

# 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, 22-2C-4, 22-2C-5, 22-2F-2, and 22-2C-11NMSA 1978.  
 20 USC 6303 Sections 1003 and 1111.

Rule adoption date:

May 23, 2023

Rule effective date:

May 23, 2023

Reasons for adopting rule:

The purpose of this rule is to update criteria for determining school improvement designations and required actions for improvement as required by ESEA as authorized by ESSA.

Rule information:

The rule updates criteria for determining school improvement designations for low performing schools and required actions for improvement.

The new rule is implemented as an emergency rule. Pursuant to Section 14-4-5.6 NMSA 1978, State Rules Act, Emergency rule, PED finds that following the non-emergency rulemaking procedures in enacting updated school improvement designations and requirements would place the department in violation of the federal Elementary and Secondary Education Act (ESEA) as authorized by the Every Student Succeeds Act (ESSA).

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

Name:

Gregory Frostad

Check if authority has been delegated

Title:

Assistant Secretary of Policy, Research and Technology

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:  
  
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05/23/2023

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