

PROPOSED REPEAL AND REPLACE - INTEGRATED

This draft reflects what the rule would look like if it is adopted with the proposed changes.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY PART 7 DEMONSTRATION OF COMPETENCY FOR HIGH SCHOOL GRADUATION

6.19.7.1 ISSUING AGENCY: Public Education Department, herein after the department.
[6.19.7.1 NMAC - Rp, 6.19.7.1 NMAC, 7/31/2023]

6.19.7.2 SCOPE: This rule shall apply to public schools, state educational institutions, and state agencies enrolling high school students, except for institutions of higher education and the New Mexico military institute. The rule shall apply beginning with the class of 2025. 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.
[6.19.7.2 NMAC – Rp, 6.19.7.2 NMAC, 7/31/2023]

6.19.7.3 STATUTORY AUTHORITY: Sections 9-24-8, 22-2-1, 22-2-2, 22-2C-4.1, and 22-13-1.1 NMSA 1978.
[6.19.7.3 NMAC – Rp, 6.19.7.3 NMAC, 7/31/2023]

6.19.7.4 DURATION: Permanent.
[6.19.7.4 NMAC - Rp, 6.19.7.4 NMAC, 7/31/2023]

6.19.7.5 EFFECTIVE DATE: July 31, 2023, unless a later date is cited at the end of a section.
[6.19.7.5 NMAC - Rp, 6.19.7.5 NMAC, 7/31/2023]

6.19.7.6 OBJECTIVE: The objective of this rule is to establish pathways for demonstrating competency in mathematics, reading, writing, science, and social studies for high school graduation.
[6.19.7.6 NMAC - Rp, 6.19.7.6 NMAC, 7/31/2023]

6.19.7.7 DEFINITIONS:

A. “College readiness option” means college entrance exam, college placement exam, or the completion of core college-credit-bearing course or exam.

B. “Core content areas” means mathematics, reading, writing, science, and social studies.

C. “Demonstration of competency” means the passing of appropriate district-created, state, or national options used to demonstrate competency in mathematics, reading, writing, science, or social studies for high school graduation, as outlined in a department graduation manual.

D. “Local education agency” or “LEA” means a local school district or state-chartered charter school.

E. “Program of study” means a progressive continuum of courses that may be offered across grades nine through 12 to provide technical training, training to prepare for employment, and training to prepare for entry into postsecondary education.

F. “Workforce readiness option” means workforce readiness exam, industry certificate, or completion of designated program of study.

[6.19.7.7 NMAC - Rp, 6.19.7.7 NMAC 7/31/2023]

6.19.7.8 GENERAL REQUIREMENTS FOR DEMONSTRATIONS OF COMPETENCY:

A. The department shall annually develop and publish a graduation manual for each graduating class starting with the class of 2025. The manual shall be published on the department’s website or available upon request. The graduation manual shall include information on graduation requirements and options for the demonstration of competency.

B. Students must participate in federal Title 1 assessments in addition as a prerequisite to demonstrating competency.

C. Students may demonstrate competency in each of the core content areas using standards-based indicators including:

(1) District-approved, teacher- team-created course final exams, final projects, portfolios, or capstone projects; or

(2) Results from national or state college or career readiness assessments, dual credit courses, or career technical certificates or programs of study.

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(3) Demonstrations of competency of state standards for high school graduation shall not include the following:

(a) artifacts which are not the product of the student's independent work;
(b) collaborations in which an individual student's contributions cannot be distinguished.

- (c) teacher or employer recommendations;
- (d) artifacts that are not related to content areas required for graduation;
- (e) letters of acceptance from higher education institutions; and
- (f) options that are not aligned with the department's graduation manual.

D. LEAs shall determine the number of opportunities that a student has to demonstrate competency for each option.

E. LEAs and school boards may offer all or some of the demonstrations of competency outlined in Subsection C of this section except assessments required by the state.

F. If at the end of grade twelve a student has not demonstrated competency of state standards in the core content areas, the student shall be issued a certificate indicating course credits earned and grade level completed. Students issued a certificate may provide evidence of the demonstration of competency within five years of exiting a public school or state educational institution to satisfy competency in required core content areas and earn a New Mexico diploma of excellence.

G. Students with an IEP that provides individualized graduation indicators shall adhere to the expectations for either the modified or ability program of study outlined in Items (ii) and (iii) of Subparagraph (b) of Paragraph (13) of Subsection J of 6.29.1.9 NMAC. Individualized passing scores on demonstration of competency options shall be determined by the IEP team. Individualized passing scores may be subject to department review. Students following the requirements for the modified or ability program of study who meet the competency requirements established in their IEP shall earn a diploma. Students obtaining a diploma through modified or ability programs of study have the right to continue to receive special education and related services as part of their entitlement to a free appropriate public education until the student meets or exceeds all requirements to obtain a diploma through the standard program of study or until the end of the academic year in which the student becomes 22 years of age.

H. LEAs shall ensure that all high school students have the opportunity to participate in college readiness or workforce readiness options pursuant to Section 22-2C-4.1 NMSA 1978.
[6.19.7.8 NMAC – Rp, 6.19.7.8 NMAC 7/31/2023]

6.19.7.9 DATA REPORTING AND GRADUATION RATES:

A. Data reporting. LEAs shall provide data to the department for each student regarding the content areas in which the student has demonstrated competency. The school shall retain records documenting the options utilized by the student to demonstrate competency.

B. Department audits. The department may conduct annual, randomized audits at the school and LEA level to monitor the implementation of this rule. LEAs shall cooperate with department audits.

C. Recordkeeping. Records of demonstrations of competency shall be kept by LEAs for no fewer than five years and in accordance with federal and state requirements.
[6.19.7.9 NMAC - Rp, 6.19.7.9 NMAC, 7/31/2023]

16.19.7.10 - 16.19.7.15 [RESERVED]

[6.19.7.10 NMAC – 6.19.7.15 NMAC, Repealed, 7/31/2023]

HISTORY OF 6.19.7 NMAC:

6.19.7 NMAC - High School Readiness Assessment System for Career and College, filed 1/30/2009 was repealed and replaced by 6.19.7 NMAC - Demonstration of Competency for High School Graduation, effective 7/24/2018.

6.19.7 NMAC - Demonstration of Competency for High School Graduation, filed 7/24/2018 was repealed and replaced by 6.19.7 NMAC - Demonstration of Competency for High School Graduation, effective 7/31/2023.

History of Repealed Material:

6.19.7.10 NMAC through 6.19.7.15 NMAC, filed 7/24/2023 were repealed, effective 7/31/2023.