

**CORRECTED VERSION: The part number for this proposed new rule in this notice of rulemaking is: 6.12.15 NMAC, and not 6.12.13 NMAC, as was previously published.**

### NOTICE OF PROPOSED RULEMAKING

**Public Hearing.** The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing on Tuesday, September 28, 2021 from 9 a.m. to 11 a.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501. The location of the public hearing is subject to change due to concerns surrounding COVID-19 and in accordance with Governor Michelle Lujan Grisham's Executive Order 2021-044, Renewing the State of Public Health Emergency Initially Declared in Executive Order 2020-004, Other Powers Invoked in That Order, and All Other Orders and Directives Contained in Executive Orders Tied to the Ongoing Public Health Emergency; or with any executive order that supersedes Executive Order 2021-044. Continuous updates on hearing changes and Zoom information will be provided on the PED website. The purpose of the public hearing is to receive public input on the proposed new rule 6.12.15 NMAC, COVID-19 School Requirements and the proposed repeal of 6.64.11 NMAC, TESOL Competencies, to be replaced with 6.64.11 NMAC, TESOL Competencies. At the hearing, the PED will provide a verbal summary statement on record. Attendees who wish to provide public comment on record will be given three (3) minutes to make a statement concerning the rule changes. Written comment will also be accepted at the hearing.

#### Explanation of Purpose of Text

The purpose of the proposed new rule **6.12.15 NMAC, COVID-19 School Requirements**, is to establish the requirements for the operation of public schools during the COVID-19 pandemic.

The purpose of the proposed repeal and replace of **6.64.11 NMAC, TESOL Competencies**, is: (1) to require teacher candidates who are seeking a TESOL endorsement to pass a content knowledge assessment in TESOL and ensure such teacher candidates have met a minimum of 24 credit hours in TESOL, which is a decrease from the current minimum number of credit hours required for the TESOL endorsement; (2) to allow two different options for licensed teachers to obtain a TESOL endorsement, including: (a) the requirement of passing a content knowledge assessment in TESOL or a department-approved TESOL licensure exam from another state and earning 12 credit hours in TESOL; or (b) the requirement of obtaining a minimum of 24 credit hours in TESOL; (3) to clarify the process for teachers who currently hold a TESOL certification from the National Board for Professional Teaching Standards; (4) to add the requirements for teachers who hold a reciprocal license from a place outside the United States to pass a content knowledge assessment in TESOL or a department-approved TESOL licensure exam from another state; (5) to create a process for teacher candidates seeking to obtain waivers for credit hours in one language other than English; and (6) to clarify teacher competencies related to TESOL to ensure teachers have knowledge of first and second language acquisition and language development, in addition to knowledge of students, family partnerships, culture, and diversity.

#### Summary of Text

The proposed new rule **6.12.15 NMAC, COVID-19 School Requirements**, includes the procedures public schools and local school districts are required to follow during the COVID-19 pandemic, including the measures required by public health orders and executive orders and department guidance for the operation of schools, school-sponsored activities, and school premises. The proposed new rule details COVID-19 safe practices, such as requiring school nurses and other healthcare providers to use standard precautions when caring for sick people as recommended by the centers for disease control and prevention (CDC). Additionally, the proposed new rule requires school districts and schools to honor tribal sovereignty and abide by applicable tribal public health orders, tribal executive orders, and tribal council resolutions.

The proposed repeal and replace of **6.64.11 NMAC, TESOL Competencies**, includes requirements teacher candidates, licensed teachers, teachers who hold a TESOL certification from the National Board for Professional Teaching Standards, and teachers with a reciprocal license from another state or from outside the United States must

meet in order to qualify and receive a TESOL endorsement from the department to serve English language learners. The proposed repeal and replace also contains details related to the documentation to waive credit hours in one language other than English and clarifies the required competencies and knowledge teachers are required to have in order to obtain a TESOL endorsement from the department.

**Statutory Authorization(s):**

Sections 9-24-8, 12-10-10, 22-2-1, 22-2-2, and 22-10A-3 NMSA 1978.

No technical information served as a basis for this proposed rule change.

**Public Comment.** Interested parties may provide comment at the public hearing or may submit written comments by mail to John Sena, Policy Division, New Mexico Public Education Department, 300 Don Gaspar Avenue, Room 121, Santa Fe, New Mexico 87501, by electronic mail to [rule.feedback@state.nm.us](mailto:rule.feedback@state.nm.us), or by fax to (505) 827-6520. Written comments must be received no later than 5 p.m. (MDT) on Tuesday, September 28, 2021. The PED encourages the early submission of written comments. The public comment period is from Tuesday, August 24, 2021 to Tuesday, September 28, 2021 at 5:00 p.m. (MDT).

The PED will review all feedback received during the public comment period and issue communication regarding a final decision at a later date.

Copies of the proposed rules may be accessed through the page titled, "Rule Notification," on the PED's website at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>, or may be obtained from John Sena at (505) 570-7816 during regular business hours.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact John Sena at (505) 570-7816 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.