

## [EXT] NMAC 6.75.2 comment

Dahl, Heather J <heather.dahl@aps.edu>

Wed 10/10/2018 2:22 PM

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

Cc:Escobedo, Joseph <escobedo\_j@aps.edu>; Altobelli, Rachel K <rachel.altobelli@aps.edu>;

Dear Jamie,

On behalf of APS, including myself and Rachel Altobelli, the APS Director of Library Services and Instructional Materials, we would like to offer the following comment on rule change proposed for 6.75.2 NMAC, Relating to the Public Education Department Instructional Materials Bureau:

The proposed rule would allow open source content to be submitted for review by schools, district, and content publishers. This would increase flexibility and could potentially contribute to some reduction in school and district cost for Instructional Materials. However, the new rule also introduces a lack of clarity around what criteria will be used to review materials. The proposed rule eliminates the current practice of requiring core materials to score at least 90 percent of all possible points and introduces the possibility of additional (and possibly changing, from year to year) criteria being used for reviews, as determined by PED. While it is hard to predict what, specifically, might result from these changes, the ambiguity and possible lack of consistency from year to year does seem potentially problematic for both publishers and schools/districts.

Therefore, we thank you for the inclusion of open source materials. We also seek clarity around criteria regarding which materials will be placed on core lists. The flexibility is useful, but criteria provides clarity and standards and that seems to be lacking from the proposed re-writing of this rule.

Let me know what else you might need to consider this feedback.

Sincerely,

Heather Dahl, Ph.D. | Policy Analyst/Government Affairs Liaison | Albuquerque Public Schools  
Cell: 505-350-1649 | [heather.dahl@aps.edu](mailto:heather.dahl@aps.edu) | PO Box 25704 Albuquerque, NM 87125-0704

Currently Reading: The Belles by Dhonielle Clayton

Currently Listening to: The Color of Law by Richard Rothstein

## [EXT] Comments on Proposed 6.75.2 NMAC

Don Priola <[dpriola@drnm.org](mailto:dpriola@drnm.org)>

Tue 10/16/2018 10:25 AM

To:FeedBack, Rule, PED <[Rule.FeedBack@state.nm.us](mailto:Rule.FeedBack@state.nm.us)>;

Cc:Jesse Clifton <[jdclifton@drnm.org](mailto:jdclifton@drnm.org)>;

 1 attachment

Comments NMAC 6 75 2\_final\_10 16 18.pdf;

To Whom It May Concern,

Please find attached DRNM's Comments on Proposed 6.75.2 NMAC.

Sincerely,

Donald Priola, Paralegal  
Disability Rights New Mexico  
3916 Juan Tabo NE  
Albuquerque, NM 87111  
(505) 256-3100  
(505) 256-3184 (Fax)  
[dpriola@drnm.org](mailto:dpriola@drnm.org)

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## DISABILITY RIGHTS NEW MEXICO

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Gary Housepian, Chief Executive Officer

*Promoting and Protecting the Rights of Persons with Disabilities*

October 16, 2018

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

*Submitted by email to: [rule.feedback@state.nm.us](mailto:rule.feedback@state.nm.us)*

### **Re: Proposed 6.75.2 NMAC**

To Whom It May Concern,

Disability Rights New Mexico (DRNM) is a private, non-profit organization whose mission is to protect, promote, and expand the rights of persons with disabilities. DRNM is the federally designated Protection and Advocacy program for the state of New Mexico. We respectfully submit our written comments on this proposed regulation on behalf of our many constituents who stand to be impacted by its enactment.

DRNM understands and appreciates the need for the New Mexico Public Education Department (NMPED) to update, revise, and improve the regulations which govern operations and procedures of the Department. It is our belief that the suggested regulation changes for 6.75.2 NMAC is the Department's attempt at creating a more succinct and efficient process in the selection of instructional materials and technology. With this in mind, DRNM offers three points of consideration before finalization of this revised regulation.

First, under the current regulations, NMPED is to "appoint highly qualified teachers who are endorsed in the content area..." of the applicable curriculum. 6.75.2.8(G)(1) NMAC. The proposed revised regulation reduces this language to "reviewers of record receive adequate training and utilize the review forms developed by the department." 6.75.2.9(C)(3) NMAC. The "highly qualified" teachers/reviewers provision is being substituted with reviewers who would receive "adequate training." Additionally, under the current regulations at 6.75.2.8(G)(3) NMAC, the NMPED shall "appoint New Mexico community members, parents, level one teachers, and students preparing for careers as teachers to observe the reviews of record in the review." The proposed revised regulations have omitted this reference without a substitute.

DRNM is concerned by this. NMPED does not explain or define what will be considered "adequate training." Perhaps more importantly, this provision asserts that "adequate training" by NMPED is an appropriate substitute for using "highly qualified teachers who are endorsed in the

content area.” NMPED should rely on the experience and expertise of “highly qualified teachers” with endorsements in their content area. If this proposed regulation is promulgated without further revision, it will be a downgrade in the quality of student curriculum in New Mexico. DRNM urges NMPED to retain the provisions of the current regulations.

Second, DRNM is concerned about local school board authority and responsibility under the proposed rules. The current regulations state at 6.75.2.9(A) NMAC that “School boards shall develop and implement a process for the selection of instructional materials and shall ensure that parents and other community members are involved in the implementation of this process.” The proposed revised regulations, under 6.75.2.13(A) NMAC, reference only that “School boards shall develop and implement a process for the selection of instructional materials,” with no mention of parent or community involvement.

Schools have a unique and extremely important role in their communities, and the success of a community’s students can be positively impacted with community and parent partnership and involvement. Although this deletion may expedite the process for NMPED to select and implement instructional material, it reduces the partnership between schools and their communities. This is a principle that DRNM believes NMPED should not abide. NMPED should retain the language requiring community and parent involvement.

Finally, DRNM has significant concern over the proposed changes to Section II of the Review Form. The current regulations, at 6.75.2.8 (L)(9-10) NMAC, state that citations are required to show that the “material under review meets other relevant criteria such as:...(9) Supports differentiated or personalized learning through style, pace, or needs; (10) Can be adapted or configured by teacher to meet evolving needs...” The proposed revised regulations do not incorporate this language at all; however, the other “relevant criteria” was kept and can be found under the proposed regulation citation 6.75.2.9(D)(2) NMAC.

DRNM asserts that these criteria should not be deleted by the proposed revisions. For students with and without disabilities these are still highly “relevant criteria,” and they must remain as considerations when reviewing instructional material for New Mexico schools. The fact that NMPED has chosen to retain the other “relevant criteria” indicates an intentional deletion of these important considerations. The NMPED website states that in 2017, 15.7% of the state’s student population was students with disabilities. It is vital that these students be educated with curricula that can be adapted to their evolving educational needs.

DRNM understands and appreciates NMPED’s need and responsibility to update, revise, or otherwise promulgate appropriate regulations for the Department. It is with this understanding that we review the proposed regulatory changes by the Department and willingly provide our perspective to assist in crafting regulatory change that benefits all New Mexican’s, including those students with disabilities.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jesse D. Clifton". The signature is fluid and cursive, with a large initial "J" and a stylized "C".

Jesse D. Clifton  
Staff Attorney  
Corinne Wolfe Fellow for Transformative Advocacy