

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 and 22-2C-4 NMSA 1978.

Rule adoption date:
 August 3, 2023

Rule effective date:
 August 15, 2023

Reasons for adopting rule:

The purpose of the proposed rulemaking is to include standardized testing requirements for virtual programs and update requirements for District Test Coordinators.

Rule information:

The proposed amendment requires virtual programs to test students in person and requires District Test Coordinators to follow department guidance to assign appropriate tests and accommodations for English learners and students with disabilities.

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. The Department did not receive feedback for this rule.

Relevant attachments:

6.10.7 NMAC, Response to Public Comment.

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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08/03/2023

Response to Public Comment
6.10.7 NMAC, Standardized Testing Procedures and Requirements

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

Response to Public Comment

6.10.7 NMAC, Standardized Testing Procedures and Requirements

Public Comment Period: June 27, 2023, to July 31, 2023.

The New Mexico Public Education Department (PED) received no public comment for this rule.

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Summary of Comments	PED Response
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