

## PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

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### TITLE 6            PRIMARY AND SECONDARY EDUCATION CHAPTER 29       STANDARDS FOR EXCELLENCE PART 5            ENGLISH LANGUAGE DEVELOPMENT

**6.29.5.1            ISSUING AGENCY:** Public Education Department, hereinafter the department.  
[6.29.5.1 NMAC - N, 8/31/2009]

**6.29.5.2            SCOPE:** All public schools, state educational institutions, and educational programs conducted in state institutions other than New Mexico military institute.  
[6.29.5.2 NMAC - N, 8/31/2009]

**6.29.5.3            STATUTORY AUTHORITY:**

~~A.            Section 22-2-2 NMSA 1978 grants the authority and responsibility for the assessment and evaluation of public schools, state supported educational institutions and educational programs conducted in state institutions other than New Mexico military institute.~~

~~B.            Section 22-2-2 NMSA 1978 directs the department to set graduation expectations and hold schools accountable. Section 22-2C-3 NMSA 1978 requires the department to adopt academic content and performance standards and to measure the performance of public schools in New Mexico.] This rule is being promulgated pursuant to Sections 9-24-8, 22-2-1, 22-2-2, and 22-2C-3 NMSA 1978.~~

[6.29.5.3 NMAC - N, 8/31/2009; A, 7/18/2023]

**6.29.5.4            DURATION:** Permanent.  
[6.29.5.4 NMAC - N, 8/31/2009]

**6.29.5.5            EFFECTIVE DATE:** August 31, 2009, unless a later date is cited at the end of a section.  
[6.29.5.5 NMAC - N, 8/31/2009]

**6.29.5.6            OBJECTIVE:** The department-approved English language development standards provide a companion piece to the New Mexico content standards for English language arts [(6.29.4 NMAC)]. The approved standards shall guide second-language instruction for PreK-12 English language learner students. The English language learner population falls into three basic categories: students whose primary or home language (L1) is other than English including recent immigrants; students from heritage language groups needing enrichment and further development of academic English, some of whom maintain degrees of fluency in their heritage language; and any other students needing enrichment and further development of academic English. Because instruction must address the appropriate proficiency level of the individual student, which may vary greatly for any age, some consideration ~~must~~ shall be made for the student's maturity level.  
[6.29.5.6 NMAC - N, 8/31/2009; A, 8/29/2014; A, 7/18/2023]

**6.29.5.7            DEFINITIONS:**

**A.            “Academic content standards”** means statements that define the knowledge and skills students need to know and be able to demonstrate as proof of competency in the core content areas associated with schooling.

**B.            “Academic language”** means the language used in academic content in formal schooling contexts, including specialized or technical language and discourse related to each content area.

**C.            “Discourse”** means extended, connected language that may include explanations, descriptions, and propositions.

**D.            “English language learners” (ELL)** means a student whose first or heritage language is not English and who is unable to read, write, speak, or understand English at a level comparable to grade-level English proficient peers and native English speakers.

**E.            “Heritage language”** means a language other than English that is inherited from a family, tribe, community or country of origin.

**F.            “Language domains”** means the four main subdivisions of language: listening, speaking, reading, and writing.

**G.            “Levels of English language proficiency”** means the arbitrary division of the second language acquisition continuum into stages of language development.

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**H.** “**Listening**” means the ability to process, understand, interpret, and evaluate spoken language in a variety of situations.

**I.** “**Reading**” means the ability to process, understand, interpret, and evaluate written language, symbols and text with understanding and fluency.

**J.** “**Speaking**” means oral communication used in a variety of situations for a variety of purposes and audiences.

**K.** “**Writing**” means written communication used in a variety of forms for a variety of purposes and audiences.

[6.29.5.7 NMAC - N, 8/31/2009]

**6.29.5.8 ENGLISH LANGUAGE DEVELOPMENT STANDARDS GRADE SPANS:** The English language development standards established by the department are organized in grade levels as follows: PreK-K, 1, 2, 3, 4, 5, 6, 7, 8, 9 - 10 and 11 - 12.

[6.29.5.8 NMAC - N, 8/31/2009; A, 8/29/2014]

### **6.29.5.9 ENGLISH LANGUAGE DEVELOPMENT STANDARDS PROFICIENCY LEVELS AND LANGUAGE DOMAINS:**

**A.** The English language development standards have five general levels of English language proficiency: “entering” (level 1), “emerging” (level 2), “developing” (level 3), “expanding” (level 4), “bridging” (level 5).”

**B.** Reading, writing, listening, and speaking skills are addressed at each proficiency level.

[6.29.5.9 NMAC - N, 8/31/2009; A, 8/29/2014]

### **6.29.5.10 CONTENT STANDARDS FOR ENGLISH LANGUAGE DEVELOPMENT, Grades PreK-12:**

The New Mexico English language development content standards distinguish five general standards: “Social and instructional language,” “The language of language arts,” “the language of mathematics,” “the language of science,” and “the language of social studies.” Reading, writing, listening, and speaking skills are addressed in each standard.

**A.** English language proficiency standard 1: PreK- 12. Social and instructional language: English language learners communicate for social and instructional purposes within the school setting.

(1) Listening: Process, understand, interpret, and evaluate spoken language in a variety of situations.

(2) Speaking: Engage in oral communication in a variety of situations for a variety of purposes and audiences.

(3) Reading: Process, understand, interpret, and evaluate written language, symbols, and text with understanding and fluency.

(4) Writing: Engage in written communication in a variety of situations for a variety of purposes and audiences.

**B.** English language proficiency standard 2: PreK-12. The language of language arts: English language learners communicate information, ideas and concepts necessary for academic success in the content area of language arts.

(1) Listening: Process, understand, interpret, and evaluate spoken language in a variety of situations.

(2) Speaking: Engage in oral communication in a variety of situations for a variety of purposes and audiences.

(3) Reading: Process, understand, interpret, and evaluate written language, symbols, and text with understanding and fluency.

(4) Writing: Engage in written communication in a variety of situations for a variety of purposes and audiences.

**C.** English language proficiency standard 3: PreK-12. The language of mathematics: English language learners communicate information, ideas, and concepts necessary for academic success in the content area of mathematics.

(1) Listening: Process, understand, interpret, and evaluate spoken language in a variety of situations.

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(2) Speaking: Engage in oral communication in a variety of situations for a variety of purposes and audiences.

(3) Reading: Process, understand, interpret, and evaluate written language, symbols, and text with understanding and fluency.

(4) Writing: Engage in written communication in a variety of situations for a variety of purposes and audiences.

**D.** English language proficiency standard 4: PreK-12. The language of science: English language learners communicate information, ideas and concepts necessary for academic success in the content area of science.

(1) Listening: Process, understand, interpret and evaluate spoken language in a variety of situations.

(2) Speaking: Engage in oral communication in a variety of situations for a variety of purposes and audiences.

(3) Reading: Process, understand, interpret and evaluate written language, symbols, and text with understanding and fluency.

(4) Writing: Engage in written communication in a variety of situations for a variety of purposes and audiences.

**E.** English language proficiency standard 5: PreK-12. The language of social studies: English language learners communicate information, ideas and concepts necessary for academic success in the content area of social studies.

(1) Listening: Process, understand, interpret and evaluate spoken language in a variety of situations.

(2) Speaking: Engage in oral communication in a variety of situations for a variety of purposes and audiences.

(3) Reading: Process, understand, interpret and evaluate written language, symbols, and text with understanding and fluency.

(4) Writing: Engage in written communication in a variety of situations for a variety of purposes and audiences.

[6.29.5.10 NMAC - N, 8/31/2009; A, 8/29/2014]

**6.29.5.11 IDENTIFICATION OF ENGLISH LANGUAGE LEARNERS:** The department-approved New Mexico language usage survey shall be completed for all new students initially enrolling in a public school.

**A.** Students for whom the department-approved New Mexico language usage survey indicates a language other than English shall be screened with the department-approved English language proficiency screening assessment.

**B.** Students receiving scores below the composite score established by the department to be used to determine English language proficiency will be classified as English language learners and are eligible to receive English language development services.

**C.** The department-approved New Mexico language usage survey and the English language proficiency screening assessment results shall be kept in each student's cumulative file.

**D.** Initial identification of a student as an English language learner and parent notification ~~must~~ shall occur not later than 30 days after the beginning of the school year, or within two weeks of initial enrollment if not enrolled at the beginning of the school year.

**E.** Students classified as English language learners ~~must~~ shall be assessed annually with the department-approved English language proficiency assessment and the results shall be kept in each student's cumulative file.

[6.29.5.11 NMAC - N, 8/29/2014; A, 10/31/2016; A, 7/18/2023]

**6.29.5.12 EXIT CRITERIA FOR ENGLISH LANGUAGE LEARNER STATUS:**

**A.** English language learners attaining a composite score as determined by the department on the department-approved English language proficiency assessment will exit English language learner status and shall be reclassified as fluent English proficient.

**B.** Students attaining the composite score identified in Subsection A ~~must~~ shall be monitored for academic progress for two subsequent school years by the school district.

[6.29.5.12 NMAC - N, 8/20/2014; A, 10/31/2016; A, 7/18/2023]

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### **6.29.5.13 REQUIRED INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS:**

A. Designated English language development – instruction to develop the English language proficiency of ELLs based on the student’s English language proficiency level and grade level; instruction shall be distinct from content area instruction.

B. Integrated English language development – Integrated instruction to attain English language proficiency and to meet content standards and benchmarks; shall occur in all content area instruction.

[6.29.5.13 NMAC - N, 7/18/2023]

### **HISTORY OF 6.29.5 NMAC:**

**Pre-NMAC HISTORY:** The material in this part is derived from that previously filed with the State Records Center:

SDE 74-17, (Certificate No. 74-17), Minimum Educational Standards for New Mexico Schools, filed April 16, 1975.

SDE 76-9, (Certificate No. 76-9), Minimum Education Standards for New Mexico Schools, filed July 7, 1976.

SDE 78-9, Minimum Education Standards for New Mexico Schools, filed August 17, 1978.

SBE 80-4, Educational Standards for New Mexico Schools, filed September 10, 1980.

SBE 81-4, Educational Standards for New Mexico Schools, filed July 27, 1981.

SBE 82-4, Educational Standards for New Mexico Schools, Basic and Vocational Program Standards, filed November 16, 1982.

SBE Regulation No. 83-1, Educational Standards for New Mexico Schools, Basic and Vocational Program Standards, filed June 24, 1983.

SBE Regulation 84-7, Educational Standards for New Mexico Schools, Basic and Vocational Program Standards, filed August 27, 1984.

SBE Regulation 85-4, Educational Standards for New Mexico Schools, Basic, Special Education, and Vocational Programs, filed October 21, 1985.

SBE Regulation No. 86-7, Educational Standards for New Mexico Schools, filed September 2, 1986.

SBE Regulation No. 87-8, Educational Standards for New Mexico Schools, filed February 2, 1988.

SBE Regulation No. 88-9, Educational Standards for New Mexico Schools, filed October 28, 1988.

SBE Regulation No. 89-8, Educational Standards for New Mexico Schools, filed November 22, 1989.

SBE Regulation No. 90-2, Educational Standards for New Mexico Schools, filed September 7, 1990.

SBE Regulation No. 92-1, Standards for Excellence, filed January 3, 1992.

### **History of Repealed Material:**

6.30.2 NMAC, Standards for Excellence, filed November 2, 2000 - Repealed effective August 15, 2009.

### **NMAC History:**

6 NMAC 3.2, Standards for Excellence, filed October 17, 1996.

6.30.2 NMAC, Standards for Excellence, November 2, 2000, replaced by 6.29.1 NMAC, General Provisions; 6.29.2 NMAC, Arts Education; 6.29.3 NMAC, Career and Technical Education; 6.29.4 NMAC, English Language Arts; 6.29.5 NMAC, English Language Development; 6.29.6 NMAC, Health Education; 6.29.7 NMAC, Mathematics; 6.29.8 NMAC, Modern, Classical and Native Languages; 6.29.9 NMAC, Physical Education; 6.29.10 NMAC, Science; 6.29.11 NMAC, Social Studies.