

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Specific statutory or other authority authorizing rulemaking:
 Sections 9-24-8, 22-2-1, 22-2-2, and 22-10A-19.2 NMSA 1978.

Rule adoption date:
 May 27, 2021

Rule effective date:
 June 8, 2021

Reasons for adopting rule:

The purpose of the proposed amendment of 6.65.3 NMAC, Educator Preparation Program Accountability, is to ensure educator preparation programs prepare educator candidates to address the needs of indigenous students, special education students, bilingual students, and English Language Learners from the first day the educator begins teaching. The department did not complete an independent analysis.

Reasons for any change between the published proposed rule and the final rule:

Changes between the published proposed rule and the final rule (1) reflect the proposed rule's intent to address the needs of indigenous students, students with disabilities, bilingual students, and English Language Learners from the first day the educator begins teaching and (2) clean up rule language. For more detail on the reasons for any change between the proposed rule and the rule as adopted, please see "6.65.3 NMAC_Reasons for Changes_5.27.2021," attached.

The department reviewed and considered all written and oral feedback submitted during the public comment period. For the department's response to public comment, please see "6.65.3 NMAC_Response to Public Comment_5.27.2021," attached.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Timothy Hand, Ph.D.

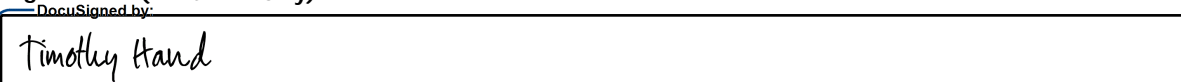
Check if authority has been delegated

Title:

Deputy Secretary of Policy, Strategy and Accountability

Signature: (BLACK ink only)

Date signed:

DocuSigned by:


05/27/2021

Reasons for Changes Between the Proposed Rule and the Adopted Rule
6.65.3 NMAC, Educator Preparation Program Accountability

Statutory Authority	
Change	Reason
In section 3, added Section 9-24-8 NMSA 1978.	Section 9-24-8 NMSA 1978 addresses the duties and general powers of the Secretary of the Public Education Department, including making and adopting reasonable and procedural rules.

Cultural and Linguistic Responsiveness	
Change	Reason
<ul style="list-style-type: none"> Throughout the rule, references to cultural and linguistic responsiveness were added. In section 9, changed the requirement for clinical experiences to include diverse settings. 	<ul style="list-style-type: none"> The changes were made to further require and encourage educator preparation programs to include cultural and linguistic responsiveness in their preparation of administrator or educator candidates and in response to public comment. Public comment included concern whether rural areas would be able to ensure the majority of clinical experiences happen in diverse settings where indigenous students, students with disabilities, bilingual students, and English language learners attend school. Language in the adopted rule encourages clinical experiences to be in a diverse setting, but does not require it.

Teacher Mentorship	
Change	Reason
In section 7, added a requirement that cooperating teachers complete an introductory mentorship courses provided by the department.	The addition was made to support cooperating teachers in their mentoring of administrator or teacher candidates.

Student-First Language	
Change	Reason
Throughout the rule, references to “special education students” were changes to “students with disabilities.”	The changes were made to ensure the language is student-first and in response to public comment.

Reasons for Changes Between the Proposed Rule and the Adopted Rule
6.65.3 NMAC, Educator Preparation Program Accountability

Data Reporting	
Change	Reason
In section 10, added requirements for each educator preparation program’s annual educator accountability report to include the schools and school districts in which candidates completed their clinical experience.	Public comment was mixed on the settings clinical experiences should be required to happen. To begin to address the issue, the department would like to collect information on where candidates complete their clinical experiences.

Frequency of Site Visits	
Change	Reason
In section 11, the frequency of site visits was reverted to every three years.	The change was made to ensure educator preparation programs continue to be visited with enough frequency that any support educator preparation programs may need is given sooner and in response to public comment.

Response to Public Comment
6.65.3 NMAC, Educator Preparation Program Accountability

Public Comment Period: December 15, 2020 – January 19, 2021

The New Mexico Public Education Department (NMPED) received 12 public comments for 6.65.3 NMAC, Educator Preparation Program Accountability. All substantive comments have been summarized below. Comments that are not substantive in nature or fall outside the scope of the rule have not been included.

Culturally and Linguistically Responsive Instruction	
Summary of Comment	PED Response
Public comment emphasized the need for educator preparation programs to regard the importance of culturally and linguistically relevant instruction for New Mexico’s students by ensuring candidates are ready to teach culturally and linguistically diverse students, indigenous students, students with disabilities, bilingual students, and English learners before candidates enter the classroom.	PED made multiple amendments to the rule to emphasize the importance of culturally and linguistically relevant instruction, including practices that serve indigenous students, students with disabilities, bilingual students, and English learners. For example, programs for all teachers shall include instruction in pedagogy, including culturally and linguistically relevant pedagogy that serves indigenous students, students with disabilities, bilingual students, and English language learners. Additionally, the certified review team responsible for approving educator preparation programs shall include a representative of the department with expertise in culturally and linguistically responsive instruction.

Student-First Language	
Summary of Comment	PED Response
Public comment suggested using student-first language, specifically requesting “special education students” be changed to “students with disabilities.”	All references to “special education students” were changed to “students with disabilities.”

Frequency of Site Visits	
Summary of Comment	PED Response
Public comment included request to require site visits to educator preparation programs to be more frequent than every five years.	The department reversed its amendment to frequency of site visits happening every five years back to every three years.