

NOTICE OF EMERGENCY RULEMAKING

This is an emergency rulemaking for 6.19.8 NMAC, effective May 23, 2023.

Public Notice. The New Mexico Public Education Department (PED) gives notice it is repealing 6.19.8 NMAC, Grading of Public Schools, filed December 31, 2018, and replacing it with 6.19.8 NMAC, School Improvement Designations, by emergency rule, adopted and effective May 23, 2023. 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). This temporary emergency process does not permanently amend or repeal the existing rule. The emergency rule will only remain in effect until a permanent rule takes effect under normal rule making process.

Rule Information. 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.

The statutory authorizations include:

Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978 grant the authority of the Secretary to adopt, promulgate, and enforce rules. Sections 22-2C-4, 22-2C-5, 22-2F-2, and 22-2C-11 NMSA 1978 relate to school accountability. 20 USC 6303 Sections 1003 and 1111 describe Title 1 funding grants to schools in school improvement designations and the requirement for New Mexico's state plan as required under ESSA.

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

A public comment period and a public hearing, pursuant to Section 14-4-5.3 NMSA 1978, State Rules Act, Public Participation, Comments, and Rule Hearings, will be held to adopt a permanent rule within 180 days of the effective date of May 23, 2023, for 6.19.8 NMAC, pursuant to Section 14-4-5.6 NMSA 1978, State Rules Act, Emergency rule.

Copies of the rule may be accessed through the New Mexico Public Education Department's website under the "Rule Notification" link at <https://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/> or may be obtained from Denise Terrazas by contacting her at (505) 470-5303 during regular business hours.

Individuals with disabilities who require the above information in an alternative format are asked to contact Denise Terrazas at (505) 470-5303.