

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-4.1, and 22-13-1.1 NMSA 1978.

Rule adoption date:
July 20, 2023

Rule effective date:
July 31, 2023

Reasons for adopting rule:

The purpose of the rulemaking is to minimize requirements for demonstrations of competency and update requirements to match available assessment instruments, and to make changes related to the issuance of standard, modified, and ability diplomas.

Rule information:

The rule deletes extraneous requirements for demonstrations of competency and removes conflicts with the requirements of IDEA, related to FAPE, after the receipt of a diploma through the alternative programs of study.

Reasons for any change between the published proposed rule and the final rule:

The Department reviewed and considered all written and oral feedback received during the public comment period. For more detail on the changes between the proposed rule and the rule as adopted, reasons for changes, or information as to why the Department may not have accepted comments or suggested changes, please see "6.19.7 NMAC_Response to Public Comment," attached.

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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07/20/2023

Response to Public Comment
6.19.7 NMAC, Demonstration of Competencies for High School Graduation

RULE CHANGES	
Section	Change
6.19.7	<ul style="list-style-type: none">• No changes were made.

Response to Public Comment

6.19.7 NMAC, Demonstration of Competencies for High School Graduation

Public Comment Period: May 31, 2023 - July 6, 2023

The New Mexico Public Education Department (PED) received 7 public comments for 6.19.7 NMAC, Demonstration of Competencies for High School Graduation. All substantive comments have been summarized below. Comments that are not substantive in nature or fall outside the scope of the rule have not been included.

Expanding options for demonstration of competencies	
Summary of Comments	PED Response
Public comment included support for including more relevant, vital, and individualized ways to demonstrate competency, including performance assessment of student-led, capstone and project-based learning activities.	The Department concurs. The Department believes these changes expand the possibilities for students in high school to leverage and capitalize on their interests, strengths, and goals.
Public comment included concern that expanding methods of demonstrating competency may lead to less objective evaluation, which would lower standards for graduation overall, impacting Hispanic students socially and emotionally.	The Department's intention in this rulemaking is to maintain rigor of standards for demonstration of competency while expanding the methodologies by which competencies may be evaluated.