - N, 7/1/2018]

6.19.9.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to NMSA 1978, 22-2C-1 to 13, specifically 22-2C-6 NMSA 1978.

[6.19.9.3 NMAC - N, 7/1/2018]

A. Remediation programs, academic improvement programs and promotion policies shall be aligned with alternative school-district-determined assessment results and requirements of the assessment and accountability program.

I believe this makes it clear that academic improvement programs and promotion policies should be aligned with school-district-determined assessment results and an assessment and accountability program so creating this new rule is legal and brings clarity to the issue at hand. Schools need more formal guidance in this area; however the school boards need more transparency on their positions and recommendations, more input from parents and staff members, who often have the most up-to-date training and research-based strategies. They also have the most contact with families and students, so the conversations need to be more accessible to those outside of the board whose decisions affect them. Please, provide documentation about where school board decisions are kept, so that the public can look at them, either to decide if they want to place their children in that particular school organization or if they want to work at that school organization.

6.19.9.4 DURATION: Permanent.

[6.19.9.4 NMAC - N, 7/1/2018]

6.19.9.5 EFFECTIVE DATE: July 1, 2018, unless a later date is cited at the end of a section.

[6.19.9.5 NMAC - N, 7/1/2018]

6.19.9.6 OBJECTIVE: This rule establishes the conditions for improving early literacy outcomes for students in kindergarten and grades one through three by outlining interventions, providing mechanisms for engaging families, and notifying parents or legal guardians of all available options to improve student progress in early literacy.

[6.19.9.6 NMAC - N, 7/1/2018]

6.19.9.7 DEFINITIONS:

A. “Academic Improvement Plan” (AIP) means a written document developed by the Student Assistance Team (SAT) that outlines the grade-level literacy content not mastered by the student, and that prescribes specific interventions and remediation programs.

B. “English Language Learner” means a student whose first or heritage language is not English and who is unable to read, write, speak, or understand English at a level comparable to grade-level English proficient peers and native English speakers.

C. “Benchmark assessment” means a ~~department~~ state-approved assessment required for student literacy that diagnoses and regularly measures the acquisition of reading skills, including listening comprehension (very important for ELs), phonemic awareness, letter knowledge, alphabetic decoding, vocabulary, spelling, comprehension and fluency (subject to grade level) to be given a minimum of three times during the academic year. *Istation only gives Listening Comprehension (LC) assessments to Kindergarteners. First –Third Graders are not provided with LC assessments, even if they are lacking these skills. Also, Fluency is not given to prior to 1st Grade in January. Many Istation subskill assessments are not given unless the student either shows a need for remediation or a need for advancement.*

D. “Individual student report” means the report that indicates the student’s performance on the required state assessment using scale scores, performance levels, and subclaim-skill performance indicators.

E. “Intervention” means the intensive targeted instruction of individual students or small groups of students documented in Tier 1-Tier 3 data collection for SAT, EL, and IEP progress monitoring, as determined by student performance on the benchmark assessment.

6.29.1.7 DEFINITIONS:

BX. “Response to intervention (RtI)” means a multi-tiered organizational framework that uses a set of increasingly intensive academic or behavioral supports, matched to student need, as a system for making educational programming and eligibility decisions. It is a continuum of school-wide support that contributes to overall comprehensive school improvement efforts. In New Mexico, the RtI framework is called the “the three-tier model of student intervention.”

6.29.1.9 PROCEDURAL REQUIREMENTS:

E. *Student intervention system. The school and district shall follow a three-tier model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning or behavior.*

(1) *In tier 1, the school and district shall ensure that adequate universal screening in the areas of general health and well-being, language proficiency status and academic levels of proficiency has been completed for each student enrolled. If data from universal screening, a referral from a parent, a school staff member or other information available to a school or district suggests that a particular student needs educational support for learning or behavior, then the student shall be referred to the SAT for consideration of interventions at the tier 2 level.*

(2) *In tier 2, a properly-constituted SAT at each school, which includes the student's parents and the student (as appropriate), shall conduct the student study process and consider, implement and document the effectiveness of appropriate research-based interventions utilizing curriculum-based measures. As part of the child study process, the SAT shall address culture and acculturation, socioeconomic status, possible lack of appropriate instruction in reading or math, teaching and learning styles and instructional delivery mechanisms in order to rule out other possible causes of the student's educational difficulties. The SAT shall create no undue delay for full initial evaluation to determine eligibility for special education for a student who is identified as homeless or in foster care under the state's foster care system or based on criteria to assess housing stability status under the federal McKinney-Vento Act and the 2015 ESSA Title IV, Part B, due to the high mobility of this specific population group. When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student's needs promptly on an individualized basis, which may include a referral for a full, initial evaluation to determine possible eligibility for special education and related services consistent with the requirements of Subsections D-F of 6.31.2.10 NMAC and federal regulations at 34 CFR Sec. 300.300.*

(3) *In tier 3, a student has been identified as a student with disability or gifted under the state criteria for giftedness deemed eligible for special education and related services, and an IEP is developed by a properly-constituted IEP team, pursuant to Subsection B of 6.31.2.11 NMAC and federal regulations at 34 CFR Sec. 300.321.*

(4) *The department's manual, the student assistance team and the three-tier model of student intervention, shall be the guiding document for schools and districts to use in implementing the student intervention system.*

F. “Local Education Agency or “(LEA)” means a school district, or a locally chartered, or state-chartered charter school.

G. “Remediation” means tutoring, extended school day or school week programs, summer programs, and other evidence-based interventions and proven models for student academic improvement.

H. “Retention Waiver” means a document/letter that a parent is able to sign to indicate whether they consent or do not consent to their child being retained in the current grade for the next school year with an AIP.

“Student Assistance Team (SAT)” means a group consisting of a student's:

- (1) the school's SAT Chairperson**
- (2) the student's Reading teacher(s);** *our school currently has 4-6*

Reading Teachers per class for K-1, 6-7 Reading Teachers per class in 2nd/3rd grades (and will likely have the same model for 4th/5th grades next year when those grades are added) and 1-3 Reading Teachers per class in middle school classes.

~~school counselor;~~ *our school does not have a school counselor, just a social worker that is not allowed to do social work, even for the students*

on her IEP caseload because she is doing Truancy and Attendance per a grant received by the school

- (3) a school administrator or coach with training in RtI; and
 - (4) the student's parent or legal guardian, if they choose to participate;
- and
- (5) who all follow the guidance contained in the state's manuals for RtI and SAT.

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 29 STANDARDS FOR EXCELLENCE
PART 1 GENERAL PROVISIONS

6.29.1.7 DEFINITIONS:

CM. "Student assistance team (SAT)" is a school-based group of people whose purpose is to provide additional tier II support (consistent with requirements of the three-tier model of student intervention provided in Subsection ~~D~~**E** of 6.29.1.9 NMAC) to students who are experiencing academic or behavioral difficulties that are preventing them from benefiting from general education, because they are either performing below or above expectations. (Public agencies may have similar names used for this team, such as "student success team" or "student support team.") **Emphasis through underlining added by me. This statute definition has a typo in it! Interventions are not addressed in Subsection D (child abuse and neglect), but Subsection E (student intervention) of 6.29.1.9 NMAC! This needs to be corrected or it holds no weight! See above,**

6.29.1.9 PROCEDURAL REQUIREMENTS:

[6.19.9.7 NMAC - N, 7/1/2018]

6.19.9.8 GENERAL REQUIREMENTS FOR INTERVENTION, NOTIFICATION, AND REPORTING:

A. The **state** benchmark assessment for student literacy shall be administered a minimum of three times during the academic year. The beginning of year, middle of year, and end of year benchmarks shall be designated by the department. Student progress shall be carefully monitored throughout the academic year and shall be clearly communicated to parents or legal guardians through parent notification letters. The benchmark assessment shall measure, at a minimum, student performance on the five components of early reading: phonemic awareness, phonics, fluency, vocabulary, and reading comprehension. For English language learners, the assessment shall be grade-level appropriate and in the student's first language if appropriate and approved by the department.

B. Academic Improvement Plans (AIPs) shall be developed for students in need of early literacy intervention, as determined by performance on the benchmark assessment. School administrators shall ensure that ~~academic improvement plans~~ **AIPs** align with **state** department guidance and evidence-based best practices. The department may request to review student ~~academic improvement plans~~ **AIPs** at any time.

C. The determination of a student's literacy strengths and weaknesses **at End of Year (EOY)**, as measured by the benchmark assessment, shall serve as criteria for offering parents or legal guardians the option for their student to receive an additional year of instruction in the same grade level. The benchmark assessment results **and the**

SAT shall also direct the use of daily intervention, remediation, or alternative programming.

D. For ~~kindergarten~~ the statute doesn't say Kindergarten, only grades one through eight, so this is why schools need to be using RtI and the SAT process beginning in Kindergarten! and grades one through three, LEAs shall track and report student literacy promotion data in accordance with department requirements. Student proficiency shall be measured by the benchmark assessment, as defined in 6.19.9.7 NMAC. The department may issue additional guidance or provide additional tools to facilitate the collection and reporting of literacy promotion data.

(1) LEAs shall report the following data to the department by March 1 of each year:

(a) number of students ~~currently in attendance who are~~ not proficient in reading, as determined by the middle of year benchmark assessment; *our population of students is highly mobile, parents are showing propensity to take their child out of a school who have received a notice of non-proficiency and place them in another school they believe will help their child succeed, sometimes this is the first year and sometimes this is the second year they have been notified.*

(b) number of ~~student assistance teams~~ SATs convened for students not proficient in reading; ~~and~~

(c) number of students with Individualized Education Plans (IEPs) with Reading Goals who are not proficient in reading;

(d) number of parent notification letters sent regarding individual students not proficient in reading, as determined by the middle of year benchmark assessment.

(2) LEAs shall report the following data to the department by June 1 of each year:

(a) number of students ~~still currently in attendance who are~~ not proficient in reading, as determined by the end of year benchmark assessment; and

(b) number of students who are no longer in attendance who were not proficient in reading, as previously determined by the middle of year benchmark assessment;

(c) number of students who are now not proficient in reading that were not identified by the middle of year benchmark assessment, either because they were not in attendance or because their reading scores declined at any point after the middle of year assessment. *We have students who were proficient all year long and then were not proficient in the EOY assessment. This is a dilemma, much like another dilemma that appears to need guidance. What if there are students who are at the 42nd%, so they are technically Tier 1, but teachers and/or administration is recommending they are recommended for retention and the State Retention Notification Letter is being used to tell parents that the State is mandating their child be retained, when the PED is NOT recommending retention of students who ARE technically proficient in reading? How can we justify recommending retention for students who are proficient in reading, even if it is by a slim margin? I am not asking you to answer that question. My professional opinion is that it should be against the law for LEAs to do that. If a student is proficient and close to not being proficient, then a SAT plan needs to be developed to take effect immediately for the following school year, whether the student is at the same school or not.*

(d) number of retention waiver letters signed by parents or legal guardians of students not proficient in reading ~~as determined by the end of year benchmark assessment.~~

(3) LEAs shall report the following data to the department by ~~August 1~~ September 1 of each year:

(a) number of ~~returning~~ students retained as a result of not being proficient in reading, as ~~previously~~ determined by the end of year benchmark assessment ~~and in the June 1 data submission to the department;~~ *the August 1 deadline would typically be no different from the June 1 deadline because quite often, the students who were recommended for retention and their parents waived or didn't waive will*

register for the following school year and then not show up when the new school year starts, so the secretaries are busy calling to try to verify if they are attending the school or not and if not, they will give notification of the open spot and allow another student on the wait list to enroll.

(b) number of newly enrolled students retained as a result of not being proficient in reading, as previously determined by their prior school's end of year benchmark assessment and who either 1) their parent or legal guardian consented to retention, or 2) did not. *Who is enrolled and is in attendance or not that has been recommended for retention will not truly be determined until after school has officially started, which is going to be Aug. 13th this year, so I would suggest allowing for a couple of weeks each year for actual enrollment data to be recorded and the documentation to be prepared prior to a September 1 submission. Also, it can take a couple of weeks for the student's cumulative file to be transferred to the new school when they transfer to a new school, and there HAS to be a better way of informing the next school about the students' retention recommendations and waivers, SAT and/or IEPs, so that the data is reported and is accurate. There is a hole, a flaw, in that this retention information, as well as SAT and IEP information, is typically not timely enough to be used for accountability and assurance of proper differentiation of instruction and interventions to start the year out right, helping students. When a student has transferred into the school and takes their BOY Istation assessment, it is usually apparent if they were proficient the school year before and may have had a retention recommendation or not. If schools had students take their Istation assessment when they start school, during August, before the BOY assessment, there would be a good heads up about if they were proficient or not and the retention information could more likely be obtained before a September 1 submission. I would recommend another column on the literacy data reporting document that differentiates these two categories. In the future, this information will most likely be streamlined to schools through STARS or some other electronic means, so that parents and families are not unwittingly encouraged to unnecessarily and further increase the complications that ensue for students from high levels of mobility. Having this information readily available would be of great benefit for school and teacher planning and instruction for the best start to the school year for that student.*

(c) number of students not proficient in reading, as determined by the end of year benchmark assessment, promoted to the next grade;

~~(c)~~**(d)** number of students reading at performance level one, according to his or her grade three individual student report; *I am not sure what performance level one is (a generic term for Tier 1 on Istation?) This needs to be explained more clearly, since Tier 1 is the beginning of the SAT process, Tier 1 is proficient on Istation, and there are other uses for level one or tier 1.*

(d) explanation of final determinations of student retention and promotion for which student proficiency on the end of year benchmark assessment was not the deciding factor; *Hopefully, this portion of the data literacy document will be utilized this year, since the MOY notification meetings (not SAT, just a meeting with a parent and principal, a parent and coach, a parent and teacher, a parent, principal, and teacher, or a parent, principal, teacher, and coach but very rarely this last scenario) contained additional reasons such as age, developmental level, EL status, and teachers also took into consideration another assessment, STEP, and iREAD data, which are mentioned in the 2nd letter, the notification letter from the school. Unfortunately, nearly all of these meetings did not contain written information for parents about SAT (there wasn't one, usually), IEP goals in Reading (not acknowledged, usually), and did not include progress reported on a specific AIP (there wasn't one developed).*

(e) copy of the LEA's retention waiver letter(s) template(s); *there were 2 at our school and early on when they were sent in for approval, they were denied by Melinda Webster because the wording was changed from the template that the Bureau had drafted for all schools to use and did not communicate the policy guidance or statutes for retention that were provided from the department.*

(f) copies of all parent **signed** notification letters sent **or provided** to parents or legal guardians regarding individual students not proficient in reading, as determined by the middle of year **required state** benchmark assessment; and

(g) copies of all retention waiver letters signed by parents or legal guardians for individual students not proficient in reading, as determined by the end of year **required state** benchmark **assessment**.

[6.19.9.8 NMAC - N, 7/1/2018]

6.19.9.9 PARENT OR LEGAL GUARDIAN NOTIFICATION AND ENGAGEMENT:

A. If a student is not proficient in reading as determined by the ~~middle~~ **beginning** of year **required state** benchmark assessment, the student's teacher shall notify the student's parent or legal guardian formally, in writing, **within two weeks** and hold a parent-teacher conference. *Mid to end of February is not soon enough to inform families and engage them. Research shows that difficulties students have in school can be avoided or at least minimized through parent and/or family engagement in the child's education, so why wait until nearly 2/3 of the school year is over (especially in a school that may only have significant parent engagement on P/T Conference nights, where all surveys are filled out). Why not engage them early and use the Quarter 1 P/T Conferences as opportunities to report on progress?*

(1) Written notification shall include:

- (a) student performance on the benchmark assessment and ongoing progress monitoring;
- (b) specific **data driven and documented Tier 1 classroom** interventions implemented to-date;
- (c) strategies for parents or legal guardians to implement at home; and
- (d) **future** parent or legal guardian options including:
 - (i) daily **intensive** intervention **implemented through a SAT process**;
 - (ii) remediation; or
 - (iii) alternative programs.

(2) During the parent-teacher conference, the teacher shall review:

- (a) the student's performance in comparison to grade-level literacy standards;
- (b) assessment results that indicate the student is not on track to meet literacy benchmarks;
- (c) student growth targets **through data-driven Tier 1 or, if necessary, Tier 2 classroom interventions** that ~~will~~ **should** lead to student proficiency in reading by the end of the academic year; ~~and~~
- (d) **a timeline of when documentation will be provided (at least once per month and at each quarter) to inform parents or legal guardians** whether or not the student is on track to be college and career ready as measured by **progress monitoring and a date scheduled to review the student's mid-year benchmark assessment-and**
- (e) **if a student was not proficient the year before, whether retained or not retained, then a SAT process will take place for this student at this parent/teacher conference.**

Copied from above

B. If a student is not proficient in reading as determined by the middle of year **required state** benchmark assessment, the student's teacher shall notify the student's parent or legal guardian formally, in writing, **within two weeks and with a reminder of the previously scheduled date to hold a parent-teacher conference (for those whose children are significantly on target) or a SAT meeting (for those whose children have made little progress and who are still not proficient) to review their child's performance documentation. The state RtI and SAT guidance documents and manuals shall be followed.**

(1) Written notification shall include:

- (a) student performance on the benchmark assessment and ongoing progress monitoring;
- (b) specific **data driven and documented Tier 1 classroom or Tier 2 intensive** interventions implemented to-date; *this is important to note, because in the RtI and SAT process, interventions must be conducted first in the general education classroom for students without IEPs or who are not already on a SAT plan, so although it may be obvious to some, it is not always understood, communicated, or implemented properly. Classroom interventions, especially in schools with a co-teaching model, have been proven to be the most effective delivery for the majority (80%) of students in need. Pull-out, even more targeted Tier 2 and 3 interventions should be focused on the 15-20% that do not respond to Tier 1 interventions, for those who have an IEP with a Reading Goal that needs Tier 2 interventions, for students in SAT who need targeted Tier 2 Reading Interventions, and for ELs who need additional appropriate Reading Interventions beyond what they should be receiving in the classroom with their peers.*
- (c) strategies for parents or legal guardians to implement at home; *this is actually important because sometimes a student reaches proficiency in the previous skills discussed and targeted and is now working on the next skills in the systematic and explicit teaching of reading, so parents and legal guardians need to know how to continue to support them and even if they are on target, we want them to keep making forward progress and not fall behind again and*
- (d) **future** parent or legal guardian options **for students who are still not proficient** including:
 - (i) daily **intensive** intervention **implemented or continued through Tier 2 in the SAT process**;
 - (ii) remediation; or
 - (iii) alternative programs.

(2) During the parent-teacher conference **or SAT**, the teacher shall review:

- (a) the student's performance in comparison to grade-level literacy standards;
- (b) assessment results that indicate **if** the student is **or is** not on track to meet literacy benchmarks;
- (c) **a timeline of when documentation will be provided (at least once per month and at each quarter) to inform parents or legal guardians whether or not the student is on track to be college and career ready as measured by progress monitoring and a date scheduled to review the student's end of year benchmark assessment-and**
- (e) **if a student is not proficient, whether retained or not retained, then a SAT process will take place for this student at this parent/teacher conference.**
- (f) **in the case that the SAT suspects a disability requiring a Tier 3 or Special Education Diagnostic Evaluation, the parent or legal guardian will be provided with the Parent Rights and Responsibilities IDEA document and a consent form that shall be returned after a minimum of 2 days have passed to give the parent or legal guardian time to consider the options available and ask questions, in order to be properly informed of the decision they are making for their child that will affect their child for the rest of their lives.**

C. A The Student Assistance Team (SAT) shall develop an Academic Improvement Plan (AIP) for any student not proficient in reading as determined by the beginning of year benchmark assessment for students who are significantly behind and by the middle of year benchmark assessment for students who are not proficient. The Academic Improvement Plan shall clearly outline formal Tier 2 interventions, progress monitoring activities, delegation of responsibilities for those interventions and associated timelines to ensure student progress toward achieving grade-level literacy proficiency. The state guidance manuals for SAT and RtI shall be followed and if the child is

determined to need an IEP through the SAT recommendation of testing for a possible disability, the IEP would not replace the AIP.

C.D. If a student is not proficient in reading as determined by the middle of year required state benchmark assessment, the student's teacher shall notify the student's parent or legal guardian formally, in writing, within two weeks and with a reminder of the previously scheduled date to hold a parent-teacher conference (for those whose children are not proficient) or another SAT meeting (for those whose children have made little progress and who are still not proficient) to review their child's performance documentation and a retention recommendation meeting. The state RtI and SAT guidance documents and manuals shall be followed.

(1) Written notification shall include:

(a) student performance on the benchmark assessment;
 (b) specific data driven and documented Tier 2 intensive interventions implemented to-date;
 (c) strategies for parents or legal guardians to implement at home; and

(d) a retention option pursuant to 22-2C-6 NMSA 1978; or
 (e) in the case of the parent or legal guardian either not consenting to retention through a retention waiver or consenting to retention on the waiver form for the next school year,

(i) continued daily intensive intervention implemented through Tier 2 and the SAT process the following school year;
 (ii) summer remediation; and/or
 (iii) alternative programs.

(d) in the case that the SAT suspects a disability requiring a Tier 3 or Special Education Diagnostic Evaluation, the parent or legal guardian will be provided with the Parent Rights and Responsibilities document and a consent form that shall be returned after a minimum of 2 days have passed to give the parent or legal guardian time to consider the options available and ask questions, in order to be properly informed of the decision they are making for their child that will affect their child for the rest of their lives.

(2) Retention shall ensure that a student receives an additional year of instruction in the same grade with an amended Academic Improvement Plan. If a student's parent or legal guardian decides not to retain the student, the parent or legal guardian shall sign a retention waiver expressing their desire for the student to be promoted to the next higher grade with an Academic Improvement Plan designed to address specific early literacy deficiencies. A retention waiver shall only prevent the student's retention for one school year. If the student fails to reach proficiency in reading, as determined by the benchmark assessment, the following year, the school shall retain the student.

D.E. In all grades and subject areas, parents or legal guardians shall be notified of their student's results on required state assessments and provided their individual student report no later than 30 days after the start of the academic school year. This notification shall also be shared with the student's former and current teachers no later than 30 days after the start of the academic school year. *How is this going to work? I know there is a roster provided to review to see whose scores will be included on a teacher's evaluation, the school's evaluation, and the district's evaluation, but what is the mechanism for the scores to be provided to these teachers? This would be useful information!*

[6.19.9.9 NMAC - N, 7/1/2018]

6.19.9.10 EXEMPTIONS: Schools may only exempt students from retention for good cause or pursuant to the completion of a retention waiver letter provided by the LEA. A student who is promoted with an exemption shall continue to receive literacy interventions that include specific literacy strategies prescribed in his or her academic improvement plan until proficiency is achieved.

A. Good cause exemptions shall be limited to the following:

(1) students with disabilities whose individualized education program (IEP) indicate that participation in the benchmark assessment is not appropriate, pursuant to Subsection I of Section 22-2C-6 NMSA 1978, or other applicable state laws and regulations;

(2) students with disabilities who were previously retained in kindergarten or grades one, two, or three, and who participate in the benchmark assessment, and whose IEPs or section 504 plans reflect that they have received literacy intervention for more than two years but are still deficient in reading. ;

(3) students who have been previously retained in their current grade;

or

(4) students identified as English language Learners who have had less than three years of instruction in schools in the United States.

B. Documentation shall be submitted by **all of** the student's **Reading teacher(s)** to the school principal indicating why promotion is **or is not** appropriate. Documentation **required** shall include the reason for **or against** exemption and an existing academic improvement plan, **SAT plan** or IEP.

C. The school principal **or designated school administrator** shall review and discuss the recommendation with the **team of** student's teacher(s), **and** parent or legal guardian(s), **and through the SAT or the IEP Team to determine** whether or not the student qualifies for the requested exemption. If the ~~school principal~~ **the team** determines that, based on the provided documentation, the student qualifies for the requested exemption, the school principal **or designated school administrator** shall make such a recommendation in writing to the superintendent, **if applicable** ~~or charter school administrator~~. The superintendent, **if applicable**, ~~or charter school administrator~~ **principal or designated school administrator** shall accept or reject the recommendation in writing. **If accepted, the superintendent, if applicable, or principal or designated school administrator will report to the department, in writing, the acceptance or denial, including providing all of the above mentioned documentation in sections 6.19.9.9, A-E, and 6.19.9.10, A-C.**

[6.19.9.10 NMAC - N, 7/1/2018]

6.19.9.11 ACCELERATION OPTIONS: Academically challenging curriculum options that provide accelerated instruction shall be made available to public school students in kindergarten and grades one through three as follows:

A. At a minimum, each school shall offer the following options:

- (1) whole-grade and mid-year promotion
- (2) subject-matter acceleration; ~~and~~
- (3) online instruction in personalized, higher grade level content, **and**
- (4) **Gifted testing, if requested in writing.**

B. Additional options may include the following:

- (1) enriched science, technology, engineering, and mathematics;
- (2) enrichment programs;
- (3) flexible grouping;
- (4) advanced academic courses;
- (5) combined classes;
- (6) self-paced instruction;
- (7) curriculum compacting;
- (8) advanced-content instruction; and
- (9) telescoping curriculum.

[6.19.9.11 NMAC - N, 7/1/2018]

6.19.9.12 ELIGIBILITY AND PROCEDURAL REQUIREMENTS FOR ACCELERATION:

A. LEAs shall establish **in a team with public staff, board, parent and legal guardian school engagement team input, and with Gifted Endorsed teacher input, in accordance with Special Education, Gifted, IDEA and NM State guidance, laws and policies, the student eligibility requirements and procedural requirements for any whole-**

grade promotion, mid-year promotion, or subject-matter acceleration ~~that may result in a student attending a different school.~~ *Schools are required by law to provide for that student's needs, not tell them they have to go somewhere else because we don't differentiate or scaffold instruction here, or this will happen in other areas of education and student needs, such as student with disabilities, and will be transferred away from a school because of behavior, academic struggles, etc. This is a Pandora's box, if it gets opened. We know, because we have dealt with all of this recently and have also had way too many parents asking for their child to be tested for Gifted or Autism or something or provided with acceleration and the principal/superintendent decides they don't necessarily believe in Gifted or they need to wait and wait with a lower level of education that doesn't nurture that child's gifted needs, so a child languishes in their predicament for up to two years without going through a SAT process or a Gifted evaluation, so this should not be a decision that LEAs (if they are just one charter school or even a district superintendent) should be able to make by themselves without oversight from state guidance documents like the SAT manual or the RtI manual. Currently, we have non-individualized IEP Goals for Gifted high school students that are generic and all say the same thing because of the decisions of administration from the principal/superintendent to the special education director, so the Gifted students don't even get necessarily what they need and their test and dual credit scores and grades show that their strengths are not being nurtured.* Student eligibility requirements and procedural requirements established by the ~~LEA team~~ shall be included in the LEA's comprehensive student progression plan. *If schools were adhering to the policies that are actually in place already, like following a SAT, RtI, Gifted Manual, Developing IEPs Manual, etc., then all of this would be unnecessary. Our NM policies and guidelines already provide these options, but schools don't follow them.*

B. School principals in a team with public staff, board, parent and legal guardian school engagement team input, and with Gifted Endorsed teacher input, in accordance with Special Education, Gifted, IDEA and NM State guidance, laws and policies, shall establish student eligibility requirements and a process by which parents or legal guardians may request student participation in acceleration options offered at their school.

(1) Each principal shall inform parents or legal guardians and students of the options available at the school and the associated eligibility requirements for each option.

(2) If the parent or legal guardian selects one of these options, and the student meets the eligibility requirements established by the ~~principal team~~, the student shall be provided the opportunity to participate in the acceleration option.

C. When ~~establishing~~ considering individual student eligibility requirements for acceleration, principals and LEAs shall consider, with input from Gifted Endorsed staff and the parent, at a minimum:

- (1) the student's performance on a locally determined assessment;
- (2) the student's performance as indicated on his or her individual student report;
- (3) the student's grade point average;
- ~~(4) the student's attendance and conduct record;~~ *not having this option of acceleration could be the very reason that the student's attendance and conduct are being triggered, the antecedent to a behavior that affects negative consequences. A student is not able to control their attendance in K-3rd. They rely on adults for transportation, so it is not expedient to punish them for the adult, who may be struggling with poverty. This appears to be a civil rights issue. There are schools that provide proper incentive and attendance is very high, regardless of demographics, but even those schools have attendance issues with even the brightest of the student population as a result of poverty. The school also goes to great lengths to make sure there is transportation provided with government funding or state funds, however if the funds are not provided, the student should not be punished for a state's budget downfalls or for possibly re-prioritizing the funding unwisely (not to say that is*

necessarily happening right now). If a possibly Gifted student is denied access to acceleration because of their conduct, this could be a legal discrimination and a federal offense.

(5) recommendations from one or more of the student's teachers in core-curricula courses;

(6) a recommendation from a certified school counselor, if one is assigned to the school in which the student is enrolled, **or the student's social worker or private counselor**; and *again, our school doesn't assign or provide school counseling, so our students have to get counseling services outside of school and parents have to pay for it.*

(7) a recommendation from the student's parent or legal guardian.
[6.19.9.12 NMAC - N, 7/1/2018]

HISTORY OF 6.19.9 NMAC: [Reserved]

Early Literacy Remediation, Interventions, and Parental Engagement Feedback

Arturo Lujan Lopez <alopez@sfps.k12.nm.us>

Mon 5/14/2018 8:49 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I believe that in order to fulfill our responsibility as educators, we must ensure that we exhaust every possible resource to make our scholars succeed. Reason why I believe that no student should receive a letter of retention unless Tier 2 interventions have been implemented in the remediation process. I have seen too many colleagues not providing the necessary supports and just letting our kids fall through the cracks while telling the parents that they implemented interventions. SAT leaders should verify that those interventions are taking place.

--

Arturo Luján

Dual Language Teacher

César Chávez Elementary School

(505) 467-3200

****Disclaimer:** This message and any attachments are intended for the use of the addresses(s) only and may be confidential and/or legally privileged. If the reader is not the intended recipient, DO NOT READ, notify sender and delete this message. In addition, be aware that any disclosure, copying, distribution or use of the contents of this message is strictly prohibited. The contents of this message, while possibly falling under the exceptions of the Inspection of Public Records ACT [NMSA Chapter 14, Article2] may be subject to inspection by the public.

Untitled

Robert Lamm <r.lamm@tucumcarischools.com>

Mon 5/14/2018 9:04 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

These rules already exist in the form of PARCC test requirements. Students, teachers, and parents know exactly where the student is with regard to reading and writing based upon the reports that are generated from PARCC. What purpose will these new rules serve? Are we actually going to hold kids back a grade until they perform literacy skills at that grade level? If something isn't going to be done with consequences to the student and family, then this rule is just another layer of bureaucratic waste that teachers must jump through in order to perform no good for anyone but to justify the jobs of those who are writing and administering the rules.

Are these rules designed to hold teachers accountable? If so, aren't we already being held accountable through the teacher micromanagement system (politically called the teacher evaluation system).

If you want to continue justifying your job, rather than creating more inane rules, perhaps you could give the teachers more support. How?, you ask. Good Question!!! How about holding students back when they don't perform to teacher expectations (not even really teacher expectations since the State has usurped that authority as well)? How about penalties and consequences for families and students when the student doesn't perform? The State is pretty handy at micromanaging schools and teachers, how about exerting some of that muscle on the families? If the family doesn't value education, then no number of rules that you impose on teachers is going to affect that change in attitude. However, hit parents where they live, their spare time, their pocketbook, their freedom (yes, they can serve jail time on the weekends if they aren't supporting their child educationally). They can pay the school for extended school time to compensate teachers when their kids don't perform during school hours, and yes they can come to school with their kids in the evenings and work with their kids. Make it matter to the parents, and it will matter to the kids. Until it matters to the parents, it won't matter to the kids.

In conclusion, don't hurt teachers, they are your friends. Hold parents accountable. Students behaviors, attitudes, and ethics are reflective of those taught and held closely by the families that are raising them. Affect a change of these attitudes and behaviors and you will have yourself a whole new education system. Keep trying to

change teachers, you are going to run out of teachers and have a whole lot of baby sitters.

Respectfully Submitted,
Robert Lamm
Special Education Teacher
Tucumcari Public Schools

reading

Tena Joslin <tjoslin@fms.k12.nm.us>

Mon 5/14/2018 9:26 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

DAP.docx;

In response to: The PED is proposing a rule related to Early Literacy, and we would love your feedback as part of the rulemaking process. You know firsthand how important it is to ensure all of our children receive the reading instruction and support they need and that parents are informed and involved in their children's learning, so your comments about these processes to support early literacy will make a real difference.

Thank You,
Tena Joslin
Sped ELA 9-12

Points to keep in mind when developing criteria for Early Literacy Intervention.

1. DAP (Developmental Appropriate Practices) must be consider. Although some children are ready to read early than others, we as educators must understand Piaget's developmental stages. They hold true and if we force students to read before they are ready they will become frustrated and not likely try to read as they become older and ready to do so.
2. With this in mind there are a number or early literacy experience to prepare students for reading when they cognitively able. Exposure to literature in all aspects (reading, science, social studies, social skills, etc.) can be provided through reading to students, setting play areas so they can role play what has been read to them. Also provide play experiences that allow role play with various toys that encompass certain themes such as dinosaurs.
3. Language development is essential to reading. Allowing verbal interaction of students that is teacher directed as well as verbal teacher directed learning that uses word-based visuals during these lessons will increase student's reading ability. We must keep in mind students cannot comprehend words they do not know. So many times, emphasis on reading often overlooks language development. This includes vocabulary as well as grammar rules and word order. It also includes understanding that stories contain

certain elements. All this needs to be taught verbally and developed in a DAP setting before expecting a child to complete worksheet/workbook-based learning. So often many programs skip this level and students may become good decoders but not true readers as they lack the vocabulary and comprehension skills to understand and process the text.

4. Again, we as educators must remember all students do not develop at the same rate or learn the same way. Multi-modality learning is important in reading development and that does not take place just sitting at a desk completing reading/workbook materials. Learning is experiential and for many we learn by doing.

I know being a good reader is so important, but we are in a world where people/families range from extreme tech knowledge to non-readers, so our students enter school with varied abilities. A class room must address this as well. Kids want knowledge and are curious by nature. As educators we must use their interest and desire to learn rather than make them feel “not smart” and stressed. As a special educator and past SLP, I have seen this occur to many times, but I have also seen the successes where students were engaged appropriately and they became great readers and writers.

Fwd: opposition to Rule Change 6.19.9 NMAC

Ellen Ben-Naim <e.ben-naim@laschools.net>

Mon 5/14/2018 9:38 AM

To: FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

Rule Change 6.19.9 NMAC public input 05.13.18.pdf;

----- Forwarded message -----

From: **Ellen Ben-Naim** <e.ben-naim@laschools.net>

Date: Sun, May 13, 2018 at 8:49 PM

Subject: opposition to Rule Change 6.19.9 NMAC

To: C.Ruszkowski@state.nm.us

Dear Secretary Designate Ruszkowski,

Attached you will find my public input letter opposing Rule Change 6.19.9 NMAC. While I do believe we need to address to the high numbers of students in the early grades who are not proficient in reading, this rule change will only cause more damage and will not help struggling students.

Thank you for considering my input.

Sincerely,

--

Ellen Ben-Naim,
Vice President, Los Alamos Public Schools Board of Education
505-670-8153

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Ellen Ben-Naim
Vice President Los Alamos Public Schools Board of Education
2075 Trinity Road
Los Alamos, NM 87547

Christopher Ruszkowski
Secretary-Designate
New Mexico Public Education Department
300 Don Gaspar
Santa Fe, NM 87501

May 11, 2013

Re: Opposition to Rule Change 6.19.9 NMAC

Dear Secretary-Designate Ruszkowski

I am the School Board Vice President for the Los Alamos Public Schools. I am writing to you to voice my strong opposition to Rule Change 6.19.9 NMAC. It is ill conceived, contrary to all evidence and best practices and it conflicts with state statutes.

The PED tried for the past 7 legislative sessions to pass similar measures, and the legislature wisely declined to support these harmful bills. This rule change appears to be a last ditch effort to impose damaging policies.

RETENTION HARMS CHILDREN: Numerous studies show that retention has a negative impact on students' academic growth and social/emotional well-being and only increases the likelihood of dropping out of high school. Research shows multiple harmful outcomes of grade retention.

LOCAL SCHOOL DISTRICT AUTONOMY: This rule change undermines local school boards' autonomy to use multiple assessments and make case by case decisions on whether to retain a student. The same is true for students who may be able to skip a grade. Furthermore, the rule change contradicts state laws. Current law requires remediation programs, academic improvement programs, and promotion policies to "be aligned with school-district-determined assessment results..." (Subsection A of Section 22-2C-6 NMSA 1978).

ONEROUS UNFUNDED REPORTING REQUIRMENTS: This rule change is an unfunded mandate for a slew of reporting which hinders teachers' ability to provide their students with remediation and targeted intervention for their most vulnerable students. Do you want teachers to spend extra time with struggling students or pulling their hair out over endless paper work?

These are only the most glaring problems with this rule change, and there are quite a few other pitfalls. I strongly urge the PED to rescind Rule Change 6.19.9 NMAC.

Sincerely,

Ellen S. Ben-Naim
Vice President, Los Alamos Public Schools Board of Education

6.19.9 NMAC Early Literacy Remediation, Interventions, and Parental Engagement

Hope Morales <morales_hope@yahoo.com>

Mon 5/14/2018 1:42 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I write to you today as a mother of 3 children. My oldest son was born in late July, making him the youngest in his Kindergarten class. He was a very quiet boy, who was well behaved, and struggled, especially with reading/writing. His teacher offered tutoring, which we took advantage of and I worked with him at home. He was not confident in class and because he was so well behaved, I was afraid he would be overlooked and fall further behind. I had meetings with his teacher and district administrators. I compared his work with his peers who were "on grade level" (not advanced) and he was far behind. I requested that he repeat Kindergarten, but because the "proper paperwork" had not been complete and because "he was a boy," my request was denied. I had the same concerns in first grade and went through the same steps. Although his teacher acknowledged he was behind and stated she was doing interventions with him, a SAT was still not complete and I was unable to have him held back in first grade. I was a newer teacher in the district and was afraid to speak out too much and put my job in jeopardy. I was torn. I continued to work closely with his teachers to try to get him on grade level. He remained a quiet boy, with low academic confidence, and well behaved. He was acknowledged each year for "character awards," but never received anything for academics.

My husband and I decided our son would be held back in elementary school, before he got to middle school where the standards would advance and his GPA/proficiency would matter for future opportunities. I was no longer a newer teacher in fear, I was an advocate for my son and demanded he be held back in 5th grade. After meeting with the Assistant Superintendent of my district, my request was approved. During his second year in 5th grade, for the first time ever, he received A-B Honor Roll. He fit in well with his peers and he began to develop a confidence he had never had before.

I am happy that we made the decision to hold my son back and see the variety of benefits it has had, included improved academic performance and confidence. I am angered that I was not able to accomplish this in his earlier years of schools.

Parents deserve to be part of this very important conversation. As a teacher, I understood the need for my son to be retained so he would be better prepared. For parents who work outside of the schools, we must ensure proper communication and support is in place to ensure the best collaboration possible.

Thank you,
Hope Morales

6.19.9 NMAC Early Literacy Remediation, Interventions, and Parental Engagement

ostrichteacher@gmail.com on behalf of Leslie Baker <lesliebaker115@gmail.com>

Mon 5/14/2018 4:40 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

ProposedRuleEarlyLiteracy.docx;

Jamie Gonzales, New Mexico PED

I am writing to express my concern about the proposed rule that would mandate retention for students in K-3 who are below benchmark on one standardized test at the end of the year. I strongly oppose this rule based on my 25 years as an elementary school teacher, a parent of three children who attended public school, and a SAT Committee Chair tasked with considering data and student success when making decisions about how to best help a child struggling to read. As a current K-3 reading interventionist and coach, I see firsthand how students can make gains in a short amount of time and cannot be accurately judged by one computerized, short assessment.

When talking about primary grade children, I believe that we must focus on developmental stages. Often students are not developmentally ready or able to demonstrate mastery in a certain area but easily assimilate knowledge and skills the next year and catch up to their peers. Excellent teachers are key to this change: they meet students where they are and take them to benchmark and beyond using differentiation and explicit instruction. We educators are trained to look at all of the data points and not just one 25 minute test at the end of the year, because we know from experience that strong students can have a bad day. If I were forced to look at just one test (EOY) to determine that child's future placement, I would be hard pressed to make a good decision. I would certainly feel that my professional judgement and knowledge were not valued or utilized. It is a formulaic, robotic way to try to improve early literacy outcomes and the child is the victim.

In my experience, young children who are retained in the first few years of their schooling may in fact have a learning disability that has not been diagnosed yet because of their age and development. I have personally witnessed the negative effects of retention on many, many young people. Also, I have read the research on this topic:

From ASCD, March 2008, Vol 65, No. 6
What Research Says About Grade Retention by Jane David:

"Retention can increase the likelihood that a student will drop out of school. Students who drop out are five times more likely to have been retained than those who graduate (National Center for Education Statistics, 2006)."

"Although individual studies can be cited to support any conclusion, overall the preponderance of evidence argues that students who repeat a grade are no better off, and are sometimes worse off, than if they had been promoted with their classmates."

"A major weakness in the research on retention is documenting the educational experiences of students who are retained. Roderick & Nagaoka (2005) argue that retention under high-stakes testing presumes the problem lies with the student, not with the school. If the goal of retention is to provide an opportunity for students to catch up, the quality and appropriateness of their academic experiences is likely to be the determining factor. After all, why should repeating the same experience produce a different result?"

In addition, this rule is problematic for small charter schools such as mine that have just one class per grade. Students who are retained are placed with the same teacher for a repeat of the same curriculum and program. Openings for students in each class are made in early April through a lottery system, so it is impossible to provide 3-5 extra spots for retained

students in August. If this rule is passed, this would be the mandated situation and would be unworkable. As it currently exists, we make retention decisions prior to April looking at multiple data points and the child's needs. If this becomes law we would not be using best practices but a one-size-fits-all approach.

If this rule's intent is to improve parent communication as well as differentiation in the early grades, let's focus on those goals but not at the expense of a young student. It seems to me that we are attempting to penalize students for the failures of the schools. Most importantly, let's not put it all on one EOY test. What happened to holistic education and looking at the whole child?

I am attaching the proposed rule with my comments highlighted.

Thank you,

Leslie Baker
Taos, NM

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY – ASSESSMENT AND ACCOUNTABILITY
PART 9 EARLY LITERACY REMEDIATION, INTERVENTIONS, AND FAMILY ENGAGEMENT

6.19.9.1 ISSUING AGENCY: Public Education Department, herein after the department.

[6.19.9.1 NMAC - N, 7/1/2018]

6.19.9.2 SCOPE: All public schools, state education institutions, and educational programs conducted in state institutions, other than the New Mexico military institute, serving students in kindergarten and grades one through three. If any part or application of this rule is held invalid, the remainder of the rule or its application in other situations shall not be affected.

[6.19.9.2 NMAC - N, 7/1/2018]

6.19.9.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to NMSA 1978, 22-2C-1 to 13, specifically 22-2C-6 NMSA 1978.

[6.19.9.3 NMAC - N, 7/1/2018]

6.19.9.4 DURATION: Permanent.

[6.19.9.4 NMAC - N, 7/1/2018]

6.19.9.5 EFFECTIVE DATE: July 1, 2018, unless a later date is cited at the end of a section.

[6.19.9.5 NMAC - N, 7/1/2018]

6.19.9.6 OBJECTIVE: This rule establishes the conditions for improving early literacy outcomes for students in kindergarten and grades one through three by outlining interventions, providing mechanisms for engaging families, and notifying parents or legal guardians of all available options to improve student progress in early literacy. This objective is written to indicate that parents are aware of their options, not that schools must retain students who are below a set benchmark on just one data point. It is misleading, in my opinion.

[6.19.9.6 NMAC - N, 7/1/2018]

6.19.9.7 DEFINITIONS:

A. “Academic improvement plan” means a written document developed by the student assistance team that outlines the grade-level literacy content not mastered by the student, and that prescribes specific remediation programs.

B. “English language learner” means a student whose first or heritage language is not English and who is unable to read, write, speak, or understand English at a level comparable to grade-level English proficient peers and native English speakers.

C. “Benchmark assessment” means a department-approved assessment for student literacy that diagnoses and regularly measures the acquisition of reading skills, including phonemic awareness, letter knowledge, alphabetic decoding, vocabulary, spelling, comprehension and fluency to be given a minimum of three times during the academic year.

D. “Individual student report” means the report that indicates the student’s performance on the required state assessment using scale scores, performance levels, and subclaim performance indicators.

E. “Intervention” means the intensive targeted instruction of individual students or small groups of students, as determined by student performance on the benchmark assessment.

F. “Local education agency or “LEA” means a school district, or a locally chartered, or state-chartered charter school.

G. “Remediation” means tutoring, extended school day or school week programs, summer programs, and other evidence-based interventions and proven models for student improvement.

H. “Student assistance team” means a group consisting of a student’s:

- (1) teacher;
- (2) school counselor;
- (3) school administrator; and
- (4) parent or legal guardian, if they choose to participate.

[6.19.9.7 NMAC - N, 7/1/2018]

6.19.9.8 GENERAL REQUIREMENTS FOR INTERVENTION, NOTIFICATION, AND REPORTING:

A. The benchmark assessment for student literacy shall be administered a minimum of three times during the academic year. The beginning of year, middle of year, and end of year benchmarks shall be designated by the department. Student progress shall be carefully monitored throughout the academic year and shall be clearly communicated to parents or legal guardians through parent notification letters. The benchmark assessment shall measure, at a minimum, student performance on the five components of early reading: phonemic awareness, phonics, fluency, vocabulary, and reading comprehension. For English language learners, the assessment shall be grade-level appropriate and in the student’s first language if appropriate and approved by the department.

B. Academic improvement plans shall be developed for students in need of early literacy intervention, as determined by performance on the benchmark assessment. School administrators shall ensure that academic improvement plans align with department guidance and evidence-based best practices. The department may request to review student academic improvement plans at any time.

C. The determination of a student’s literacy strengths and weaknesses, as measured by the benchmark assessment, shall serve as criteria for offering parents or legal guardians the option for their student to receive an additional year of instruction in the same grade level. The benchmark assessment results shall also direct the use of daily intervention, remediation, or alternative programming. This uses the term option but it seems like it is in fact mandated the second year after the waiver.

D. For kindergarten and grades one through three, LEAs shall track and report student literacy promotion data in accordance with department requirements. Student proficiency shall be measured by the benchmark assessment, as defined in 6.19.9.7 NMAC. The department may issue additional guidance or provide additional tools to facilitate the collection and reporting of literacy promotion data.

(1) LEAs shall report the following data to the department by March 1 of each year:

(a) number of students not proficient in reading, as determined by the middle of year benchmark assessment;

(b) number of student assistance teams convened for students not proficient in reading; and

(c) number of parent notification letters sent regarding individual students not proficient in reading, as determined by the middle of year benchmark assessment.

(2) LEAs shall report the following data to the department by June 1 of each year:

(a) number of students not proficient in reading, as determined by the end of year benchmark assessment; and

(b) number of retention waiver letters signed by parents or legal guardians of students not proficient in reading.

(3) LEAs shall report the following data to the department by August 1 of each year:

(a) number of students retained as a result of not being proficient in reading, as determined by the end of year benchmark assessment;

(b) number of students not proficient in reading, as determined by the end of year benchmark assessment, promoted to the next grade;

(c) number of students reading at performance level one, according to his or her grade three individual student report;

(d) explanation of final determinations of student retention and promotion for which student proficiency on the end of year benchmark assessment was not the deciding factor;

(e) copy of the LEA's retention waiver letter template;

(f) copies of all parent notification letters sent to parents or legal guardians regarding individual students not proficient in reading, as determined by the middle of year benchmark assessment; and

(g) copies of all retention waiver letters signed by parents or legal guardians for individual students not proficient in reading, as determined by the end of year benchmark.

[6.19.9.8 NMAC - N, 7/1/2018]

6.19.9.9 PARENT OR LEGAL GUARDIAN NOTIFICATION AND ENGAGEMENT:

A. If a student is not proficient in reading as determined by the middle of year benchmark assessment, the student's teacher shall notify the student's parent or legal guardian formally, in writing, and hold a parent-teacher conference.

(1) Written notification shall include:

(a) student performance on the benchmark assessment and ongoing progress monitoring;

(b) specific interventions implemented to-date;

(c) strategies for parents or legal guardians to implement at home; and

(d) parent or legal guardian options including:

(i) daily intervention;

(ii) remediation; or

(iii) alternative programs.

(2) During the parent-teacher conference, the teacher shall review:

(a) the student's performance in comparison to grade-level literacy standards;

(b) assessment results that indicate the student is not on track to meet literacy benchmarks;

(c) student growth targets that will lead to student proficiency in reading by the end of the academic year; and

(d) whether or not the student is on track to be college and career ready as measured by the mid-year benchmark assessment.

B. A student assistance team shall develop an academic improvement plan for any student not proficient in reading as determined by the middle of year benchmark

assessment. The academic improvement plan shall clearly outline progress monitoring activities and associated timelines to ensure student progress toward achieving grade-level literacy proficiency.

C. If a student has not reached grade-level literacy benchmarks as determined by the end of year benchmark assessment (we found that some students who were proficient all year dropped at the end of the year after test fatigue from PARCC and MAP assessments which are very long. To base everything on the EOY Istation puts undue pressure on students and teachers at a difficult time of year.), the student's teacher shall notify the student's parent or legal guardian formally, in writing.

(1) Written notification shall include:

- (a) student performance on the benchmark assessment;
- (b) specific interventions implemented to-date;
- (c) strategies for parents or legal guardians to implement at

home; and

(d) a retention option pursuant to 22-2C-6 NMSA 1978.

Charter schools with just one class per grade and a lottery enrollment process will not be able to accommodate late year retentions of multiple students. Repeating a grade with the same teacher in these small schools does not help a student. Differentiation models and training will help teachers to help students more than mandated retention. Research shows that retention can be very detrimental to a student's success and has proved to be negative in many instances in my experience as a teacher.

(2) Retention shall ensure that a student receives an additional year of instruction in the same grade with an amended academic improvement plan. If a student's parent or legal guardian decides not to retain the student, the parent or legal guardian shall sign a retention waiver expressing their desire for the student to be promoted to the next higher grade with an academic improvement plan designed to address specific early literacy deficiencies. A retention waiver shall only prevent the student's retention for one school year. If the student fails to reach proficiency in reading, as determined by the benchmark assessment, the following year, the school shall retain the student. Considering retention in kindergarten and the primary grades does not allow educators to differentiate and follow the Response to Intervention model that helps us determine if a student has a specific learning disability. By rushing retention, potential SPED students will be held back.

D. In all grades and subject areas, parents or legal guardians shall be notified of their student's results on required state assessments and provided their individual student report no later than 30 days after the start of the academic school year. This notification shall also be shared with the student's former and current teachers no later than 30 days after the start of the academic school year.

[6.19.9.9 NMAC - N, 7/1/2018]

6.19.9.10 EXEMPTIONS: Schools may only exempt students from retention for good cause or pursuant to the completion of a retention waiver letter provided by the LEA. A student who is promoted with an exemption shall continue to receive literacy interventions that include specific literacy strategies prescribed in his or her academic improvement plan until proficiency is achieved. By focusing on just one test and not monthly progress monitoring or past results, teachers may be required to retain a student who is proficient. Istation is a fast-paced test and young children will sometimes drop significantly on a given test on which they had previously scored very high. Young students with sensory issues and attention issues struggle to show what they know. I believe that the guidelines for retention should consider more than just one data point.

A. Good cause exemptions shall be limited to the following:

(1) students with disabilities whose individualized education program (IEP) indicate that participation in the benchmark assessment is not appropriate, pursuant to Subsection I of Section 22-2C-6 NMSA 1978, or other applicable state laws and regulations;

(2) students with disabilities who were previously retained in kindergarten or grades one, two, or three, and who participate in the benchmark

assessment, and whose IEPs or section 504 plans reflect that they have received literacy intervention for more than two years but are still deficient in reading. ;

(3) students who have been previously retained in their current grade;

or

(4) students identified as English language learners who have had less than three years of instruction in schools in the United States.

B. Documentation shall be submitted by the student's teacher to the school principal indicating why promotion is appropriate. Documentation shall include the reason for exemption and an existing academic improvement plan or IEP.

C. The school principal shall review and discuss the recommendation with the student's teacher and parent or legal guardian and determine whether or not the student qualifies for the requested exemption. If the school principal determines that, based on the provided documentation, the student qualifies for the requested exemption, the school principal shall make such a recommendation in writing to the superintendent or charter school administrator. The superintendent or charter school administrator shall accept or reject the school principal's recommendation in writing.

[6.19.9.10 NMAC - N, 7/1/2018]

6.19.9.11 ACCELERATION OPTIONS: Academically challenging curriculum options that provide accelerated instruction shall be made available to public school students in kindergarten and grades one through three as follows:

A. At a minimum, each school shall offer the following options:

- (1) whole-grade and mid-year promotion;
- (2) subject-matter acceleration; and
- (3) online instruction in personalized, higher grade level content.

B. Additional options may include the following:

- (1) enriched science, technology, engineering, and mathematics;
- (2) enrichment programs;
- (3) flexible grouping;
- (4) advanced academic courses;
- (5) combined classes;
- (6) self-paced instruction;
- (7) curriculum compacting;
- (8) advanced-content instruction; and
- (9) telescoping curriculum.

[6.19.9.11 NMAC - N, 7/1/2018]

6.19.9.12 ELIGIBILITY AND PROCEDURAL REQUIREMENTS FOR ACCELERATION:

A. LEAs shall establish student eligibility requirements and procedural requirements for any whole-grade promotion, mid-year promotion, or subject-matter acceleration that may result in a student attending a different school. Student eligibility requirements and procedural requirements established by the LEA shall be included in the LEA's comprehensive student progression plan.

B. School principals shall establish student eligibility requirements and a process by which parents or legal guardians may request student participation in acceleration options offered at their school.

(1) Each principal shall inform parents or legal guardians and students of the options available at the school and the associated eligibility requirements for each option.

(2) If the parent or legal guardian selects one of these options, and the student meets the eligibility requirements established by the principal, the student shall be provided the opportunity to participate in the acceleration option.

C. When establishing student eligibility requirements for acceleration, principals and LEAs shall consider, at a minimum:

- (1) the student's performance on a locally determined assessment;

- student report;
- (2) the student's performance as indicated on his or her individual
 - (3) the student's grade point average;
 - (4) the student's attendance and conduct record;
 - (5) recommendations from one or more of the student's teachers in core-curricula courses;
 - (6) a recommendation from a certified school counselor, if one is assigned to the school in which the student is enrolled; and
 - (7) a recommendation from the student's parent or legal guardian.
- [6.19.9.12 NMAC - N, 7/1/2018]

HISTORY OF 6.19.9 NMAC: [Reserved]

Written Comments on PED's Proposed Rule on Retention

Bethany Pendergrass <bethany.pendergrass@rrps.net>

Mon 5/14/2018 4:51 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Cc:Happy Miller <happy.miller@rrps.net>; Carl Leppelman <carl.leppelman@rrps.net>; Elizabeth Jacome <elizabeth.jacome@rrps.net>; Cleveland, Dr. Sue <sue.cleveland@rrps.net>;

 1 attachment

Comments on proposed rule on retention.pdf;

Good afternoon,

Please see the attached **written comments on PED's proposed rule on retention**.

Thank you,

Beth Pendergrass

Chief Communications, Strategy and Engagement Officer

Rio Rancho Public Schools
500 Laser Rd. NE
Rio Rancho, NM 87124
Office: 505.896.0667





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Rio Rancho, NM 87124
P. 505.896.0667
F. 505.896.0662

May 4, 2018

Christopher N. Ruszkowski
Secretary
NM Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501

Secretary Ruszkowski:

Rio Rancho Public Schools (RRPS) is committed to rigorous standards, guaranteed and viable curricula, and the use of data to improve instruction. However, we have some concerns about the proposed Literacy Promotion Practices rule (NMAC 6.19.9). These concerns are related to two central issues contained in the proposed rule: retention and acceleration.

Concerns with blanket determinations of retention.

RRPS is committed to grade-level reading. The research clearly shows that students struggling to read at grade level in primary grades often fail in later academic settings. More recent research is also clear, however, that retention is not as effective as it once may have appeared. Bryan Jacob of the Brookings Institution summed up the recent research into retention eloquently, saying:

“...these studies ... do not find significant and lasting benefits. Several studies find that retention is associated with short-term improvements in standardized test scores, but these seem to fade within several years. And none of these “new generation” studies indicate any positive effects on high school completion.”

He goes on to say:

“Consider the case of Florida. While it is true that the state saw impressive initial gains in fourth-grade reading scores after adopting the policy in 2002, a rigorous analysis found that by the time kids who repeated third grade reached middle school, they were no better off than their peers who just missed being retained. Moreover, Florida invested nearly \$100 million per year in tutoring, summer school, and teacher professional development to support early reading at the same time it implemented mandatory retention. It is unclear whether a retention policy alone would have similarly positive effects.” (<https://www.brookings.edu/research/the-wisdom-of-mandatory-grade-retention>)



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RRPS agrees with NM PED that blanket social promotion policies that are devoid of comprehensive academic supports are harmful to students. However, RRPS also believes that blanket retention policies are equally harmful. We believe that Patrick McCarthy and Ralph Smith of the Annie E. Casey Foundation said it best: “the best available evidence suggests that retention alone is ineffective at improving student achievement, yet we know that social promotion alone is an unacceptable alternative. Most important, we know that intervention programs for third-graders who are at risk of being retained can substantially increase their academic achievement. This suggests that neither passive social promotion nor mandatory retention is a good policy strategy.” (https://gradelevelreading.net/wp-content/uploads/2014/05/EarlyWarning_ForewordLetter_RalphPatrick_Final.pdf)

RRPS believes that the most effective strategies focus on comprehensive intervention in all primary grades. RRPS argues that instead of rules that toughen an already clear retention law, support for comprehensive high-quality curriculum, materials, interventions, training in teaching foundational reading skills, and better aligned, Common Core Standards criterion-referenced assessments would be more effective tools to support districts in moving the needle to improve grade-level reading.

RRPS believes it is imperative that schools implement a three-tiered system of support for students learning to read at grade level. When properly implemented, the NM Literacy Framework can guide districts toward a focus on strong Tier 1 core instruction and on targeted intervention when students are not progressing at the same rate as their peers. Additional funding can provide districts with the necessary support to ensure that evidence-based and/or research-based resources are used to implement the NM RtI Framework. We feel that a strong focus on proactive response to student need will yield long-term benefits that mandatory retention does not.

RRPS is also concerned about the potentiality to have significantly over-age students in elementary school and beyond. As the proposed rule is written, a student may be retained once per grade K-3. Were this to happen, a student who entered Kindergarten at age 5 would be 14 prior to completing fifth grade (see table below). We believe such significant age disparities would create significant safety concerns for all students.

Table 1.

K	K Yr 2	Grade 1	Gr 1 Yr 2	Grade 2	Gr 2 Yr 2	Grade 3	Gr 3 Yr 2	Grade 4	Grade 5
5	6	7	8	9	10	11	12	13	14

Ultimately, RRPS believes that decisions around student promotion/retention should be based on multiple measures and the result of concerted, partnership-driven decisions made between parents, teachers and school administrators, not singular test scores. RRPS respectfully requests that NM PED consider eliminating the blanket requirements for retention, and instead put forth a plan to increase access to quality instruction and supports.

Concerns with mandatory acceleration programs.

RRPS believes both in personalization and in the rigor of the CCSS. Students who are able to perform at a higher level than their peers should be provided the opportunity to delve deeper into the standards and to engage in applications to real-life situations. However, the CCSS have been very well articulated in a vertical manner. We are concerned about the potential impact on students' future performance if they are not provided the opportunity to achieve mastery of the foundational standards at each grade level. That said, there may be a few cases where full year or mid-year promotion is appropriate. The district already has processes in place to evaluate the appropriateness of this action based on multiple measures. All stakeholders also need to consider the impact on the student's social and emotional well-being, not just in the early grades but also when the student is in the secondary setting and is not legally able to engage in the same activities as his or her peers. Since this already occurs, there is not a need for additional rules and regulations.

RRPS believes in providing comprehensive opportunities that allow each child to grow and excel. However, mandating an additional, separate, online curriculum for acceleration without funding is untenable. RRPS is concerned that the unfunded nature of this requirement will lead to the use of inexpensive, untested programs that may negatively impact the students they are designed to support. Because of this, RRPS respectfully requests that NM PED consider turning such requirements into optional programming.

Sincerely,

A handwritten signature in black ink, reading 'V. Sue Cleveland'.

Dr. V. Sue Cleveland,
Superintendent of Schools
Rio Rancho Public Schools

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Charles Goodmacher, NEA-NM <cgoodmacher@neanm.org>

Tue 5/15/2018 2:04 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

As an educator obligated by the Code of Ethical Responsibility of the Education Profession, I write to urge the PED to reject the proposed Reading Retention Rule 6.19.9.

Proposed rule 6.19.9 on literacy indicates a total lack of understanding of the statutes of the state and of the state's tradition of local control of public education. The rule conflicts with the law and it conflates several educational issues as though they just involve reading proficiency. Adopting the proposed Rule is wrong according to the law, and it is wrong for our students.

State statutes refer to a student's academic proficiency, not just their achievement on a reading benchmark test created by the PED. New Mexico 22-2C-6 states, "Local school boards shall approve school-district-developed remediation programs and academic improvement programs to provide special instructional assistance to students in grades one through eight who do not demonstrate academic proficiency." Reading proficiency will be measured by "by grades, performance on school district assessments and other measures identified by the school district."

The Rule wrongly proposes one high-stakes measure— and that PED created reading benchmark assessment does not even exist yet.

Nowhere in statute is the PED's newly minted accelerated options of whole grade or midyear promotions allowed in statute. A child's grade level placement must also consider developmental criteria other than just academic proficiency!

The PED's inclusion of Kindergarten in its ill-conceived rule has no statutory undergirding; no matter how far you stretch the law!

Please do not adopt this proposed rule.

Charles Goodmacher, NEA-NM
cgoodmacher@neanm.org

3540 North Pole Loop NE
Rio Rancho, New Mexico 87144

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Margaret Alire <info@actionnetwork.org>

Tue 5/15/2018 2:29 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

As an educator obligated by the Code of Ethical Responsibility of the Education Profession, I write to urge the PED to reject the proposed Reading Retention Rule 6.19.9.

Proposed rule 6.19.9 on literacy indicates a total lack of understanding of the statutes of the state and of the state's tradition of local control of public education. The rule conflicts with the law and it conflates several educational issues as though they just involve reading proficiency. Adopting the proposed Rule is wrong according to the law, and it is wrong for our students.

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The Rule wrongly proposes one high-stakes measure— and that PED created reading benchmark assessment does not even exist yet.

Nowhere in statute is the PED's newly minted accelerated options of whole grade or midyear promotions allowed in statute. A child's grade level placement must also consider developmental criteria other than just academic proficiency!

The PED's inclusion of Kindergarten in its ill-conceived rule has no statutory undergirding; no matter how far you stretch the law!

Please do not adopt this proposed rule.

Margaret Alire
m_alire@yahoo.com

1213 Godfrey St
Espanola , New Mexico 87532

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Rosemary Carrasco <rosemary.carrasco@carlsbadschools.net>

Tue 5/15/2018 3:06 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

As an educator obligated by the Code of Ethical Responsibility of the Education Profession, I write to urge the PED to reject the proposed Reading Retention Rule 6.19.9.

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The PED's inclusion of Kindergarten in its ill-conceived rule has no statutory undergirding; no matter how far you stretch the law!

Please do not adopt this proposed rule.

Rosemary Carrasco
rosemary.carrasco@carlsbadschools.net

4818 Vaquero
Carlsbad, New Mexico 88220

NO to mandatory retention!

Cate Moses Studio <catemoses@gmail.com>

Tue 5/15/2018 3:16 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Mandatory retention based on high-stakes testing does more harm than good. Years of research shows that holding kids back not only does nothing to improve their reading skills, instead it increases their likelihood of dropping out of school. Holding students back increases their risks of dropping out of high school – this has negative lifelong consequences for our children and for our community. New Mexico already has one of the worst dropout rates in the country. We need to help students stay in school, not push them out before they graduate.

Other states that have implemented mandatory retention based on high-stakes testing have reversed them after seeing them fail.

Holding students back especially hurts children of color and low income children – these are the kids who are facing the greatest educational barriers and are most likely to be held back and drop out of school.

The PED should withdraw its proposal and instead implement educational programs proven to improve literacy rates for our children.

The current retention policy already in place is good policy. It allows districts, teachers, and parents, the people who know a child best, to determine what must be done to help a child learn to read.

Cate Moses, Ph.D.
Artist and Educator
Santa Fe, NM
www.catemoses.com



Virus-free. www.avg.com

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Stephanie Garcia Richard <stephanie.garciarichard@nmlegis.gov>

Tue 5/15/2018 3:24 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

Dear Secretary Ruszkowski and public education department,

You have tried unsuccessfully for years to pass this flawed policy into legislation. It has failed because of its heavy reliance on a single, high stakes standardized measure, its lack of accompanying resources for early intervention and its failure to acknowledge the damaging impact of retention on the likelihood of a student's graduation. Please reconsider passing this shortsighted policy into rule and instead focus efforts and resources on your Striving Readers program which will prevent the need for such a punitive, failed policy to begin with by emphasizing early literacy.

Stephanie Garcia Richard

stephanie.garciarichard@nmlegis.gov

30 GLENVIEW COURT Street Address 2 Apartment or Suite Number

White Rock , Texas 87547

comments regarding the purposed rule

Church, Pamela <churchp@ruidososchools.org>

Tue 5/15/2018 4:07 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Our state always has budget issues. Has anyone considered the expense involved in implementing this rule?

My training taught me that there should be three data points in determining a child's performance. One point only provides a glimpse rather than a complete picture. For example, I have a student that is in Tier 2 in I-station. I just benchmarked him and he read with 99% accuracy. This student also has good comprehension skills. I-station does not provide that type of information.

Also, I agree with and teach the five components of reading as are indicated in the proposed "rule". However, not all children learn to read using phonics. Some learn by whole word or by sentence.

Instead of creating a rule that is flawed, why doesn't PED do something that would actually benefit our students? My solution is for the PED to provide funding for interventionists that are certified teachers and actually have a background in reading, as well as provide funding for alternative materials that can be used in place of the traditional curriculum that is not working for those students.

Thank you,
Pamela Church, M.ED.
Sierra Vista Primary
Ruidoso Municipal Schools

This message originates from the Ruidoso Municipal School District. This email and any files transmitted with it are confidential and intended solely for the use of the individual(s) or entity to whom they are addressed. If you have received this email in error please notify the system manager at admin@ruidososchools.org or via phone at 575-257-4051. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Rebecca DeLair <info@actionnetwork.org>

Tue 5/15/2018 4:47 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

As an educator obligated by the Code of Ethical Responsibility of the Education Profession, I write to urge the PED to reject the proposed Reading Retention Rule 6.19.9.

Proposed rule 6.19.9 on literacy indicates a total lack of understanding of the statutes of the state and of the state's tradition of local control of public education. The rule conflicts with the law and it conflates several educational issues as though they just involve reading proficiency. Adopting the proposed Rule is wrong according to the law, and it is wrong for our students.

State statutes refer to a student's academic proficiency, not just their achievement on a reading benchmark test created by the PED. New Mexico 22-2C-6 states, "Local school boards shall approve school-district-developed remediation programs and academic improvement programs to provide special instructional assistance to students in grades one through eight who do not demonstrate academic proficiency." Reading proficiency will be measured by "by grades, performance on school district assessments and other measures identified by the school district."

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The PED's inclusion of Kindergarten in its ill-conceived rule has no statutory undergirding; no matter how far you stretch the law!

Please do not adopt this proposed rule.

Rebecca DeLair
bdelair@gmail.com

PO Box 1325
Abiquiu, New Mexico 87510

Early Literacy Remediation Interventions and Parental Engagement

deb woodward <debsandwood@gmail.com>

Tue 5/15/2018 5:37 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

This opportunity to comment on NMPED's proposed rule concerning Early Literacy Remediation Interventions and Parental Engagement is necessary if students and families in New Mexico desire grade level reading proficiency. What parent would argue that they don't want their child to be able to read on grade level and comprehend rich text?

Unfortunately parents do not receive the necessary information about assessments and data that is available. Too often grade inflation is provided by teachers and principals to hinder honest discussion about reading skills. The parent teacher conference is interpreted as a mechanism to see students names published in the local hometown newspaper as an "Honor roll" student- through persuasion and not data. If there had been a Quality of Education survey conducted this year the first question posed could have been- Do you know how your child scored on the PARCC assessment? Not only do parents not know their child PARCC scores- the students do not know their scores either! Weak communication about academic progress must stop. The time has come to focus on student success and not fundraising or fluff.

If uninformed parents are the case in upper elementary grades-how are parents informed about their child's proficiency in grades K-3? Even the summer K-3 program does not adequately inform parents about academic progress. By putting the proposed rule in place, parents would see school as an academic building where challenging skills are taught and not as a part-time recreation center to plan popcorn and pickle sales. In theory, when a staff member from NMPED stops @ a school to review proposed intervention plans the districts will take their charge seriously. New Mexicans want strong academic & literacy skills taught effectively in the schools. Parents want to be involved in their children's education in a sincere and informed manner.

NMPED is moving in the right direction in delivering a strong meaningful Literacy rule that will inform parents of their child's progress.

I wholeheartedly support your efforts.

Sincerely,
Deb Woodward

Feedback: Early Literacy

Daniel Mannella <dmannella@bps.k12.nm.us>

Tue 5/15/2018 5:39 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

To whom it may concern, RE:

6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement

I am an educator in this state and I am of the belief that mandated retention for students not meeting certain proficiency standards for reading by 3rd grade is an absolutely disastrous, shortsighted idea. Since all that seems to matter to people involved in education policy in this country is money, consider the financial ramifications. This would be incredibly expensive, and for the same amount, if not less, you could pay for interventions that actually work instead of retaining students, which has proven largely ineffective. Test scores don't define students. Don't make them harm students either.

Very sincerely,

Daniel Mannella

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Kellye Stimpson <kellye.stimpson@demingps.org>

Tue 5/15/2018 8:14 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

As an educator obligated by the Code of Ethical Responsibility of the Education Profession, I write to urge the PED to reject the proposed Reading Retention Rule 6.19.9.

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Please do not adopt this proposed rule.

Kellye Stimpson
kellye.stimpson@demingps.org

2208 Lily Dr. NE
Deming , New Mexico 88030

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Lourdes Huerta <lourdes.huerta@demingps.org>

Tue 5/15/2018 9:22 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

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Please do not adopt this proposed rule.

Lourdes Huerta
lourdes.huerta@demingps.org

Po box 923
Hurley, New Mexico 88043

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Diane Trujillo <info@actionnetwork.org>

Tue 5/15/2018 10:17 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

As an educator obligated by the Code of Ethical Responsibility of the Education Profession, I write to urge the PED to reject the proposed Reading Retention Rule 6.19.9.

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Please do not adopt this proposed rule.

The PED has got to open their eyes! You are playing with people's lives in the classrooms you never visit. You have no idea what some of these children face on a daily basis, the issues we contend with in the schools, and the factors leading to failure for some of these kids. Let me be

one to say basing anything on these less than adequate standardized assessments is ridiculous. Can you please explain how the text to speech on a reading test is even a test of reading abilities? You are going to see more parents demand special education assessments for kids as a means to fight retention. We are already seeing teachers and administrators cheating on this flawed teacher evaluation system. Don't be blind to reality. Mandatory retention based on assessments created by Pearson is not for the child! Stop this ridiculous miss use of power!

Diane Trujillo
abcread123@gmail.com
1902 South 4th Street
Tucumcari, New Mexico 88401

early literacy

ROXANNE MITCHELL <roxanne.mitchell@clovis-schools.org>

Wed 5/16/2018 6:04 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

About 75% of my students enter 5th grade below grade level.

--

Roxanne Mitchell
Sandia Elementary

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Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Diana Jackson <info@actionnetwork.org>

Wed 5/16/2018 6:21 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

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Please do not adopt this proposed rule.

Diana Jackson
dianajackson4472@gmail.com

2510 Harvard Ave
Alamogordo , New Mexico 88310

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Carol Hatch <info@actionnetwork.org>

Wed 5/16/2018 7:33 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

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Please do not adopt this proposed rule.

Carol Hatch
sailorcjh@gmail.com

17335 Purple Sage Rd SW
Deming, New Mexico 88030-1200

rule feedback

Kimberly Moellenbeck <kmoellenbeck@bps.k12.nm.us>

Wed 5/16/2018 8:55 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I am a kindergarten teacher at Cochiti Elementary in Pena Blanca. Although I appreciate the idea, I do not agree with the rule that Tier 2 students should be held back. Especially if they have shown significant and continuous growth.

Thank you

Early Literacy Feedback

Rudi Thornburgh <rthornburgh@bps.k12.nm.us>

Wed 5/16/2018 9:04 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I am strongly opposed to retention as a default outcome for students not meeting grade level targets for literacy.

This is not a research supported path and is inappropriate to address the concerns outlined.

Further, retention as a means to address lack of academic progress has been shown to reduce academic engagement due to or in addition to social stigma and diminished self-esteem.

Academic interventions are the most consistently research supported option for students not meeting targets.

I suggest that this be where we place our resources.

Sincerely,
Rudi Thornburgh
Special Education Teacher
Cochiti School

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Maria Archuleta-Gabriele <info@actionnetwork.org>

Wed 5/16/2018 9:47 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

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Please do not adopt this proposed rule.

Maria Archuleta-Gabriele
maria.archuleta@gmail.com

1202 Ridgecrest Dr. SE
Albuquerque, New Mexico 87108

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Meredith Machen <mermachen@cybermesa.com>

Wed 5/16/2018 10:55 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

I write to object to the proposed rule as the founder of Literacy Volunteers of Santa Fe as well as an English teacher for 38 years. As Vice President of SFCC, I also supervised the teacher education program and the Early Childhood Development Center and allied programs. The PED should withdraw the proposed Reading Retention Rule 6.19.9 based on the scientific evidence of numerous studies that have shown that retention does more damage than good. Remediation through tutoring and supplemental instruction is far more effective than retention.

Proposed rule 6.19.9 on literacy indicates a total lack of understanding of the statutes of the state and of the state's tradition of local control of public education. The rule conflicts with the law and it conflates several educational issues as though they just involve reading proficiency. Adopting the proposed Rule is wrong according to the law, and it is wrong for our students.

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Thank you.

Dr. Meredith R. Machen,

Education Chair,
League of Women Voters of New Mexico.

Meredith Machen
mermachen@cybermesa.com
613 Webber St.
Santa Fe, New Mexico 87505

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Vivian Skadron <info@actionnetwork.org>

Wed 5/16/2018 11:28 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

As an educator obligated by the Code of Ethical Responsibility of the Education Profession, I write to urge the PED to reject the proposed Reading Retention Rule 6.19.9.

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Please do not adopt this proposed rule.

Vivian Skadron
vskadron@gmail.com

12915 Joelle Rd NE
Albuquerque, New Mexico 87112-6806

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Rebecca Shankland <info@actionnetwork.org>

Wed 5/16/2018 12:20 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruskowski and Members of the Public Education Department,

As a former teacher, I write to urge the PED to reject the proposed Reading Retention Rule 6.19.9.

The current practices are flexible and allow teachers and parents to make individual decisions for individual children. Generally, holding students back does more harm than good. Please do not adopt this proposed rule.

Rebecca Shankland
rebecca.shankland@gmail.com
6 Mariposa Ct.
White Rock, Texas 87547

Input on the proposed new rule 6.19.9 NMAC, Early Literacy Remediation, Interventions, and Parental Engagement.

Elaine Jacobs <info@actionnetwork.org>

Wed 5/16/2018 2:10 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Christopher Ruszkowski and Members of the Public Education Department,

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Proposed rule 6.19.9 on literacy indicates a total lack of understanding of the statutes of the state and of the state's tradition of local control of public education. The rule conflicts with the law and it conflates several educational issues as though they just involve reading proficiency. Adopting the proposed Rule is wrong according to the law, and it is wrong for our students.

State statutes refer to a student's academic proficiency, not just their achievement on a reading benchmark test created by the PED. New Mexico 22-2C-6 states, "Local school boards shall approve school-district-developed remediation programs and academic improvement programs to provide special instructional assistance to students in grades one through eight who do not demonstrate academic proficiency." Reading proficiency will be measured by "by grades, performance on school district assessments and other measures identified by the school district."

The Rule wrongly proposes one high-stakes measure— and that PED created reading benchmark assessment does not even exist yet.

Nowhere in statute is the PED's newly minted accelerated options of whole grade or midyear promotions allowed in statute. A child's grade level placement must also consider developmental criteria other than just academic proficiency!

The PED's inclusion of Kindergarten in its ill-conceived rule has no statutory undergirding; no matter how far you stretch the law!

Please do not adopt this proposed rule.

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