



January 2021

Volume 2

POLICY MATTERS

NM Public Education Department Policy Division

2021 Legislative Preview

With the 2021 legislative session fast approaching, the Public Education Department is focused on ensuring New Mexico's students receive the funding and programs they need. The 2018 decision in the Martinez/Yazzie consolidated lawsuit confirmed what many already knew: New Mexico was not providing sufficient resources and programs to students who need them most.

The PED's legislative request seeks to remedy those problems by using existing funds to bolster programs aimed at adding instructional time while also providing funding for other evidence-based initiatives, such as career technical education and community school

initiatives. The department is also proposing a new method of directing funds to schools that serve students with the least access to resources.

Over the last two years, the Legislature and Gov. Michelle Lujan Grisham have invested hundreds of millions of dollars in additional funding for teacher salary increases, additional instructional time, culturally and linguistically relevant instructional materials, early literacy support, and educator professional development, all significant components of the department's strategic plan to transform education.

Unfortunately, strict program requirements, individual community needs, and the effects of the COVID-19 pandemic have resulted in low participation in K-5 Plus and Extended Learning Time Programs (ELTP) and nearly \$300 million going unspent. The PED's FY22 proposal asks the Legislature to expand the use of approximately \$151 million previously earmarked for K-5 Plus and ELTP to allow school districts and charter schools to access that money to fund career technical education and community school initiatives, in addition to paying for added learning time. Approval of the request would mean local community needs, not legislative mandates, drive funding and programmatic decisions. The proposal also would not require new appropriations.

Additionally, the PED proposes leveraging unspent K-5 Plus appropriations to fund a Family Income Index factor that will funnel more than \$50 million over two years to schools serving students with the least amount of resources. While the current at-risk factor already provides additional funding based on district-wide numbers of economically disadvantaged students, English learners, and mobile students, the Family Income Index would use individual student and family data to ensure money reaches students and schools that need it most.

Meanwhile, the PED recognizes school districts and charter schools need continued support to overcome the challenges posed by the COVID-19 pandemic. By tapping unspent, one-time funds, the department wants to support districts by providing additional counseling and advising to secondary students, paying for additional instructional time and the transportation costs associated, as well as offering educators the professional development needed to address student learning loss.

Lastly, the PED will continue to advocate for nearly \$30 million in funding that supports initiatives in indigenous, multilingual and multicultural programs, the recruitment and retention of high quality educators, additional opportunities for students and programs aimed at

improving science and math education.

Summary of the PED Rulemaking Process

The rulemaking process begins when a federal or state law changes or the Public Education Department secretary establishes a new policy priority.

The department's policy team then determines how to implement the new law or policy.

Options include:

- Creating a new rule
- Amending an existing rule
- Repealing an existing rule
- Repealing and replacing an existing rule

Following that determination, the policy team, with input from stakeholders, develops a proposed rule draft. By law, the department must provide public notice of the proposed rule, give the public at least 30 days to comment on the proposed rule, and hold a public hearing a minimum of 31 days from the notice.

PED then considers the public feedback, incorporates it as needed, and, finally, adopts and files the rule with the [New Mexico State Records Center and Archives](#), where all state agency rules are published.

How NM PED works to close learning gaps

The following are activities the New Mexico Public Education has done to support schools and districts in understanding learning gaps and assessing needs of students for the school year 2020-21.

We are primarily targeting the important work of formative assessment so that educators have tools that directly impact instruction and expedite how they address potential learning gaps.

Timeline	Assessment Trainings & Resources Developed for Supporting New Mexico Educators	Primary Target Audience and Impact
-----------------	---	---

<p>August 2020 - Ongoing</p>	<p>Deeper Focus on the Role of Formative Assessment for Reentry and Priority Standards: Formative assessments practices <u>are the most impactful</u> to increase student learning.</p> <p>PED provided a 4-Part Reentry Webinar Series in collaboration with national assessment partners focused on formative assessments for diagnosing learning. This series is recorded for flexibility of district and school use. Topics included:</p> <ul style="list-style-type: none"> • Accelerated Learning Through the Use of a Guaranteed, Viable, and Equitable Curriculum • Identifying Learning Needs Through Formative Assessment Practices • Differentiating Instruction to Address Learning Needs • Using Multiple Measures in a Balanced Assessment System 	<p>Superintendents, Principals, Curriculum Coordinators, and District Test Coordinators</p> <p><i>To date, there have been 1,222 views of the series</i></p>
<p>August 2020 - Ongoing</p>	<p>Promoting Awareness and Access to State Funded Formative Assessment Resources and Tools: Multiple resources have been developed to support the availability of formative assessment resources for diagnosing student learning.</p> <ul style="list-style-type: none"> • Balanced Assessment System Quick Video • NMPED Reentry Webinar Series • The Balanced Assessment System – Quick Infographic (PDF) • Nuevo México Sistema equilibrado de Evaluación (PDF) • Balanced Assessment System Brochure (PDF) • Sistema equilibrado de evaluación (PDF) • Formative Assessment Practice – Student Needs Reentry Guide (PDF) • Usando múltiples medidas y prácticas formativas – para identificar las necesidades de aprendizaje (PDF) 	<p>Policy Makers, District & School leaders, Parents and Classroom Teachers</p> <p><i>To date this page has had 1,460 visits</i></p>
<p>September – November 2020</p>	<p>Fall 2020 Testing Made Available to Schools and Families: Where safely possible, and within the parameters of the Public Health Order, PED supported schools in administering fall beginning of year (BOY) assessments. In grades K-8, these assessments were also available remotely and were able to be administered from home.</p> <ul style="list-style-type: none"> • Grades K-2: 54,487 students and families participated in interim assessments • Grades 3-8: 31,364 students and families participated in interim assessments • High School Seniors: 5,419 students participated in the optional SAT School Day 	<p>Families and students</p> <p><i>91,270 students participated in fall testing</i></p>
<p>September 2020 – Ongoing Development</p>	<p>Canvas Distance Learning Courses Available to All New Mexico Educators: PED continues to develop courses in Canvas so teachers can access professional learning asynchronously as their schedules allow.</p> <ul style="list-style-type: none"> • Using Dynamic Learning Maps for Students with Significant Cognitive Disabilities • Interim and Formative Assessment Practices 	<p>Teachers, Instructional Coaches, District Test Coordinators</p>

	<ul style="list-style-type: none"> • ELA and Math SAT Questions Bank Resource • See full list of available Canvas courses here. 	
November 2020-June 2021	<p>Expanding Assessment Literacy for Classroom Teachers With a Focus on Formative Assessment Practices: PED is conducting a series of webinars aimed at supporting educators in understanding the assessment components of the New Mexico Balanced Assessment System and how they support high-quality instructional practices. Increasing Assessment Literacy: A Springboard for New Mexico Educators.</p> <ul style="list-style-type: none"> • Past webinar recordings available at https://newmexico.onlinehelp.cognia.org/professional-learning/ • A full schedule is available. 	<p>Teachers, Instructional Coaches, District Test Coordinators</p> <p>91 participants to date</p>
January 11-12, 2021	<p>First Annual Assessment for Learning Virtual Conference This conference is aimed at building awareness of the importance of assessment in understanding student learning needs. PED will have national and state-level speakers. (See attached Save the Date)</p> <ul style="list-style-type: none"> • Reserve your seat by registering here. 	<p>Superintendents, Principals, Curriculum Coordinators, District Test Coordinators</p>

Assessment for Learning Virtual Conference

The first **Assessment for Learning Virtual Conference** will be held Jan. 11-12. Participation is free and open to all New Mexico educators **via Zoom links** through Canvas. To access Canvas, you must first [register](#) for the conference. If you have already [registered](#), please [explore the Pre-Conference page and complete the check in](#) within Canvas after logging in. **To assist new Canvas users, PED has put together a conference [navigation guide](#). [For more details, see the flier here](#).**

JULY RULES

Title: [Charter School Governing Body Training Requirements](#)

Rule No: [6.80.5 NMAC](#)

Statutory Authority: [Section 22-8B-5.1 NMSA 1978](#)

Purpose: The purpose of this rule is to establish mandatory training course requirements for all members of school governing bodies.

Summary: This rule requires members of a charter school governing body to take one hour of

training on equity and culturally and linguistically responsive practices. They were previously exempted if the school achieved a certain level of academic performance. This rule does not change hourly training requirements and exemptions for fiscal training.

Title: Structured Literacy, [Instruction, Interventions, and Professional Development](#)

Rule No: [6.30.17 NMAC](#)

Statutory Authority: Sections [9-24-8](#), [22-2-2](#), and [22-13-32](#) NMSA 1978

Purpose: The purpose of this rule is to improve literacy outcomes for all students through the development and implementation of structured literacy instruction and structured literacy interventions.

Summary: The rule requires elementary schools to screen all entering first-grade students for dyslexia by the first standardized reporting date. It also outlines what must be done if a student's screening demonstrates characteristics of dyslexia. Every school district and charter school is required to develop and implement a literacy professional development plan.

Title: Armed Public School Security Personnel

Rule No.: [6.12.12 NMAC](#)

Statutory Authority: Sections [9-24-8](#), [22-2-1](#), [22-2-2](#), [22-5-18](#), [22-10A-5](#), [22-10A-40](#), [22-10A-40.1](#), and [28-2-4](#) NMSA 1978

Purpose: The purpose of this rule is to establish who, when and how school security personnel are allowed to carry a firearm on school property.

Summary: The rule provides parameters for a local school board or governing body of a charter school to authorize school security personnel to carry a firearm on school property to mitigate loss of life during an emergency. The rule establishes requirements for such personnel, including that they must be formerly certified and commissioned law enforcement officers with no less than three years experience. It also establishes training requirements. Such personnel must be formerly certified and commissioned law enforcement officers.

Title: [Rights and Responsibilities of the Public Schools and Public School Students](#)

Rule No.: [6.11.2 NMAC](#)

Statutory Authority: Sections [22--1](#), [22-2-2](#), and [22-5-4.12](#) NMSA 1978 and 42 U.S.C. 11431 et

seq., the McKinney-Vento Homelessness Assistance Act

Purpose: This rule provides a framework for schools, charter schools and districts to provide a safe learning environment and provides students and families with an understanding of their basic rights.

Summary: This rule repeals and replaces 6.11.2 NMAC with language focused on how schools are required to address incidents of restraint or seclusion. The new language more clearly reflects what is required by law: Per [22-5-4.12](#) NMSA 1978, schools may permit the use of restraint or seclusion techniques on any student only if the student's behavior presents an imminent danger of serious physical harm to the student or others.

August Rules

Title: Partial Credit for Adjudicated or Mobile Students

Rule No.: [6.30.18 NMAC](#)

Statutory Authority: Sections [9-24-8](#), [22-2-1](#), [22-2-2](#), and [22-12A-14](#) NMSA 1978

Purpose: This rule establishes parameters for awarding partial credits to students identified as adjudicated or mobile and who experience classroom disruption.

Summary: The new rule outlines the requirements for sending schools and receiving schools and outlines the determination of partial credits for yearlong and semester-long courses.

Requirements include a timely transfer of student records – two days for receiving schools to request records and two days for sending schools to send records.

Title: Elementary Math Specialists

Rule No.: [6.64.19 NMAC](#)

Statutory Authority: Sections [22-2-1](#), [22-2-2](#), and [22-10A-3](#) NMSA 1978

Purpose: This rule allows educators with an elementary education license to add an endorsement specializing in elementary mathematics.

Summary: The rule outlines competencies for public school educators who are experts in elementary mathematics content and research-based elementary pedagogy to grow and support equitable mathematics teaching and learning in the classroom.

September Rules

Title: [Charter School Application and Appeal Requirements](#)

Rule No: [6.80.4 NMAC](#)

Statutory Authority: Sections [9-24-8](#), [22-2-1](#), [22-2-2](#), [22-8-1](#) et seq., and [22-8B-1](#) et seq. NMSA 1978

Purpose: The purpose of this rule is to assure that new charter schools meet equity expectations.

Summary: This rule requires start-up charter schools to provide assurances in their application that they will establish equity councils and develop a culturally and linguistically relevant framework. A chartering authority may deny an application or refuse to renew a charter for a charter school on tribal land if the charter school does not get approval from the tribe or comply with tribal consultation requirements.

Title: [Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation](#)

Rule No: [6.101.2 NMAC](#)

Statutory Authority: Sections [22-14-8](#) and [22-14-12](#) NMSA 1978

Purpose: The purpose of this rule is

Summary: This rule updates the requirements for an individual applying for or receiving vocational rehabilitation services to appeal or request mediation. The updated language is consistent with current federal guidelines and practices. Additionally, the rule establishes a new Client Assistance Program within the Division of Vocational Rehabilitation. A new section outlines the process for requesting and proceeding with mediation. Lastly, the rule increases from 20 to 45 days the time allowed for a hearing request.

Rule to be Published in December

Title: Governing Budgeting and Accounting for New Mexico Public Schools and School Districts

Rule No.: 6.20.2 NMAC

Statutory Authority: Sections [9-24-8](#), [22-2-1](#), [22-2-2](#), and [22-8-5](#) NMSA 1978 Amendment

Purpose: The purpose of the rule is to establish standards in budgets and uniform financial accounting for all New Mexico public schools and school districts. All budgets and financial accounting of public schools and school districts of the state of New Mexico are to be maintained in accordance with the Public School Code, Chapter 22, NMSA, 1978 Compilation,

and Generally Accepted Accounting Principles (GAAP), and federal laws and regulations.

Summary: This rule requires the Public Education Department to establish the requirements for calculating funding of program units under the save-harmless provision for a school district or charter school with fewer than 200 students.
