

**From:** [Todd Knouse](#)  
**To:** [FeedBack, Rule, PED](#)  
**Subject:** [EXTERNAL] Feedback on proposed revision to NMAC 6.18.8  
**Date:** Thursday, August 31, 2023 1:29:11 PM

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Dear members of the PED Policy and Legislative Affairs Division:

The purpose of this email is to provide feedback on the proposed revisions to NMAC 6.19.8 "School Differentiation and Support."

**Concern #1: Use of the phrase "department guidance" throughout the document**

Throughout the document, there are several instances where the phrase "department guidance" is proposed as new language to the rule. Specifically we see that in:

- 6.18.8.7.K
- 6.18.8.9.A
- 6.18.8.10
- 6.18.8.11.A
- 6.18.8.11.B
- 6.18.8.11.C
- 6.18.8.11.D
- 6.18.8.12
- 6.18.8.15

It is my opinion that "department guidance" is too vague of a statement to be included in the *New Mexico Administrative Code*. I am concerned it will result in inconsistencies of application, both laterally across districts/charters, and longitudinally over time. I understand that the department is expected to be uniform in administration of statute, and the phrase "department guidance" as it is used in this revision fails to meet this standard. It is via the NMAC where the department is to be explicit in its requirements to schools. Using phrases like "department guidance" within the NMAC defeats the very purpose of the NMAC. In short, it is the rules the department promulgates that are to be the compliance expectations of districts/charters - not additional "guidance" provided outside of NMAC. (see statute [22-2-1 B](#) "The department may adopt, promulgate and enforce rules to exercise its authority").

Another concern with this phrase is that the word "guidance" is interpreted as non-regulatory by the very definition of the word. "Guidance" is a "suggested way of doing something," akin to a perceived best practice or a matter of opinion. I don't think that's what the department is seeking when using this word.

**Suggested revision:** I suggest the committee change the phrase "department guidance" to something like "in accordance with statute and rule" throughout the document. This will ensure that the department's stance on these issues is backed by the weight of state law and other duly promulgated rules, and isn't a moment-in-time opinion. Further, it will make it clear that the "guidance" isn't *suggested*, but is actually *regulatory*. Most importantly, it will also prevent inconsistencies of administration as leadership changes in the department (or its component offices, bureaus and divisions) over time.

I am available for any follow up questions on my feedback.

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**Todd Knouse**

*Head of School and Chief Visionary*

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**From:** [Sandra Beery](#)  
**To:** [FeedBack, Rule, PED](#)  
**Subject:** [EXTERNAL] Rule Feedback for: 619.8 NMCA School Differentiation and Support  
**Date:** Tuesday, September 19, 2023 11:40:29 AM

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Note: When submitting feedback, we kindly request that you specify which rule(s) you are submitting feedback for. This is especially helpful when the Department is accepting feedback for multiple proposed rules at the same time.

**Below are two comments and suggested changes to 6.19.8 NMCA School Differentiation and Support**

**Comment 1:** On page 4, 6.19.8.10 PRIORITIZATION OF RESOURCES: The Department is proposing to disapprove of a charter school budget if the school does not address resource inequities. That language is too vague and should be struck. The remainder of the proposal to “prioritize resources toward evidence-based practices, interventions, and methods required by department guidance and linked to improved student achievement is fine as that is objective. My comment is, the following revision should be made.

**6.19.8.10 PRIORITIZATION OF RESOURCES:** Pursuant to Sections 22-8-11 and 22-8-18 NMSA 1978, the department may disapprove or make corrections, revisions, or amendments to the budget of a school district or charter school that does not ~~address resource inequities or~~ prioritize resources toward evidence-based practices, interventions, and methods required by department guidance and linked to improved student achievement.

**Comment 2:** On page 7, the department is proposing to implement what instructional materials must be used. While best practices and evidence-based programs are fine for this rule, the Department should not dictate a schools’ instructional materials, but should look at best practices and evidence-based programs to improve student achievement.

**6.19.8.15 OVERSIGHT AND SUPPORT FOR CSI AND MRI SCHOOLS:** CSI and MRI schools may exit department oversight before the end of a multi-year identification cycle by meeting exit criteria described in Section 12 of this rule, but shall continue to receive support from the department for the remainder of the identification cycle, at which time they may exit CSI or MRI status.

A. For oversight of schools designated CSI or MRI, the department may require LEAs to:

- (1) ~~implement the use of department-approved, high-quality instructional materials,~~ best practices, and evidence-based programs;
- (2) conduct department-approved LEA support and readiness assessments and publicly post summary findings;

Thank you

Sandy Beery, EdD  
Executive Director  
New Mexico Connections Academy  
130 Siringo Road, Santa Fe, NM 87505

**From:** [Aja Currey](#)  
**To:** [FeedBack, Rule, PED](#)  
**Subject:** [EXTERNAL] 6.19.8 NMAC, School Differentiation and Support  
**Date:** Tuesday, September 19, 2023 1:03:06 PM

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Hello! Please see the link below for my written feedback testimony on 6.19.8 NMAC, School Differentiation and Support.

<https://docs.google.com/document/d/1KnQAYix9J0iabiA8zUjxM1E3hLEJ5H2MjlQqXj70zVk/edit?usp=sharing>

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Aja Currey, M.Ed.  
Rio Gallinas Charter School Principal

NOW I KNOW THE SECRET OF MAKING THE BEST PERSONS; IT IS TO GROW IN THE OPEN AIR AND TO EAT AND SLEEP WITH THE EARTH.

-Walt Whitman

**From:** [Robin Stevens](#)  
**To:** [FeedBack, Rule, PED](#)  
**Subject:** [EXTERNAL] 6.19.8 NMAC, School Differentiation and Support-Comment  
**Date:** Tuesday, September 19, 2023 1:27:04 PM

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To Whom It May Concern:

In reviewing the School Differentiation and Support Rule, it is imperative that the school designations have clear, meaningful language that can be understood by all stakeholders. Anyone viewing the school designations whether in the media, school website, or using the NM Vistas platform, needs to understand the designation without reading paragraph explanations of the level of education to which the school is providing. Language should adhere to the minimum designations set forth by the Every Student Succeeds Act but can also add common language such as: turnaround, priority improvement, improvement, and on target.

The School designations should be in simple terms accompanied with a symbolic reflection of the school's status. A clear verbal designation as well as a visual representation such as a star rating or progress bar will facilitate immediate comprehension and understanding by the viewer.

Thank you,

Robin Stevens

New Mexico educator and TeachPlus Policy Fellowship Member

Hobbs, NM

**From:** [Erik Bose](#)  
**To:** [FeedBack, Rule, PED](#)  
**Subject:** [EXTERNAL] Proposed rule change to School Differentiation and Support  
**Date:** Tuesday, September 19, 2023 3:26:32 PM  
**Attachments:** [image002.png](#)  
[SAM.docx](#)

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**The proposed rule continues to define SAM schools as follows:**

*6.19.8.7 Definitions: O. "Supplemental accountability model school" or "SAM school" means a school for which the department uses alternate school quality and student success indicators for differentiation as defined in the ESSA plan. A SAM school is a public school which, based on the fortieth day reporting, the following categories of students total 30 percent or more of the student population: (1) students age 19 or older; (2) non-gifted students who require class C or D special education programs; (3) pregnant or parenting teens; or (4) return-to-school students who are currently enrolled in school but have been chronically absent from school or have earned fewer than the minimum required units typical for their age and are off track to graduate."*

**However, the new rule changed the calculation for a SAM school's index score:**

*6.19.8.13 Supplemental Accountability Model: When calculating a SAM school index score, the department may include the rate of senior completion in the four-year graduation cohort and may include additional department-approved assessments in the college and career readiness indicator.*

**The concern is that within this new rule, SAM schools like mine will never exit out of MRI status based on these graduation rates. Our mission is to help over-aged and under-credited scholars learn to succeed academically and graduate with a high school diploma. Our enrollment data show that only 17% of our students register for our school on-track for graduation. 83% are already off-track to graduate in 4 years. 10% have already passed their 4 years before they even enroll at our school. Below is a graph of our data showing our enrollment**

**data for this year.**

<b>Grade levels behind</b>	<b>%</b>	<b>Number</b>
On Track	17%	56
½ a year behind	16%	53
1 year behind	23%	77
1.5 years behind	17%	58
2 years behind	10%	34
2.5 years behind	3%	10
3 years behind	3%	10
3.5 years behind	0%	1
Cohort Date Already Passed	10%	32

**Proposed resolution:**

**The new rule changes should modify the graduation factors for SAM schools from a focus on students graduating within 4 years to a new measure that rewards schools like mine for transforming dropouts into graduates. Shift the focus from the 4-year graduation cohort to a measure for SAM schools that rewards schools for achieving what other schools could not achieve. Grant extra weight to 5 and 6+ year graduation rates.**

**The proposed rule continues to define Oversight and Support as follows:**

6.19.8.15 OVERSIGHT AND SUPPORT FOR CSI AND MRI SCHOOLS: CSI and MRI schools may exit department oversight before the end of a multi-year identification cycle by meeting exit criteria described in Section 12 of this rule but shall continue to receive support from the department for the remainder of the identification cycle, at which time they may exit CSI or MRI status.

A. For oversight of schools designated CSI or MRI, the department may require LEAs to:

- (1) implement the use of department-approved, high-quality instructional materials, best practices, and evidence-based programs;
- (2) conduct department-approved LEA support and readiness assessments and publicly post summary findings;
- (3) conduct department-approved school support and readiness assessments and publicly post summary findings;

(4) participate in department biannual monitoring and technical assistance visits;

(5) require schools to redirect or repurpose funds in accordance with their department approved CSI or MRI plan; (6) for MRI schools, require a department-provided transformational coach; or

(7) for MRI schools, require restart or closure of an MRI school that has failed to exit MRI status within three school years.

B. The department will continue to provide the support to CSI and MRI schools until the end of the multi-year identification cycle as described in department guidance and ESSA plan.

**Proposed resolution:**

**Again, schools whose mission is to serve disenfranchised and under-served students will continue to fall short of this mark. The new rule changes should modify the oversight and support for SAM schools who are designated as CSI or MRI due to graduation rate because of their mission and their focus on helping this group of students. There needs to be a new measure that rewards schools like mine for transforming dropouts into graduates. It is true that these students need extra resources, and all schools need to be accountable for continuous improvement. There just needs to be another label we can put on SAM schools to ensure and provide support for the historically neglected students we choose to serve.**



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