

From: [Amanda Belcher](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] New rules and regulations
Date: Thursday, November 30, 2023 5:30:47 PM

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To whom it may concern :

I strongly oppose the proposed rules : 6.10.5 and 6.19.4

These rules infringe our local autonomy and removes our rights for local control of our little school district. This is a huge OVERSTEP from NMPED and is just another example of NM state government agencies trying to step in and take control

Away from its people. This began a long time ago and has critically become worse since Covid. We, the people, do not approve.

Sincerely

Amanda Belcher of Roosevelt County NM

Dora consolidated school district

Sent from my iPhone

From: [AMANDA Ward](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] New rules and regulations
Date: Thursday, November 30, 2023 5:32:22 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern :

I strongly oppose the proposed rules : 6.10.5 and 6.19.4

These rules infringe our local autonomy and removes our rights for local control of our little school district. This is a huge OVERSTEP from NMPED and is just another example of NM state government agencies trying to step in and take control

Away from its people. This began a long time ago and has critically become worse since Covid. We, the people, do not approve.

Sincerely

Dakota Belcher of Roosevelt County NM

Dora consolidated school district

[Sent from Yahoo Mail for iPhone](#)

From: [TRAVIS BELCHER](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] New proposed rules
Date: Thursday, November 30, 2023 5:33:27 PM

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To whom it may concern :

I strongly oppose the proposed rules : 6.10.5 and 6.19.4

These rules infringe our local autonomy and removes our rights for local control of our little school district. This is a huge OVERSTEP from NMPED and is just another example of NM state government agencies trying to step in and take control

Away from its people. This began a long time ago and has critically become worse since Covid. We, the people, do not approve.

Sincerely

Travis Belcher of Roosevelt County NM

Dora consolidated school district

[Sent from Yahoo Mail for iPhone](#)

From: dora_fd@yucca.net
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Opposing Proposed Mandates 6.19.4 and 6.10.5
Date: Friday, December 1, 2023 9:37:18 AM

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Having a four day week at school is a good thing in rural New Mexico. Having a day when you can take your kids to the doctor or dentist or other appointments without missing school is a good thing in rural New Mexico. Saving money for less transportation costs, less electricity and gas, is a good thing in rural New Mexico. We changed to a four day school week in Dora, NM when my kids (who are all in the 40'S) were first going to school which would have been in the 1980's. So for 40 years this school has managed to have a wonderful school by going to school only four days of the week. Yes, a little longer from 8:00 to 4:00, but it has been a very good thing. Please, talk to all the schools that have a 4 day week before you make any changes. I urge you to oppose these mandates. Thank you.

Becky Frazee Village of Dora, NM

From: [Tandee Delk](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Accreditation 6.19.4
Date: Tuesday, December 5, 2023 3:11:46 PM

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I am writing to express significant concerns and reservations about the proposed Rule 6.19.4 NMAC Accreditation Procedures presented by the New Mexico Public Education Department (NMPED). While recognizing the importance of maintaining high standards in education, several aspects of the proposed rule raise questions and require further clarification. This proposed rule, along with the consequences, seems to follow a political narrative rather than an effort to improve student outcomes, taking into account the rural geography and heritage of New Mexico.

Firstly, the proposed rule appears to necessitate a duplication of effort, as the NMPED already has access to many of the data fields that will be required for reporting. This redundancy could place an undue burden on school districts, diverting resources and time away from effective educational practices. This duplication of reporting goes directly against Gov. Michelle Lujan Grisham's executive order directing the New Mexico Public Education Department to reduce burdensome reporting requirements by 25%, enabling school leaders to spend more time educating students and less time on paperwork.

The timeline for appeals is not clearly outlined in the proposed rule, raising uncertainties about the process. A lack of clarity in this area may result in undue stress and confusion for school districts undergoing the accreditation process. Please clarify. Additionally, there is a concern about the experience and expertise of the individuals leading this effort at the NMPED, especially given the continuous overturn of staff within the department. How many of the staff at the NMPED have undergone an accreditation process themselves and where? What were the results?

The determination of cut scores for accreditation, as outlined in the proposed rule, appears subjective. It is imperative for school districts to understand the methodology and criteria used by the NMPED Secretary in this regard. Clear and objective standards are essential for fair evaluation, and the lack of specificity in the proposed rule is a matter of significant concern.

The evaluation standards for districts are also unclear in the proposed rule. Without transparent criteria, school districts may struggle to understand how they will be assessed, hindering their ability to make informed improvements. A few questions I have as a school leader are: what is the target, how do we know where to find the target, and will the target stop moving?

Regarding the appeals process, the absence of reference to the Administrative Procedures

Act in the proposed rule raises questions about the fairness and transparency of the appeal process. Moreover, the requirement for the local school board, rather than the district's administrative team, to present the appeal seems cumbersome and may not be in the best interest of a fair and efficient appeals process. How does the PED justify having the local school board present the appeal without first having the administrative team from the said district present?

The proposed penalties for schools not receiving accreditation are notably harsh. The ability to adjust school district sizes, suspend the authority and responsibility of the local school board, superintendent, and/or principal, consolidate the school district, and close the school are severe measures. It is crucial to ensure that such penalties are fair, proportionate, and consider the unique circumstances of each school district. The state has for years tried to sneak in consolidation language and it is consistently rejected by the legislature. Forcing this remedy through a rule is not in line with what the people of New Mexico want.

In conclusion, I request a thorough review and revision of the proposed Rule 6.19.4 NMAC Accreditation Procedures, taking into account the concerns raised above. Collaboration with stakeholders, including school districts and educators, is essential to ensure that any accreditation procedures are fair, transparent, and conducive to the improvement of education in our state.

Thank you for your attention to these concerns, and I look forward to a constructive dialogue on this matter.

Thank You,

**Tandee Delk
Elida Municipal Schools
Superintendent
575-274-6211**

"Perfection is unattainable, but if you chase perfection you catch excellence." - Vince Lombardi

From: [Keith Durham](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] NMPED Accreditation
Date: Thursday, December 7, 2023 12:39:16 PM
Attachments: [NMPED Accreditation.docx](#)

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Please let me know if you need additional information.

HOPE YOU HAVE A GREAT DAY!

Keith Durham
Superintendent



The New Mexico Public Education Department's (NMPED) intention to establish an accreditation system for schools presents both challenges and opportunities. While the goal of improving educational standards and outcomes is laudable, the lack of clear benchmarks, standards, and evaluation criteria raises concerns about subjectivity and potential harm to smaller schools like Grady Municipal Schools (GMS).

Key Concerns:

- **Subjectivity:** Without transparent and well-defined criteria, the accreditation process could be perceived as subjective, leading to inconsistent application and potential biases against schools with unique approaches or limited resources.
- **Impact on small schools:** Smaller schools like GMS might be disproportionately affected by accreditation requirements, potentially leading to unfair comparisons and increased pressure to conform, even at the expense of their unique strengths and effective practices.
- **Consolidation fears:** The possibility of accreditation leading to school consolidation raises significant concerns for communities that value local control and the close-knit environments of small schools.

Opportunities for Collaboration:

- **Engaging superintendents:** NMPED should actively collaborate with superintendents across the state, including those representing smaller schools, to develop the accreditation system. This collaborative approach can ensure that the system is fair, inclusive, and takes into account the diverse needs of all schools.
- **Defining clear benchmarks:** NMPED needs to establish clear, measurable benchmarks and standards for accreditation. These benchmarks should be tailored to consider the specific contexts and challenges of different types of schools, including rural and smaller ones.
- **Transparency and communication:** NMPED must ensure transparency throughout the accreditation development process. This includes providing clear information about the rationale, criteria, and evaluation procedures to all stakeholders.
- **Flexibility and support:** The accreditation system should be flexible enough to accommodate diverse educational models and approaches. NMPED should also provide adequate support and resources to help schools meet the accreditation standards.

Recommendations for Grady Schools:

- **Proactive engagement:** Grady Municipal Schools should actively engage with NMPED and other stakeholders to express their concerns and participate in the development of the accreditation system.
- **Data collection and analysis:** Grady Municipal Schools should focus on collecting and analyzing data that demonstrates the effectiveness of their unique educational model and its positive impact on student outcomes. This data can be used to advocate for their specific needs and strengths during the accreditation process.
- **Community outreach:** Grady Municipal Schools should effectively communicate with their community about the proposed accreditation system and its potential implications. This open communication can build understanding and support for the school's efforts to maintain local control and achieve accreditation.

By collaborating with NMPED and advocating for a fair and inclusive accreditation system, GMS and other smaller schools can ensure that their unique strengths and contributions to education are recognized and valued. By focusing on data-driven evidence of their success and actively engaging in the process, GMS can work towards achieving accreditation while maintaining its distinct identity and commitment to its students.

From: [Curtis Clough](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC, Accreditation Procedures
Date: Friday, December 8, 2023 9:21:15 AM
Attachments: [Final Copy-Testimony-Accreditation.docx](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please see the attached testimony and comments on behalf of Corona Public Schools Board of Education and myself.

Respectfully submitted,

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Curtis M. Clough
Superintendent
Corona Public Schools
531 Franklin St / PO Box 258
Corona, NM 88318
Phone 575-849-1911
Fax 575-849-2026

Written Testimony Presented in Response to Proposed Rulemaking for: 6.19.4 NMAC–Accreditation Procedures

Presented by:

Curtis M. Clough, Superintendent
Corona Public Schools and its Board of Education

On behalf of the Corona Public Schools Board of Education and myself, I present this written testimony in opposition to the proposed rulemaking setting the accreditation of school districts in the state of New Mexico. The accreditation procedures in the process are clearly redundant from work that is already submitted to PED on an annual basis as well as does not address specific metrics to determine district's success in the current rule. Further, the rule appears to increase district reporting requirements that violates the Governor's Executive Order 2022-058 that Dr. Kurt Steinhaus, then Secretary of Education, tried so hard to reduce reporting requirements of district's during his tenure. Also, in review of the rule, the most troubling aspect of the rule is that the sole authority in determining the accreditation of districts falls in the hands of the Secretary of Education—how can one person be so experienced and articulate in all areas of the accreditation where he or she can be the expert to authorize accreditation. This approach appears to be burdensome on districts to prove our worth and is troubling that a sole expert who has other duties to deal with in his or her department has to review and be an appeals officer. This is unreasonable to expect one person to have all the knowledge necessary to accredit schools in our state.

In review of the rules and regulations as set forth in the process, I have some concerns and questions that need to be addressed. The areas as outlined in 6.19.4.8-Public School Annual Accreditation Review are all areas that are already addressed by districts and are reported to PED annually (or to the Auditor's Office per the state audit requirements for our annual financial audit). This is a repetitive practice or double reporting for the same information that puts an extra burden on all districts, but particularly small districts, with personnel available to support the process. In our current situation, we have three individuals that would be required to be part of the process, one my K-12 Principal who oversees some of these areas as her responsibility, which will take away from her ability to service the educational needs of our students. Further, I have grave concerns that the NOVA reporting system is at issue since our 40 Day Counts have not been authorized as of yet. The PED determined on their own accord to transition to NOVA this year with no fallback option to ensure the validity of the data and the kinks are being worked out on the go. That is not a good practice and in small districts this reporting and the accreditation process going on at similar times will interfere with the daily operations of our district and greatly impact employee availability for daily tasks that need to occur for our schools to operate effectively and efficiently.

Furthermore, accountability is already being compiled in NM Vistas and shared with districts so why are we having to provide that data when that is pulled from the testing system that is in place for the state as well as staffing and attendance reporting that is part of this process. PED already has access and again is repetitive for districts to submit duplicate reports when they already exist in PED. Finally, on this point, PED has limited capacity in performing their duties as currently prescribed such as RFR payments and Federal Program support and I question whether PED truly has the capacity and expertise to be the accreditation experts of the state, especially with School Safety Plans and Special Education Requirements. I constantly see job postings for PED on LinkedIn and state employment sites looking for qualified employees. With the revolving door of PED employees and changing of assignments constantly, I truly question the abilities of the department to perform accreditation processes in a diligent and objective manner.

In addition, accreditation does not ensure that student achievement is occurring in districts. The national movement has made a move away from an accreditation model that is a one size fits all approach and move to accountability measures that ensure districts are showing continuous improvement throughout a period of

time. The state already has an accountability model in place with the School Support Bureau and the NM Vistas data. Would the state not be better served in focusing on achievement and placing their resources instead of an arbitrary accreditation process that looks to point blames at Boards or Superintendents or Principals that are working toward providing opportunities for our students to be successful upon high school graduation. This, to me, appears to be a veiled attempt to pass the buck and lay blame on school districts and Boards for issues that PED have failed to address over many years. Success will not come without commitment to excellence and this appears to be an attempt to put sole authority on educational decision making for districts in the hands of the Secretary who may not know the intricacies of all communities who know best what they need. Local control and striving for excellence in partnership with PED is the answer—not a compliance system that attacks districts and labels them as failures because of lack of accreditation.

Additionally, I find the process for appeal and hearing to be quite troubling as the hearing officer can be the Secretary or a person appointed by the Secretary to hear. This is a conflict as there is no impartial third-party hearing officer to oversee or hear the process, such as an arbitrator. This appears to be another PED employee hired by the Secretary to be a hearing officer. This is a conflict of interest as is the officer truly impartial. Also, with access to General Counsel and other PED employees to assist in the hearing process, this is an administrative process that will involve legal counsel so is the process truly impartial and can it be trusted? This process is flawed in its execution with little thought given to true due process of the school districts and has the potential to be a major cost burden on districts to project the districts' and community's right to educate their children as they see fit under the local control model that exists in our State Constitution.

The hearing process is also flawed as you have the Board of Education making the presentation instead of the Superintendent and his or her team. Boards, by statute, have clearly denied responsibilities and duties and they do not include the daily operations of the district. That is the responsibility of the Superintendent. Asking the Board to respond to finding where they will not be involved in the information gathering process is arbitrary and capricious. Effective Boards allow their Superintendent to run the daily operations and be advised of key issues impacting the success and failure of our students including curricular and personnel decisions among many others. Asking a Board to effectively address all these areas in a hearing is not acceptable as the Superintendent and his or her team are the ones who can best address these issues.

Finally, in examining 6.19.4.12-Consequences for Public School Disapproval Accreditation Status, the punishments seem to be expedited and accelerated for not meeting accreditation standards. Potential state takeover on a first offense seems awfully severe and does PED have the capacity or knowledge to run a school district as working in PED is much different than running a district? There are no mechanisms in place for graduated punishments and severely escalate with potential removal of Board Members, Superintendents and Principals along with legal action to consolidate districts in court. These penalties and consequences seem troubling and a power grab by the PED removing local decision making from the process that best serves our communities and needs. Having the Secretary of Education as the sole authority in determining what is best for our districts is very concerning and having one person as the educational proprietor for the state is not the answer. Doing this in collaboration with the teachers, the parents, the administrators, the Superintendents and the Boards is the only solution to moving New Mexico forward. This approach for accreditation appears very punitive and penal and will not solve the long-term issues of the state that were increased from the COVID isolation that was imposed on schools. Accrediting schools will not address these issues and respectfully request that PED reconsiders this rule and not implement this process.

Request for PED Response to the Following Questions:

1. Why is the accreditation cycle annually when other voluntary accreditation processes such as AdvancEd or North Central do a three to five-year process?

2. Do districts change in a year that annual is necessary or is a longer cycle for continuous improvement to be considered for district advancement?
3. Where does PED have the responsibility or legal authority to govern non-public or BIE schools at this time?
4. How will PED accredit online academies, specialty schools and at-risk schools in districts that address the highest needs students in a district and state in an effort to educate all students?
5. Since PED walked away from the Floyd Court Case and a court ruling reinstating Los Lunas Board members that had been removed, did PED not already admit they do not have the authority to remove elected officials? And further, isn't the only way to remove a Board member is through an ethics complaint with the Attorney General? What authority does PED truly have to address removal of Board members?
6. What violations of due process are occurring when PED removes a Superintendent or Principal when statute clearly shows that Boards are solely responsible for evaluating the Superintendent and Principals fall under the authority of Superintendent, not PED?
7. If multiple appeals of the accreditation rating occur at the same time, how does the Secretary and PED plan to address the hearing scheduling and have the capacity to meet the timelines as outlined?

Thank you for your consideration of this written testimony on the accreditation process. This process is flawed at best and needs to be removed from rulemaking at this time until further consideration is given to its total impact on the educational success of our students in New Mexico.

Respectfully submitted,
Curtis M. Clough
Superintendent
And the Board of Education, Corona Public Schools

From: [Prescilla Tafoya](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.10.5 and 6.19.4.1
Date: Saturday, December 9, 2023 10:23:27 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good morning,

I am a parent of a 9th grader and soon to be kindergartener and I do not think that it right to extend the school days to 5 days a week. Our teachers are already low paid and burnt out. My child has All A's and a B every year in attending a 4 day a week school. He has strived since moving him out of the PED where they attended school for 5 days a week. The teachers have training days which is shown to help better the students. If they did not have those training days as often on Fridays as they do, I feel like my child would not be thriving.

A 4 day week is better for all students mental health because they have more time to rest and process what they learned through the week and go back to school at 100% opposed to 50% because of the exhaustion of a 5 day week. And I'm sure for the education staff, teachers and faculty feel the same. Everytime I have gone into my child's school you do not see the burnout in the faculty the way I did at my child's previous school. One of the classes my son was in at a 5 day a week school was where they merged 2 grades together. It didn't do any good for him since he was in the 3rd grade and the class was for 2nd and 3rd graders, it set him back a lot because he was relearning 2nd grade work opposed to advancing. Here at the 4 day school there is a teacher for every grade level and they are advancing and preparing them for college and adult life.

On a personal note, solely my choice to help my child strive in his academics, I drive my child 15 minutes away from my house to catch his bus and when he joins sports I drive him 30 minutes away from my home and an hour away from my place of employment. Which equates to 150+ miles per day, depending on the practice times and which sports my child decides to join. Adding an extra day to this would kill me in gas alone. I am a struggling mom who is trying to give my children the best academic experience possible. At that point I might as well home school my children so I can make sure they do not get burnt out in being forced into a 5 day school week. I was also able to adjust my work schedule to fit my children's needs and to spend quality time with them.

Do Not make these changes, I see teachers being burnt out and the PED having issues with teacher retention which has always been a problem even while I was in school at a 5 day a week school, 15 years ago. I see our children being burnt out and dropping out or failing in their classes which doesn't do any justice to our children. This will also put a financial burden on the parents that are like me and go above and beyond for our children so they can strive.

Respectfully,
Prescilla Tafoya

From: [Gail Williams](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for:
Date: Sunday, December 10, 2023 2:57:40 PM

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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.

PED's rules regarding calendar and accreditation:

What's wrong with NMPED? Too much bureaucracy! And these rules just seem like more.

An example: In the last legislative session, a state senator designated funding in the Junior Bill for a 'brain education' program. I am part of a project to introduce "Brain Education" into the public schools and we worked with the senator to propose the funding through the NMPED. So that was at the beginning of March. Since that time, we have spent many hours meeting with principals in different districts and with school district administration to introduce BE and to get buy-in for the project, and to schedule with them for training times beginning with a main training on Jan 2, 2024.

Meanwhile, what has happened with the funding. Nothing. It has fallen into the black hole of bureaucracy. Through an aide of the senator, we have found out the potential funding has gone from the fiscal side to the program side,(whoopie) but it hasn't yet even made it to an REC so that they can create an RFP. And the REC has said that even if they were to get it in the beginning of Dec, they could not process it until after the holiday break. So now all of our scheduling has to be rescheduled if that is even possible now to coordinate with all of the different schools which have committed to this project. So a pot of money that could potentially fund an exciting project to improve a number of NM schools, their teachers, staff, students and their families will likely not be available in time to fully implement and complete the project. A pot of money that was allocated nine months ago.

Bureaucracy tends to feed and justify its own aggrandisement and these new rules on calendar and accreditation seem like a perfect example.

From: [Rhea Lynn Kaufman](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC, Accreditation Procedures
Date: Tuesday, December 12, 2023 10:21:13 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

RE: 6.19.4 NMAC, Accreditation Procedures

I am writing to express my opposition to the proposed rule that seeks to add accreditation of all school districts and establish procedures for seeking state accreditation. While I understand the importance of ensuring high standards of education, I believe that local control is necessary in determining the procedures for seeking accreditation.

As educators, our time and resources are best spent focusing on relevant issues such as student academic success. The process of seeking state accreditation can be extremely time consuming and can divert valuable resources away from the instructional process. Instead, we should be spending more time assisting teachers in the instructional process, providing professional development, and supporting student learning.

Moreover, mandating accreditation for all school districts may not effectively address the unique needs and challenges faced by individual districts. Local control is necessary to tailor educational strategies and priorities to the specific needs of our students and community.

I urge the New Mexico Public Education Department to reconsider the proposed rule and to engage in conversations with local educational stakeholders to find solutions that prioritize student success and support educators in their vital work.

Sincerely,

Rhea Lynn Kaufman

Assistant Principal
Artesia High School
575-746-9816

ARTESIA PUBLIC SCHOOLS – “SUPERIOR QUALITY EDUCATION FOR ALL STUDENTS”

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From: [Lora Armendariz](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 Accreditation Procedures
Date: Tuesday, December 12, 2023 1:30:39 PM

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Good afternoon,

I am a mother and teacher who lives and works in rural New Mexico. Our school serves a small community in a rather isolated part of Easter New Mexico.

I have recently become aware of the proposed regulations in 6.19.4 Accreditation Procedures that would give the state the ability to close our district per their discretion in regards to the creation and submission of school information. **It is obvious that these proposed rules are a direct attempt of our state department to control and exercise their authority beyond the original intention of our state constitution and it should not be allowed to pass.**

Please speak up for our communities and schools. We know that you truly care about the interests of the people you represent.

Sincerely,
Lora Armendariz

From: [Lora Armendariz](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 Accreditation Procedures
Date: Tuesday, December 12, 2023 1:30:40 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

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Please speak up for our communities and schools. We know that you truly care about the interests of the people you represent.

Sincerely,
Lora Armendariz

From: [Lora Armendariz](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19. Regulations Guidelines
Date: Tuesday, December 12, 2023 1:30:43 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good afternoon,

I am a mother and teacher who lives and works in rural New Mexico. Our school serves a small community in a rather isolated part of Easter New Mexico.

I have recently become aware of the proposed regulations in 6.19.4 Accreditation Procedures that would give the state the ability to close our district per their discretion in regards to the creation and submission of school information. **It is obvious that these proposed rules are a direct attempt of our state department to control and exercise their authority beyond the original intention of our state constitution and it should not be allowed to pass.**

Please speak up for our communities and schools. We know that you truly care about the interests of the people you represent.

Sincerely,
Lora Armendariz

From: [Kevin Summers](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Comment on Proposed Rule 6.19.4
Date: Tuesday, December 12, 2023 3:44:42 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good Afternoon,

I am writing today as the Superintendent of the Aztec Municipal School District in reference to new proposed rule 6.19.4. Please consider this email as official opposition to the proposed rule.

Specifically, I am opposed to 6.14.4.8 A. (3) b wherein the proposed rule states "...The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process". Conceptually, this section of the proposed rule is well-intended and crucial for sound fiscal stewardship; however, it is my belief that the inclusion of the word "shall" intends to supersede the statutory authority of the duly elected local school board granted in 22-5-4 C NMSA. The statute gives the responsibility of the review and approval of the annual school district budget to the locally elected board, not the Department. As a result, it can be construed that the Department is attempting to take over the statutory authority of the school board through this language as it pertains to the annual budget.

Furthermore, I am concerned about the language in 6.19.4.12 "Consequences of public school disapproval accreditation status". While I can recognize that this section intends to operationalize the statutory authority granted by 22-2-14 NMSA, the statute was created before the proposed accreditation rule and is absent of any language referencing accreditation. As a result, I believe that the proposed rule is not within the spirit or intent of the original statute and may constitute an illegal expansion of statutory authority by NMPED.

It is crucial to emphasize the importance of collaborative decision-making processes that involve local stakeholders, educators, and parents in shaping educational policies. A top-down approach, as suggested by the proposed rule, may lead to unintended consequences and create challenges for schools in meeting the unique needs of their students, further exacerbating several of the struggles experienced around our State with regard to student achievement.

I strongly urge the NMPED to reconsider and revise proposed rule 6.19.4, taking into account the concerns raised regarding its potential infringement on the statutory authority of local school boards and its misalignment with the principles set forth in 22-2-14 NMSA as well as those in 22-5-4 NMSA. Collaborative efforts between state education agencies and local communities are essential to ensuring the development and implementation of policies that genuinely serve the best interests of our students and schools.

Thank you for your attention to this matter, and I trust that you will consider the perspectives of local stakeholders in your decision-making process.

-K.S.

Kevin Summers
Superintendent

Aztec Municipal School District



From: [Cody Patterson](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Re: Proposed PED regulations 6.19.4
Date: Wednesday, December 13, 2023 10:49:45 AM

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Committee Members,

I would like to bring to the attention of the committee several issues and questions regarding the proposed PED regulation 6.19.4. First and foremost, I understand the need for accountability and accreditation, as I have served on several North Central Accreditation teams around the state. The most interesting thing of these accreditations were the ideas brought back to a district that could be adapted or at least open the door for creative conversations. However, in this regulation there are several concerns. The first is that it is supposed to be implemented as early as January of 2024. This is once again a system that we will build the plane as we fly it, so to speak. In this regulation, there is no clear system of what would be evaluated to meet accreditation. If this is in response to Yazzie-Martinez then why has there been no discussion or collaboration with school district leaders on what accreditation will look like, what it will include as a basis for successfully being accredited? There is no clear cycle of what school districts will go through accreditation and no calendar. Without these clear standards, cycle and calendar it would again create work that could interfere with daily operations of a school. Especially a small district where so many hats have to be worn daily. It does appear that there is an appeal process that would be filed by the school board? The board would be the ones to be in the appeal and to answer questions? Why are the administrators and staff that work within the district not the one answering the question? The third concern is the harshness of the penalties? If this is not supposed to be a punitive system why are the penalties so harsh? How does this give the PED to remove duly elected school boards and remove administrators of the districts hired by the elected official of the LEA? Why and how would redistricting happen, especially to your small rural schools that are so spread out among the state? This again indicates a work against the school district instead of with school districts?

Thank You for these considerations

Respectfully,

Cody Patterson
Superintendent
(575) 648-2346
Fax: (575)648-2216

From: bgottschall@gbcfarm.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed Rules Changes 6.19.1.9 and 6.19-4.10
Date: Wednesday, December 13, 2023 3:19:43 PM

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NM PED:

I am strongly opposed to proposed rule changes 6.19.4.9 and 6.19.4.10

Regarding 6.19.4.9 *Accreditation of Nonpublic and BIE Schools*:

The wording of this changes appears to put New Mexico's nonpublic schools under the oversight of NM PED and places an undue burden on many smaller schools. While I am not opposed to accreditation by a recognized agency as demonstrated by my leading Grace Baptist Academy, Farmington, through our initial accreditation process and subsequent renewals, a straightforward reading of this rule appears to place a requirement on all nonpublic schools that they MUST obtain accreditation. For many smaller private schools, doing so would be an increased financial burden; and for many faith-based schools, requiring accreditation would violate their religious convictions and freedom of religious practice as guaranteed by both the United States Constitution and the Constitution of the State of New Mexico. Early in the onset of the Covid pandemic here in New Mexico, Governor Michelle Lujan Grisham made it clear that private, nonpublic schools in New Mexico do not fall under PED guidelines and requirements; yet this proposed change would clearly place these schools under at least the oversight, if not the outright control of NM PED.

Section B of this proposed change indicates that State accreditation would be reviewed annually by the NM Secretary of Education and would be at the approval of the Secretary. There is no exemption for the religious beliefs of faith-based schools of any kind, and there is also no exemption for private schools operating under their own conscience and guidelines. There is no reasonable expectation that nonpublic schools should be State accredited or not based on the "whims" of one individual.

Section D of this proposed change requires nonpublic schools to accept the requirement that NM PED "...shall have the authority to observe the operation of a nonpublic or BIE school," again a violation of the rights of the individual schools, particularly for faith-based schools operating under their convictions and guidelines of an autonomous, local church or group of like-minded individuals. This is a clear violation of the Separation of Church and State and must not be allowed to stand.

Section 6.19.4.10 clearly places the accreditation of nonpublic schools under the discretion of the NM Secretary of Education, who many or many not have a proper

understanding of the goals and mission of individual nonpublic schools. Again, this provision must not be allowed to stand – our schools are not intended to be, nor should they be, allowed to retain accreditation or engage in daily practices at the approval of the NM Secretary of Education.

The nonpublic schools of New Mexico did an excellent job of navigating through the Covid pandemic of the past few years, and our students have continued to excel in spite of many regulations placed upon us during that time under the guise of a “public health emergency.”

These rule changes as pertaining to nonpublic schools appear to us as “power grab” by the State, putting the accreditation status of our nonpublic schools into the hands of one individual or a small handful of bureaucrats who hold their positions – often unelected - at the pleasure of our governor. By what authority or purpose should our State have control of private entities and institutions who are successfully providing excellence in education to their students and their students’ families?

Respectfully submitted,

Brian Gottschall

Administrator, Grace Baptist Academy, Farmington, NM

Executive Director, New Mexico Association of Christian Schools (NMACS)

Member, New Mexico Association of Nonpublic Schools (NMANS)

Commissioner, New Mexico Christian Athletic Association (NMCAA)

From: [Halee Goff](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback for 6.19.4 NMAC, Accreditation Procedures
Date: Wednesday, December 13, 2023 3:52:32 PM

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To Whom it May Concern:

I am writing to express my strong opposition to the proposed rule 6.19.4 NMAC, Accreditation Procedures. As a public-school employee, I have heard the promise from NMPED for many years that the amount of red tape and unnecessary paperwork we are required to complete will be reduced and our procedures will be streamlined. However, this proposed rule is not only placing a greater burden on our school administrators and staff, but it will also provide an unnecessary burden on NMPED, who is already short staffed.

I have been left with two questions after reading the proposed rule. First, what purpose does the proposed accreditation process serve when the vast majority of the required information is already submitted to NMPED and is in the state system? Anything that is done that costs taxpayer money and resources should have a purpose and should be for the betterment of students and staff. This rule only takes away time and resources from schools and their administrations that would be better spent focusing on student learning and achievement. Secondly, who does this rule serve? Is this proposed rule intended to serve students and increase their educational opportunities? If so, please provide data to show how removing resources from other educational areas and increasing duplicate workload for districts is going to increase student achievement. Or, does this rule serve as one more hoop for schools to jump through that actually provides to be of little value to students?

We do have issues within our educational system that need to be resolved. I believe we can all agree on that. However, we need to focus our time, effort, and resources on the areas that will truly make a difference. We need to support teachers, address chronic attendance issues, tackle the overwhelming attitude of apathy among students, and recruit and retain certified staff.

To require schools to provide redundant and duplicate information in the name of accreditation is contradictory to the actual mission of our schools, which is to provide the highest quality education possible. I urge NMPED to consider the impact this rule will have on districts.

Thank you,

Halee Goff

Principal
Artesia Zia Intermediate School
575-746-2766

ARTESIA PUBLIC SCHOOLS – “SUPERIOR QUALITY EDUCATION FOR ALL STUDENTS”

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copying, distribution, or use of the contents of this message is strictly prohibited. The contents of this message, while possibly falling under the exceptions of the Inspection of Public Records ACT {NMSA Chapter 14, Article 2} may be subject to inspection by the public.

From: jforeman@mvcsnline.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposes changes to non-public school accreditation
Date: Wednesday, December 13, 2023 5:22:29 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am writing today to express our concerns regarding the proposed rule changes that will affect non-public schools, especially in the following three areas:

1. Accreditation
2. Annual reporting to PED
3. Language that would allow PED to “observe the operations” of non-public schools (NPS)

Background – Dating prior to statehood, private and faith-based schools have successfully and independently operated in New Mexico. Schools like Rehoboth Christian School in Gallup (1902), Menaul Academy (1896) in Albuquerque, and St. Micheal Catholic School (1859) in Santa Fe are good examples. Over the years many leaders have been educated by our non-public schools our NPS annually lead the state in PSAT and ACT test scores, all without state funding. The record of success for NPS is clear and ongoing, thus it creates great concern that PED now is expressing the need to have greater control. As the former State Director (2013-2020) of the New Mexico Non-public School Association (NMANS), annually I traveled over 6,000 miles visiting the campuses of over 70 NPS per year. My wife and I also taught for 5 years in a private school on the Navajo Nation, thus we have a broad range of experiences with NPS in our state.

Accreditation – Personally, I am a strong supporter of accreditation and in doing so have served on over 30 accreditation site teams since the 1990’s. However, I also believe that this should be the decision of each NPS, some are small and unable to fund the costs associated with accreditation. The average size of a NPS in New Mexico is less than 100, with that in mind this would be a genuine hardship on many smaller schools. The fact that they are smaller does not mean they are low quality, again I would point to standardized test scores as evidence of their impact academically. Since the PED has already approved these NPS agencies that accredited private schools, this should be allowed to continue as is.

Annually reporting – Since this is already (collectively) being done by PED approved accrediting agencies, what are the goals for the PED in such a change?

“Observe operations..” – This is a very vague and yet undefined phrase, which also causes great concern. This also carries the question of “who” would serve in this role? What department, agency, division, etc.. This is also

undefined and left open to future interpretation and application apparently without solid rationale to support.

Summary – NPS and homeschooling represent approximately 10% of all K-12 students in our state and have solid academic results to support. With our state at the bottom in test scores and at the top in high school dropout rates, I fail to see why PED would feel that our most successful schools need to be more governed. In short, I fail to see the rationale for these changes and am concerned that this is more politically motivated than academically. Our recommendation is to leave things as they are and allow our NPS to continue to successfully serve our students and families without added oversight by the state.

Thank you for the opportunity to provide input into these very important issues.

Dr. John Foreman, Head of School
Mesilla Valley Christian School
(575) 525-8515
www.mvcsonline.com

From: [A Barnett](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rules 6.19.4.9
Date: Thursday, December 14, 2023 11:22:57 AM

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Hello,

I currently have my children in a private school and I choose to pay this money due to my disagreement with the agenda public schools are pushing in NM. I am in opposition of Rules 6.19.4.9 and 6.19.4.10, there is a reason I am currently paying to have my children in a private education. I do not need the state being able to tell my kids what the State thinks they need to be taught. I am respectfully asking for this bill not to pass allowing the State to not accredit private education.

Respectfully,

Aaron Barnett

From: [Jeff Walton](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment Regarding NM 6.19.4.9
Date: Friday, December 15, 2023 7:37:49 AM
Attachments: [Public Comments NM 6.19.4.9 Digital.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please see the attached document for public comment regarding. I have also copied the language into this email.

Thank you for your assistance.

Public Comment

Proposed New Rule: Title 6, Chapter 19, Part 4

As the representative of an accrediting entity recognized under current Title 6, Chapter 81, Part 2, I write to call attention to some language in the proposed rule that either grants new authority to the NMPED and places new requirements on nonpublic schools or at least creates ambiguity regarding that authority and requirements. The proposal has been reviewed by our New Mexico affiliate leadership and our legal counsel. While there may be nuances in New Mexico code we are not aware of, the proposed new rule appears to grant new authority to the department and place new requirements on nonpublic schools.

Our first concern is with proposed rule 6.19.4.9—*Accreditation of Nonpublic and BIE Schools*

A. Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department.

B. Annual report: All nonpublic and BIE schools shall submit an annual report...shall update and submit the following information to the department.

(1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity.

The language in 6.19.4.9 appears to create a new requirement that all nonpublic schools become accredited schools, or at least creates some ambiguity about the expectation. If the intent is to require accreditation by an approved entity for all nonpublic schools, that is a burdensome and unfair expectation that we believe exceeds the statutory authority of the department. If mandating accreditation on all nonpublic schools is not the intent, current language should be amended to remove ambiguity and express intent.

We propose retaining the language currently in 6.81.2.8.E: *Nonpublic or BIE schools seeking accreditation in New Mexico shall obtain and maintain accreditation from one of the 11 accrediting agencies listed in the definition section of this rule or any other entity approved by the department as an accrediting entity.* We believe “*from one of the 11 accrediting agencies listed in the definition section of this rule*” could be removed without damaging the intent of the rule or creating a new mandate for nonaccredited schools.

Our second concern is with proposed rule 6.19.4.9.D., which appears to grant new authority to the department to observe any nonpublic school.

6.19.4.9.D—*The department shall have the authority to observe the operation of a nonpublic or BIE school.*

While there is no definition of “observe” in the proposed rule, if the intent is to expand the department’s authority to monitor nonpublic schools, that is an expansion that we believe exceeds the statutory authority of the department.

We propose retaining the language currently in 6.81.2.8.C: *The department shall have the authority to observe the operation of a nonpublic or BIE school in the state seeking or holding department accreditation.*

We urge the department to retain the language in 6.81.2.8.E and 6.81.2.8.C rather than the language in the proposed new rule to clearly express that the department is not attempting to assert new authority over nonpublic schools or create new mandates for nonpublic schools through the proposed new rule.

Jeff Walton
Executive Director
American Association of Christian Schools

--

Jeff Walton
Executive Director
AACCS
jwalton@aaccs.org



December 15, 2023

Public Comment

Proposed New Rule: Title 6, Chapter 19, Part 4

As the representative of an accrediting entity recognized under current Title 6, Chapter 81, Part 2, I write to call attention to some language in the proposed rule that either grants new authority to the NMPED and places new requirements on nonpublic schools or at least creates ambiguity regarding that authority and requirements. The proposal has been reviewed by our New Mexico affiliate leadership and our legal counsel. While there may be nuances in New Mexico code we are not aware of, the proposed new rule appears to grant new authority to the department and place new requirements on nonpublic schools.

Our first concern is with proposed rule 6.19.4.9—*Accreditation of Nonpublic and BIE Schools*

A. Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department.

B. Annual report: All nonpublic and BIE schools shall submit an annual report...shall update and submit the following information to the department.

(1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity.

The language in 6.19.4.9 appears to create a new requirement that all nonpublic schools become accredited schools, or at least creates some ambiguity about the expectation. If the intent is to require accreditation by an approved entity for all nonpublic schools, that is a burdensome and unfair expectation that we believe exceeds the statutory authority of the department. If mandating accreditation on all nonpublic schools is not the intent, current language should be amended to remove ambiguity and express intent.

We propose retaining the language currently in 6.81.2.8.E: *Nonpublic or BIE schools seeking accreditation in New Mexico shall obtain and maintain accreditation from one of the 11 accrediting agencies listed in the definition section of this rule or any other entity approved by the department as an accrediting entity.* We believe “*from one of the 11 accrediting agencies listed in the definition section of this rule*” could be removed without damaging the intent of the rule or creating a new mandate for nonaccredited schools.

Our second concern is with proposed rule 6.19.4.9.D., which appears to grant new authority to the department to observe any nonpublic school.

6.19.4.9.D—*The department shall have the authority to observe the operation of a nonpublic or BIE school.*

While there is no definition of “observe” in the proposed rule, if the intent is to expand the department’s authority to monitor nonpublic schools, that is an expansion that we believe exceeds the statutory authority of the department.

We propose retaining the language currently in 6.81.2.8.C: *The department shall have the authority to observe the operation of a nonpublic or BIE school in the state seeking or holding department accreditation.*

We urge the department to retain the language in 6.81.2.8.E and 6.81.2.8.C rather than the language in the proposed new rule to clearly express that the department is not attempting to assert new authority over nonpublic schools or create new mandates for nonpublic schools through the proposed new rule.

Jeff Walton
Executive Director
American Association of Christian Schools

From: [Nathan Bruch](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed rule change to 6.19.4.9-A,B,C,D, and 6.19.4.10- Public Comment
Date: Friday, December 15, 2023 10:25:15 AM

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As a parent of private Christian school students, I strongly oppose these rule changes that are trying to be covertly applied to "no-public" education in New Mexico.

First of all, the fact that these rule changes are trying to be enacted in a short period of time over Christmas break to be in place January 5th, 2024, shows that the NMPED is trying a power grab over school systems that it should have no business with. The 2 week period over the holiday season between public comment and enactment reveals that the NMPED is aware of their overreach and is attempting to push these rule changes past with as little outside input as possible.

Second, these schools that will be directly affected are private institutions. Meaning that the NMPED should have NO control over their day to day operations over them. Additionally, many of these schools provide Christian education in which NMPED would be in breach of the separation of Church and state in enacting rules that attempt to dictate daily operations within them.

Thirdly, this is a thinly veiled attempt to try and count private school attendance into state numbers so that the NMPED can collect federal education dollars for attendance.

Lastly, if the NMPED is so concerned about the quality of education in the state of New Mexico, perhaps its efforts would be better spent actually improving the quality of education. The FACT that New Mexico public education is DEAD LAST in the United States for performance speaks volumes about the NMPED and its ability to govern.

Private school education gives our students better opportunities where our public education fails dramatically. It is for this fact that my wife and I chose a more difficult route for ourselves by selecting, working for, and financially support a private school education for our children.

Keep your hands off of "non-public" education!

Nathan Bruch

Albuquerque resident
Father of 2

From: [Kathryn Welch](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC, Accreditation Procedures objection
Date: Friday, December 15, 2023 11:13:23 AM

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To Whom it may concern,

I strongly appose the language and scope of *6.19.4 NMAC, Accreditation Procedures*. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were/are spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

I feel legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

I would like a written response from the New Mexico Public Education Department with their justification and explanation of all proposed changes.

Thank you,
Katy Welch

From: [lea Jensen](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Opposition of 6.19.4 NMAC
Date: Friday, December 15, 2023 11:26:24 AM

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To the NMPED,

I strongly oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

Regards,
Leandra Campos

From: [Blanca Mora](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Opposition of 6.19.4 NMAC, Accreditation Procedures
Date: Friday, December 15, 2023 11:29:39 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To the NMPED,

I strongly oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

Regards,
Blanca Mora

From: [Sonya Trinidad](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] OPPOSED to 6.19.4 NMAC
Date: Friday, December 15, 2023 11:33:01 AM

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To whom it may concern:

I oppose the language and scope of 6.19.4 Accreditation Procedures. I do not believe that the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by state approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the state-run educational system. I disagree with the radical agenda of state standards and curriculum. I am disappointed that our public schools rank 49th and 50th in national education, this is a disgrace and a disservice to our children. I don't want any part of that. Despite my opposition, my tax dollars are spent in support of this agenda, against my will. I do not receive any supplemental aid from the government, like some other states provide, to support the wonderful private education that my children receive. And now the government wants to tell me how to educate my child? Absolutely not! I spend hundreds of dollars, out of pocket, on my child's private education. This is my unalienable right to parent my child the way I deem fit. 6.19.4 NMAC undermines that right and I will not stand for it. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right. I feel legislation, would better serve our children, if it placed its focus on improving and making implementations in the public school system which has ranked 49th and 50th in National education, since who knows when. I would like to request a written response from the New Mexico Public Education Department explaining their justification of the actions that are being taken.

Sincerely,
Sonya Trinidad

<>< SMT ><>

From: [J. Marie](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] The language and scope of 6.19.4 NMAC
Date: Friday, December 15, 2023 11:39:36 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I appose the language and scope of *6.19.4 NMAC, Accreditation Procedures*. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child. I would like a written response from the New Mexico Public Education Department with their justification and explanation of all actions taken.

Thank you.

From: [Fr. Matthew Keller](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Reject Proposed legislation
Date: Friday, December 15, 2023 11:43:43 AM

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To whom it may concern:

As the pastor of 2 Catholic schools in New Mexico, I am exceedingly concerned with the proposed changes in accreditation rules for private schools. It is stunning to see the assumed authority and decision making ability being considered. Along with other religious affiliated schools, we are especially concerned about the use of the word “shall” – indicating that there is no other option, and the statement that “the department shall have the authority to observe the operation of a nonpublic or BIE school,” and tying the statements in section 6.19.4.9 with those in 6.19.4.10 that would give PED the authority to approve or suspend the accreditation of our schools.

This is completely unacceptable and would essentially eliminate several of the major purposes of having a private religious school, namely self determination and freedom of Religion. The Catholic Church has operated schools in New Mexico for much longer than it has been a state. The idea that State government would suddenly impose a new power to make decisions concerning what is approved to be taught in our parochial schools is outrageous.

Respectfully,

Very Rev. Matthew A. Keller

Pastor of St. Joseph and St .Teresa Catholic schools in San Fidel and Grants, NM

From: [Daniel Trinidad](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Government Overreach!!!!
Date: Friday, December 15, 2023 12:00:45 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern:

I oppose the language and scope of 6.19.4 Accreditation Procedures. I do not believe that the Secretary of Education has any justification

or should have authority to observe and determine the status of schools accredited by state approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the state-run educational system. I disagree with the radical agenda of state standards and curriculum. I am disappointed that our public schools rank 49th and 50th in national education, this is a disgrace and a disservice to our children. I don't want any part of that. Despite my opposition, my tax dollars are spent in support of this agenda, against my will. I do not receive any supplemental aid from the government, like some other states provide, to support the wonderful private education that my children receive. And now the government wants to tell me how to educate my child? Absolutely not!

I spend hundreds of dollars, out of pocket, on my child's private education. This is my unalienable right to parent my child the way I deem fit. 6.19.4 NMAC undermines that right and I will not stand for it. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right. I feel legislation, would better serve our children, if it placed its focus on improving and making implementations in the public school system which has ranked 49th and 50th in National education, since who knows when. I would like to request a written response from the New Mexico Public Education Department explaining their justification of the actions that are being taken.

Daniel Trinidad

From: [Daniel Trinidad](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Opposed to 6.19. 4 NMAC
Date: Friday, December 15, 2023 12:03:24 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern:

I oppose the language and scope of 6.19.4 Accreditation Procedures. I do not believe that the Secretary of Education has any justification

or should have authority to observe and determine the status of schools accredited by state approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the state-run educational system. I disagree with the radical agenda of state standards and curriculum. I am disappointed that our public schools rank 49th and 50th in national education, this is a disgrace and a disservice to our children. I don't want any part of that. Despite my opposition, my tax dollars are spent in support of this agenda, against my will. I do not receive any supplemental aid from the government, like some other states provide, to support the wonderful private education that my children receive. And now the government wants to tell me how to educate my child? Absolutely not!

I spend hundreds of dollars, out of pocket, on my child's private education. This is my unalienable right to parent my child the way I deem fit. 6.19.4 NMAC undermines that right and I will not stand for it. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right. I feel legislation, would better serve our children, if it placed its focus on improving and making implementations in the public school system which has ranked 49th and 50th in National education, since who knows when. I would like to request a written response from the New Mexico Public Education Department explaining their justification of the actions that are being taken.

Sincerely,
Daniel Trinidad

From: [Sunshine Church](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment / 6.19.4 NMAC
Date: Friday, December 15, 2023 1:23:38 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To New Mexico Legislators and New Mexico Secretary of Education,

I am writing to strongly oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies.

As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied and disappointed with the State-run educational system my tax dollars are spent on. I disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.”

Additionally, I feel legislation would better serve our children if it required public schools be open to observation by parents, and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

Finally, I hereby request a written response from the New Mexico Public Education Department with their justification and explanation of all actions taken.

Jason David

Senior Pastor
Sunshine Church

From: [Berta L](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC Rule Feedback
Date: Friday, December 15, 2023 1:38:43 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I oppose the language and overreach in the proposed 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any reason to nor should they have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on. I chose private education due to insufficient educational quality and questionable curriculum in the classroom. I disagree with the radical agenda in State standards and curriculum and chose private education in alignment with my freedom for religious expression. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child and take issue with the overreach that will interfere with my child's school who is providing a quality education. I also chose private education to ensure my child is not indoctrinated with politically motivated content and topics in the curriculum that are not at all age appropriate.

In addition, the State of New Mexico Public Education Department has failed our children and taxpayers by providing education that is so far behind in quality compared to the rest of our nation. The PED needs to maintain focus on that which is under the scope of their existing authority to bring educational standards in the State of New Mexico to acceptable standards, as it is highly insufficient. To add scope with this language, when they have failed to meet their existing obligations, is an incredible disservice to taxpayers and ultimately hurts the future of our state.

This language should not be modified and should not be adopted by the state of New Mexico. Parents are turning to private education for a reason, and to bring government oversight into the only educational systems serving the children of New Mexico in providing quality education is unacceptable and does nothing to improve education in the State of New Mexico. Do not accept this overreach that will hurt our children. Insist via legislation that the NM PED demonstrate a dramatic improvement in the quality of education in New Mexico immediately. Should they ever be able to raise their performance to exceptional standards, this topic could be revisited. Simply put - the NM PED needs to focus on their own house before trying to assert authority over other houses that are actually working for our citizens.

Regards,

Berta Leddon

From: bgottschall@gbcfarm.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Why Are Public Comments Not Being Posted Publicly
Date: Friday, December 15, 2023 1:58:03 PM

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Why are public comments submitted in response to **6.19.4 NMAC, Accreditation Procedures** not being posted publicly?

Brian Gottschall

From: [Lauren Solano](#)
To: [Feedback, Rule, PED](#)
Subject: [EXTERNAL] Public comments and Concerns about 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation
Date: Friday, December 15, 2023 3:32:30 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hi there! My name is Lauren Solano. I am the parent of two kids who attended a private school in Albuquerque NM and I am writing about the proposed appeal of and replacement of **6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation**.

We are especially concerned about the use of the word “shall” – indicating that there is no other option, and the statement that “the department shall have the authority to observe the operation of a nonpublic or BIE school,” and tying the statements in section 6.19.4.9 with those in 6.19.4.10 that would give PED the authority to approve or suspend the accreditation of our schools.

We do not agree with this and do not support the appeal and replacement of this.

Can you please send me confirmation that you received my comments and concerns?

My contact info is below:

Lauren Solano

505-903-2195

laurensolano0301@aol.com

Sent from my iPhone

From: [HelpDesk, PED, PED](#)
To: [FeedBack, Rule, PED](#)
Cc: [Terrazas, Denise, PED](#)
Subject: A Couple of Concerns
Date: Friday, December 15, 2023 3:36:33 PM

From: bgottschall@gbcfarm.com <bgottschall@gbcfarm.com>
Sent: Friday, December 15, 2023 1:54 PM
To: HelpDesk, PED, PED
Subject: [EXTERNAL] A Couple of Concerns

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Please allow me to express a couple of concerns:

1. Regarding the PED proposed rule changes 6.19.4 NMAC, Accreditation Procedures, only four comments are showing on the Public Comments section, and that is all that have been posted for several days. I know that more comments have been submitted – I submitted one two or three days ago, John Foreman from Mesilla Valley Christian School has submitted one; Dr. Jeff Walton and the AACS (American Association of Christian Schools) has submitted a public comment – and I’ve been told by several others around the state that they would (though I cannot confirm at this point that they have).

Why are our public comments not posted publicly after two or three days of being submitted.

1. I sent an email requesting a speaking slot at the PED public committee meeting this coming Monday, Dec. 18, in Santa Fe, but I haven’t heard anything in response, and that was a couple of days ago. I would understand if you couldn’t reserve an opportunity to address the committee in advance, but if that’s the case, I should have been notified of that policy.

So if I can reserve a slot to address the committee, please reserve me one. If I cannot, please let me know.

Thank you,

Brian Gottschall
Administrator, Grace Baptist Academy, Farmington, NM
Executive Director, New Mexico Association of Christian Schools (NMACS); local affiliate of the AACS

From: [Josephine Montoya](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] I oppose
Date: Friday, December 15, 2023 4:07:05 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom It May Concern,

I oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen New Mexico, I have chosen private education for my child because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any effort by the New Mexico Public Education Department to undetermined my unalienable right coparent my child. I feel like legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determine by formalized process involving the parents of the students who attend said school and the publicity elected school board who oversees it.

May I get a written response back in regards to NMPED justification and explanation of all action taken please.

From: [Donna Illerbrun](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] PED Accreditation of Non-public Schools
Date: Friday, December 15, 2023 4:07:29 PM
Attachments: [image001.png](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I object to this ruling. The New Mexico Public Education Department has enough on their plate. They do NOT need to be taking on accreditation of our private schools. Per the current legislation, all our Catholic schools are accredited by a recognized accrediting agency. There are over 100 accredited non-public schools listed on the PED website. These are all accredited by the state of New Mexico. Please do not overstep your authority. Focus on improving the public schools. We are all in this together-to help the children of New Mexico.

Peace and blessings,

Donna

Donna Illerbrun
Superintendent of Catholic Schools
Archdiocese of Santa Fe
4000 St. Joseph Pl NW
Albuquerque, NM 87120
505-831-8172



From: [Simonita](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC, Accreditation Procedures.
Date: Friday, December 15, 2023 4:09:58 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern,

I am writing this email to you today to inform you that I and many other parents do not support the new update to legislation regarding **NMAC Requirements for Nonpublic Schools and for Public Education Department Accreditation**. We are especially concerned about the use of the word “Shall” – indicating that there is no other option, and the statement that “ the department shall have the authority to observe the operation of a nonpublic or BIE school,” and tying the statements in section 6.19.4.9 with those in 6.19.4.10 that would give PED the authority to approve or suspend the accreditation of our school.

We do not support this change in legislation and would urge you to reconsider how this will impact our school and our children.

Simonita Driver

From: [Chris Simons](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for . 6.19.4.9 NMAC Accreditation Procedures
Date: Friday, December 15, 2023 4:14:21 PM
Attachments: [image001.png](#)
Importance: High

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom It May Concern,

I am writing to express my concerns regarding the impending rule changes that will impact non-public schools in the State of New Mexico, specifically the following amendments:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The department's authority to "observe the operation of a nonpublic...school."
4. The proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

According to 6.19.4.9 E (2) NMAC, accreditation standards should rely on "evidence-based educational practices that facilitate student academic achievement." While it is reasonable for accrediting entities to adhere to such standards, a critical question arises when reviewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9: Does the New Mexico Department of Education prioritize proven successful practices, or does it lean more towards exerting control?

Consider the following disconcerting facts about New Mexico's Education System:

- New Mexico consistently ranks 50th in the nation in education, as reported by both US News and World Report and Forbes.
- In 2022, only 13% of students in New Mexico scored at or above proficient in Mathematics, and 18% scored at or above proficient in Reading, according to the Public Department of Education.
- The overall four-year graduation rate in 2022 was 76%, as per NMPED.
- Public schools accommodated approximately 331,000 students in 2022.

In contrast, non-public schools consistently exhibit higher test scores (including ACT and SAT), superior graduation rates, lower student-to-teacher ratios, and students who are better prepared for college. Refer to the Good Soil Report by Notre Dame for a comprehensive comparison of various education methods.

Given this evidence, the question arises: If non-public schools consistently outperform public schools overseen by the NMPED, why is there a push for more control over non-public and BIE schools? Is it with the aim of improvement, or are there other motivations at play?

Non-public schools should have the autonomy to decide if and when to seek accreditation and by whom. Accrediting entities should set high standards while aligning with the school's mission, vision,

and educational methodology.

Concerning 6.19.4.9 D: The department's authority to "observe the operation of a nonpublic...school":

The term "observe" is ambiguous and requires clarification to prevent potential harmful interpretations that may adversely affect the operations of private schools. It is recommended that this term be omitted or, at the very least, clearly defined.

Thank you for your thoughtful consideration.

Sincerely,

Thank You,

Chris Simons CPA, PFS, CFP®, CLU®, CGMA
Partner



212 W. Main St
PO BOX 193
Artesia, NM 88211
(575) 736-4670

302 N. Canal St
PO BOX 57
Carlsbad, NM 88221
(575) 887-1903

ENGAGEMENT WORK NOTICE: OUR FIRM SPECIFICALLY DISCLAIMS ANY AND ALL EMAILS AS BINDING AND OR AS ENGAGING HARVEY & SIMONS CPAs, LLC et al FOR OUT-OF-SCOPE WORK REQUESTED. A SIGNED ENGAGEMENT LETTER FOR ALL OUT-OF-SCOPE WORK IS REQUIRED TO BIND AND OR ENGAGE OUR FIRM FOR OUT-OF-SCOPE SERVICES. CLIENT EMAIL REQUEST WILL SERVE AS CLIENT PERMISSION TO BILL CLIENT FOR ANY AND ALL WORK PERFORMED BY HARVEY & SIMONS CPAs LLC et al AT STANDARD HOURLY RATES UNTIL A SIGNED ENGAGEMENT LETTER IS OBTAINED AND OR CLIENT REVOKES REQUEST FOR OUT-OF-SCOPE SERVICES IN WRITING.

If you would like to request or inquire on any out-of-scope work including if our firm is engaged for services requested Please contact Chris Simons – Partner at chris@cpasnm.com or 575-736-4670.

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info@cpasnm.com for log in instructions.

From: [Shaun Gibson](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed promulgation of 6.19.4
Date: Friday, December 15, 2023 4:24:44 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I appose the language and scope of 6.19.4 NMAC, *Accreditation Procedures*. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

I feel legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

I would greatly appreciate a written response from the New Mexico Public Education Department explaining the actions they intend on taking and the justification for any changes to the existing code.

Sincerely
Shaun L. Gibson

Sent from my iPad

From: [Terry Heisey](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Comments on 6.81.2 NMAC
Date: Friday, December 15, 2023 4:25:37 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

As a private school that is accountable to our accrediting agency, we are concerned about the change regarding the new rule requirements for private schools as it relates to accreditation. In particular, the language associated with the following rule changes.

6.19.4.9-A “Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department.”

6.19.4.9-B “Annual report. All nonpublic and BIE schools shall submit an annual report, whether seeking state accreditation or not seeking state accreditation.”

6.19.4.9-D “The department shall have the authority to observe the operation of a nonpublic or BIE school.”

[6.19.4.10](#) “**ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools seeking accreditation by the state shall submit all required reports for accreditation.

“**A.** The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools seeking accreditation.

“**B.** A school district’s or school’s accreditation status will remain in effect until the next determination has been made by the secretary.”

We are especially concerned about the use of the word “shall” – indicating that there is no other option, and the statement that “the department shall have the authority to observe the operation of a nonpublic or BIE school,” and tying the statements in section [6.19.4.9](#) with those in [6.19.4.10](#) that would give PED the authority to approve or suspend the accreditation of private schools.

In His Service,

Terry L. Heisey
Head of School
505.822.8868 tlheisey@hcsnm.org

"Love the Lord your God with all your heart and with all your soul and with all your mind"



December 15,2023

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
 2. 6.19.4.9 B: Annual Report to the NMPED
 3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”
 4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.
- 6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

- New Mexico has consistently been ranked as 50th in the Nation in education in both US News and World Report and Forbes rankings.
- According to the Public Department of Education, in 2022 only 13% of students in New Mexico scored at or above proficient in Mathematics, and only 18% of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was 76% according to the NMPED.
- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public

schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school's mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to "observe the operation of a nonpublic...school.":

The word "observe" is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Amanda C Patman

Concerned mother

Artesia Classical Academy

From: [Stephanie Simons](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Response
Date: Friday, December 15, 2023 4:47:05 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom It May Concern,

I am writing to express my concerns regarding the impending rule changes that will impact non-public schools in the State of New Mexico, specifically the following amendments:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The department's authority to "observe the operation of a nonpublic...school."
4. The proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

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Consider the following disconcerting facts about New Mexico's Education System:

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Given this evidence, the question arises: If non-public schools consistently outperform public schools overseen by the NMPED, why is there a push for more control over non-public and BIE schools? Is it with the aim of improvement, or are there other motivations at play?

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The term "observe" is ambiguous and requires clarification to prevent potential harmful interpretations that may adversely affect the operations of private schools. It is recommended that this term be omitted or, at the very least, clearly defined.

Thank you for your thoughtful consideration.

Sincerely,

Thank You,

Stephanie Simons, DVM

From: [Joseph Borgogna](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.81.2 NMAC
Date: Friday, December 15, 2023 4:59:23 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I appose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

I feel legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

I am requesting a written response from the New Mexico Public Education Department with the justification and explanation of all actions taken.

Thank you,
Joseph Borgogna

December 15,2023

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
 2. 6.19.4.9 B: Annual Report to the NMPED
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In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public

schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school's mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to "observe the operation of a nonpublic...school.":

The word "observe" is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Amanda C Patman

Concerned mother

Artesia Classical Academy



530 Jefferson Street NE
Albuquerque, New Mexico 87108
505.262.2657, fax 505.266.1967

ELLEN BERNSTEIN
PRESIDENT

December 15, 2023

Policy Division, New Mexico Public Education Department, Room 101
300 Don Gaspar Avenue,
Santa Fe, New Mexico 87501

Re: “6.10.5 NMAC, Instructional Time Requirements” and “6.19.4 NMAC, Accreditation Procedures”

The Albuquerque Teachers Federation is submitting this letter in strong opposition to the proposed revisions to the New Mexico Public Schools Instructional Time Requirements and the proposed Accreditation Procedures.

Many comments from stakeholders, both written and oral, will cover the legal reasons the PED cannot circumvent law, the premature disruption to schooling in our state and the negative consequences we all anticipate if the PED imposes these rules.

These are crucial considerations.

Equally important is my focus today: The impact of breaking trust with your dedicated workforce.

A school accreditation process that takes away local control and puts it in the hands of a revolving door of education secretaries is short-sighted, unnecessarily burdensome and, frankly, an insult to our communities — to say nothing of the fact that it subjects schools across our state to political whims, leaving everything up to and including school consolidations and closures to one person that each district must hope to satisfy. School boards, voted on by the communities they serve, are correctly tasked with those decisions, and held accountable for how they carry them out.

We need only look at the proposed rule on Instructional to see how alarming it is for one agency to have to power to change law. The proposed rule does nothing less than ignore HB 130, passed last year after much discussion and compromise. It makes for a great sound bite to say, “more instructional days” the reality, however, is that negative consequences to students and staff are all but assured if the PED imposes these rules.

My comments today will focus on the impact of breaking trust with your dedicated work force punctuated by a few quotes from opposition letters educators have sent to you.

The posted mission statement of the PED reads as follows:

Equity, Excellence and Relevance

The New Mexico Public Education Department partners with educators, communities, and families to ensure that ALL students are healthy, secure in their identity, and holistically prepared for college, career, and life.

Exercising unilateral control over public schools, changing laws passed by the legislature, or micromanagement of school districts are not mentioned as a part of this mission statement.

What is mentioned in this mission statement is the word partner. We take that word seriously.

Partners are equals, working toward mutual interests. A TRUE partnership means that we can rely on each other to set a common course for our work. True partners listen to those with whom they are working and know that their voices are being heard. True partners work to reach consensus when making important decisions.

Our commitment as partners is to promote our student's learning and well-being. To achieve this, we need the dedicated, hardworking educators who guide our students every day. The greatest hindrance to providing quality instruction is a lack of instructors. We are facing shortages of educators across our state. A major part of our commitment as partners has been — and must continue to be — the recruitment and retention of the best-prepared and the most-qualified educators. The primary factor that drives educators from our profession is lack of teacher efficacy, the failure to listen to the practitioners' voices when implementing change.

Over the past 5 years, we have kept lines of communication open and worked together toward an educator ecosystem that, as stated in your department's strategic plan, "begins the long road of transforming education to meet the needs of New Mexico's most underserved students. Since the education system is reliant on its educators, this includes significant professional development on culturally and linguistically responsive pedagogy, antibias work, meeting the unique needs of students with disabilities, and supporting the behavioral needs of all students."

Yet, as our partner, you break trust by unilaterally taking away the time for the professional development codified in HB 130 and to which you pledged your support. Educators need adult time to collaborate, plan, and perform the myriad tasks it takes to meet the needs of our diverse students.

Furthermore, the prohibition of acknowledging parent-teacher conferences as instructional time undermines our efforts to fully engage parents and the community. This is valuable time

educators use to collaborate with parents and guardians to differentiate for students' individual needs.

I am elected to represent the 6,400 educators in the Albuquerque Public school who have devoted their professional lives to the education and well-being of our over 70,000 students.

Here is what a few of my constituents have to say:

An Elementary teacher:

Extending the year will only magnify the problems caused by large class sizes, a lack of subs and other support staff, behavior concerns, minimal resources, and inadequate buildings. This will cause both teachers and students to burn out.

A School Psychologist

The best way to improve test scores and student achievement is by meeting student needs. This includes social and emotional learning and enrichment. When students first have basic needs met and are happy, then they can learn.

An Elementary teacher:

I implore you to engage in open and transparent dialogue with educators at all levels to collectively chart a course towards a future where passion for teaching thrives and the needs of both students and educators are placed at the forefront of our educational system.

An Elementary teacher:

To make changes to working conditions without any of our input is a fantastic way to drive instructors right out of the profession.

A School Counselor:

Smaller class sizes and decreasing workloads for educators by providing more support would make a difference in students' education.

A HS Special Education teacher:

Adding days to our school year is not the answer to our problems. We need good teachers in the classroom which means you need to listen to the teachers. Every decision you make is making more and more good teachers leave the profession. I don't know how much more I can give with your constant changes and unrealistic expectations.

An Elementary Teacher

We need fully staffed schools, instead of classes being taught by long-term substitutes. This rule you are proposing will not encourage more people to become teachers or help keep good, passionate teachers in the classroom.

A HS Teacher

As a longtime teacher, I feel that my experience and knowledge is completely ignored. I wonder if I should not continue to work in a profession where I am not valued or trusted by my employer. I urge PED to listen to their best asset, which is their educators, before it is lost.

A HS Teacher

Parents and families need more support. Our communities are struggling, and we need to convince parents and children of the value of school again. They have lost faith. That is a bigger problem that cannot be solved with more instructional days our kids don't go to. I feel disrespected and unappreciated by this proposal.

The way to recruit and retain is respect.

Listening to the voices of professionals who ultimately, as the professionals working with our students every day, are the most accountable people in the whole educational system is the first step. The proposal is the exact opposite direction.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Bernstein".

Dr. Ellen Bernstein, President Albuquerque Teachers Federation

From: [Terrell And Shelly Gray](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Private School Interference
Date: Friday, December 15, 2023 5:25:18 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please be clear! Parents who send their children to private school do so because your public school system has failed miserably. Do not in any way seek to take over our choice for private education. We do NOT want your oversight. Step back! You work for “We the people” and your involvement is an overreach.

This in reference to these proposed bills:

6.19.4.9-A “Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department.”

6.19.4.9-B “Annual report. All nonpublic and BIE schools shall submit an annual report, whether seeking state accreditation or not seeking state accreditation.”

6.19.4.9-D “The department shall have the authority to observe the operation of a nonpublic or BIE school.”

6.19.4.10 “**ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools seeking accreditation by the state shall submit all required reports for accreditation.

Get it right. Do NOT legislate us. Deal with your own mess of a public school system.

Shelly Gray
Edgewood, NM

December 18, 2023

Dr. Arsenio Romero
Cabinet Secretary
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501

Dear Secretary Romero,

Please accept this letter of support for the introduction of the new rule 6.19.4 NMAC, Accreditation Procedures by the New Mexico Public Education Department. We believe this rule change is a crucial step forward in ensuring the accountability of New Mexico schools and districts and, more importantly, in guaranteeing that every student in the Land of Enchantment has access to a high-quality education.

It is evident that New Mexico schools are facing significant challenges. According to the 2023 New Mexico Vistas Designations, 195 schools in New Mexico have been identified as needing additional support. These 195 schools are either failing to provide a quality education to all students, or a subgroup of students. This indicates that nearly a quarter of all the schools across the Land of Enchantment are struggling and urgent action is needed.

The urgency of implementing accreditation procedures to hold districts and schools accountable is evident from this data. 2023 statewide assessment data also reveals the pressing need for intervention, with 123 schools having math proficiency rates of 10% or less, only 2 schools achieving 80% or higher, and 15 schools having 10% or less reading proficiency in ELA. Additionally, only 14 schools have greater than 80% proficiency in ELA. The accreditation process will serve as a crucial tool in improving student outcomes and changing this narrative.

While we support the rule change, we do have some questions and areas of concern that we would like to address. Firstly, we seek clarification on how this accreditation process will align with New Mexico Vistas. Additionally, we are concerned about the capacity of districts to execute the accreditation process each year and how this will impact charter schools that already have an authorization process in place.

We firmly believe that the accreditation process should prioritize our public schools, and we urge the department not to allocate staff resources and capacity to private institutions. Our focus should remain on enhancing the quality of education in our public schools to ensure that every student in New Mexico has access to a high-quality education, regardless of their address.

Sincerely,



Amanda R. Aragon
Executive Director

From: [Terrell Gray](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback on 6.19.4 NMAC, Accreditation Procedures
Date: Friday, December 15, 2023 5:38:57 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello.

Regarding the subject legislation being considered, I want to state that the legislation is intolerable and should immediately be squashed and removed from any and all current and future considerations.

The New Mexico public schools are a shambles. Under the current “leadership”, our schools are vying for last in all statistics that are good (literacy, STEM, graduation rates, etc.), and leading in all statistics that are negative (drugs, crimes, etc.). It’s obvious that the “accreditation” that New Mexico has implanted is a total farce... it’s ruining our state and our children! Even teachers are leaving, and you cannot replace them!!!!

And now, you want to foist your “leadership” upon parents who have removed their children from the public schools so that they can get a quality education in a safe environment? This is preposterous! This is a power grab intended to shut down private schools in an attempt to bolster the lagging enrollment in public schools, and rescue the bureaucracy and highly paid “leaders”!

Before you even think about trying to control We The People (the people to whom YOU report and whom YOU serve!!), fix what you’ve broken. Do not even put this legislation to the vote!

In the most sincerity and honesty,
Your Boss
Terrell Gray

6.19.4 NMAC, Accreditation Procedures.

6.19.4.9-A “Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department.”

6.19.4.9-B “Annual report. All nonpublic and BIE schools shall submit an annual report, whether seeking state accreditation or not seeking state accreditation.”

6.19.4.9-D “The department shall have the authority to observe the operation of a nonpublic or BIE school.”

6.19.4.10 **“ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools seeking accreditation by the state shall submit all required reports for accreditation.

“A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools seeking accreditation.

“B. A school district’s or school’s accreditation status will remain in effect until the next determination has been made by the secretary.”

From: [David Collins](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Legislation dealing with non public schools
Date: Friday, December 15, 2023 6:38:55 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good evening, my name is David Collins. I live in Artesia NM. I have been told about some proposed bills that would be very negative for New Mexico's children who are attending private schools. Bills 6.19.4.9 A,B and D would give the New Mexico Education Department more control over private schools. Private schools everywhere outperform public schools! That's why parents are willing to pay thousands of dollars of their money, because private schools get better results than public schools. New Mexico is last in public school performance, 50 out of 50, why do they want to drag the private schools down too? I oppose these bills on the basis that these bills will be detrimental to my children and many children in New Mexico

From: [Amy Scroggin](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures
Date: Friday, December 15, 2023 7:40:31 PM
Attachments: [Outlook-agp3gph1.png](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic... school.”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

- New Mexico has consistently been ranked as **50th** in the Nation in education in both *US News and World Report* and *Forbes* rankings.
- According to the Public Department of Education, in 2022 only **13%** of students in New Mexico scored at or above proficient in Mathematics, and only **18%** of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was a low **76%** according to the NMPED.
- Public schools in New Mexico housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the [Good Soil Report](#) conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school's mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration and the opportunity to give feedback.

Kind Regards,

Amy Scroggin
Head of School



Preparing Minds for Action

Phone: 575-988-3240

Physical Location: 2512 W Bush Ave

P.O. Box 232 • Artesia, NM 88211

<https://artesiaclassicalacademy.org>

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Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school. ”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Jacqueline Mayberry
Concerned parent.



March 31st, 2023

Secretary Arsenio Romero
New Mexico Public Education Department
300 Don Gaspar Ave.
Santa Fe, NM 87501

Subject: Feedback and Requested Changes to Proposed NMAC 6.19.4

Dear Secretary Romero,


I'm writing to provide feedback and request adjustments to the proposed accreditation process.

First, we want to express a note of appreciation for attempting to implement current charter school best practices. While not called 'accreditation' charter schools face a renewal of their contract every 5 years using a more rigorous accountability process than the proposed rule. Charter schools are evaluated on their success in meeting their goals related to student outcomes and the current Performance Framework contains all elements of the proposed accreditation process. Should a charter school not fulfill the commitments made in a charter contract, it can face corrective action and closure. This accountability works. Through this rigorous process, charter schools in New Mexico have shown that when we blend this accountability with local design and innovation, we get great schools: 1/3 of charter schools achieved a rating of 'excellence' or 'spotlight' in this year's NMVistas data. Charter schools are therefore already held accountable to rigorous standards focused on student achievement and need not duplicate the process with this proposed rule.

The proposed rule confusingly violates the charter schools act as well as the role of the charter authorizers, which provide for autonomy and oversight from their authorizer. The Secretary of the Public Education Department currently holds a role in this model. The Secretary makes decisions regarding the appeal of actions taken by the authorizer. This feature in state law should be protected, and decisions around intervention and closure should be addressed by the authorizer, and not duplicated or assumed by the department. **We request that this rule either not apply to charter schools as a result, or that authorizers in the state (the Public Education Commission and local school districts) be assigned as approved accreditors for their charter schools.**

We believe that interventions and potential closure should be handled by authorizers because of the current role they play in holding charter schools accountable. This charter school accountability model works because of the transparency provided by an explicit charter school contract, where both parties agree to academic, organizational and financial goals and standards that must be met. **In fact, the proposed rule leaves it unclear what criteria schools must meet to be accredited. That leaves the Public Education Department as the subjective arbiter of accreditation, with no clear criteria for schools to meet for accreditation.**

While not clearly articulated, we can infer that schools with CSI or MRI designations in Vistas would have their accreditation threatened. This would provide a significant issue with the accreditation standards and how they apply to schools serving over-aged and under-credited students. Most of those schools are designated as CSI or MRI because of



PED's graduation rate measurement that focuses on 4-year graduation rates. Should these schools be penalized via accreditation, PED's system of accountability will heavily disincentivize serving these students. Statewide, New Mexico has an 81.8% six-year graduation rate. That means nearly 20% of our students need an option to re-engage with their education. Closing these schools would only limit the options students have to re-engage with their education. **The proposed rule should explicitly state how schools serving over-aged and under-credited populations would be evaluated.**

The proposed rule also unfairly associates locally-authorized charter schools with their district's accreditation status. The language states that "public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the Secretary." The rule proposal is unclear whether this means that locally-authorized charter schools are included in this statement. If so, it would be a massive infringement on the autonomy of locally-authorized charter schools. **If the proposed rule moves forward, we strongly recommend that locally-authorized charter schools be accredited separately from the school district in which they are located.**

The proposed rule provides no due process to schools stripped of accreditation. Should schools appeal an accreditation decision, that appeal goes to the Secretary, the head of the very Department that made the accreditation judgement in the first place. This is in direct conflict with the charter school act. The charter school act provides due process: If a school wants to contest an authorizer's decision, they can appeal to the Secretary. **This rule needs to be revised to include a suitable appellate body, and the rule should not apply to charter schools who already have an appropriate appellate body in their law structure.**

Lastly, we do not see a place in state education law that allows the Public Education Department to close a school as proposed in Section 6.19.4.12(B) of the rule. State law provides for several interventions, but closure is not described or stated in statute.

We appreciate your attention to our concerns on the proposed rule. Charter schools currently have a more rigorous process for accountability that supports more transparency as compared to the proposed rule. We request that charter schools continue operating under the current accountability framework provided for by the Charter Schools Act.

Sincerely,

<Signed>

Matthew Pahl
Executive Director



December 15th, 2023

Secretary Arsenio Romero
New Mexico Public Education Department
300 Don Gaspar Ave.
Santa Fe, NM 87501

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Sincerely,

<Signed>

Matthew Pahl
Executive Director

December 15, 2023

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1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

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- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school's mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your time and serving our state,

Fellow mother, wife, teacher,

Shana Griffith

From: [Yvonne Williams](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures
Date: Saturday, December 16, 2023 9:28:03 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

December 16, 2023

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico.

Namely the following: 1. 6.19.4.9 A: Mandated Accreditation of all private schools.

2. 6.19.4.9 B: Annual Report to the NMPED

3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”

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Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

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school.”: The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration in this matter,

(Letter written by my Headmaster, but I agree with all of it and want my voice to be heard too.)

Yvonne Williams
English/Latin/Bible Teacher



10301 Candelaria Road NE
Albuquerque, NM 87112-1504
505-296-7677 FAX 505-296-0510
www.sslc-nm.com

Secretary Arsenio Romero
New Mexico Public Education Department
300 Don Gaspar Ave.
Santa Fe, NM 87501

Subject: Feedback and Requested Changes to Proposed NMAC 6.19.4

Dear Secretary Romero,

I'm writing to express concern for the proposed accreditation process. While not called "accreditation," charter schools face a renewal of their contract using more rigorous accountability than the proposed rule. Contracts last up to 5 years. Should a charter school not fulfill the commitments made in a charter contract, it can face corrective action and closure. The proposed accreditation is a duplication of the great effort and administrative burden that comes with charter renewal. The charter authorizer, whether a district or the Public Education Commission, serves the purpose of accreditation in their deep review of charter school practices, academics, financial, and organizational requirements. Further, reviewing this process every year rather than every 3-5 years does not allow time for meaningful change to take place.

Yours sincerely,

Lisa Mora

Lisa Mora
Executive Director

December 15, 2023

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Thank you for your time and serving our state,

Fellow mother, wife, teacher,

Shana Griffith

From: [Karla Morris](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC
Date: Saturday, December 16, 2023 1:45:22 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

12/15/2023

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Avenue, Room 121
Santa Fe, NM 87501

To Whom It May Concern:

I am writing in opposition to the proposed language and scope of 6.19.4 NMAC, Accreditation Procedures. My first opposition is that NM Public Education has placed 49th and 50th in the nation in education as long as we have been watching the numbers. This is why we made the decision to remove our student from Public Education.

Secondly, I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my child because I am dissatisfied with the State-run educational system my tax dollars have paid for and I disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child the way I see best for her and our family.

It is my opinion legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversees it.

As an ex-employee in the public school system, I feel the current school boards of the public schools are puppets for PED. I saw firsthand how the public schools do not have the best interest of my child in their decisions nor does PED of NM. This is why I removed my child from this system and am very pleased with the education my child is receiving now and the boards that are in place to govern her school.

You are extremely overreaching your authority here. News stories of student sexual abuse, degrading performance and criminal activity are happening in government run schools. These need the extra oversight, not the private schools! Private schools routinely outperform public education and we do not need your oversight from a non-elected Governor appointee.

I request a written response from the New Mexico Public Education Department of their justification and explanation of all actions taken.

Eagerly awaiting your response,

Karla Morris
1605 Ben Hogan Loop
Rio Communities, NM 87002
karlamorris@hotmail.com12/15/2023

From: [Stan Rounds](#)
To: [FeedBack, Rule, PED](#)
Cc: [Rounds, Stan](#)
Subject: [EXTERNAL] Feedback on Proposed Rule 6.10.4 NMAC
Date: Saturday, December 16, 2023 2:26:11 PM

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Secretary:

The following are the comments on behalf of the superintendents in the State of New Mexico (NMSSA):

We DO NOT SUPPORT the proposed rule change to 6.10.4 NMAC as presented. Herein are our concerns that should be addressed prior to the rule being finalized:

6.19.4.8.(c):

The requirement for “at least as much funding” is not in accordance with the public school funding formula. In the work being done by the LESC Special Education Review Committee during the interim of 2023, has shown many nuances that indicate that this language is flawed in as much as the student instructional load is inclusive of special education students in the mainstream and was deemed significantly difficult to parse out the special education portion of the base funding, The nature of the formula in a non-categorical basis doesn’t allow for the determination of use of funds exclusively to any student body group. Therefore, it is imprudent to make this provision.

6.19.4.8.(d):

“Report actual expenditures for each school”: there have been numerous overtures to accomplish this by the Legislature over the years. While the current accounting system can code the budgets of schools within its system, the complexity and time to create such a budget and accounting system is well beyond the staffing capabilities of school districts in New Mexico. Should this be the intention of the PED, it will be necessary to significantly increase administrative funding to districts.

6.19.4.8 (d):

The provisions for subjects to be taught by grade level include significant changes to current practices and staff capabilities that will likely cause a substantial number of districts to fail to comply with the Code and significantly increase the cost and or the vacancies in staffing that will thwart the intention of the changes to code as follows:

Grades 1-3 the requirement of “A language other than English” will substantially remove a majority of current teaching staff that, while holding a license for elementary education, will remove them from meeting rule in as much as few possess the training to teach dual language or bilingual education which is inferred in this rule, The same is true for grades 4-8 which also requires a language other than English to be taught. The alternative is the increase staffing for pull out instruction that will accordingly increase the costs to districts and create an issue with licensure that will necessitate increased funding/personnel/and integration of practice that is not in current school structures. Finally, the requirement for Algebra 1 to be taught in grade 8 includes “online” which is in direct conflict with the provisions of 6.10.5 NMAC as currently proposed that restricts on-line instruction to no more than 4 days or 32 hours per year, leaving districts with no alternative but to structure a schedule that will necessitate teaching positions

that will increase their current costs in more than a several districts creating an unfunded mandate.

6.19.4.11

A new provision after 6.19.4.11.O should be added that allows an appeal of action to the courts for the district to seek relief from the singular decision making by the Secretary.

Additional Interim Provision:

The rule is flawed in that it does not recognize the “continuous improvement model” that is being utilized in most matters in public schools in New Mexico and like the new provision suggested above would allow for a third party intervenor to assist the district in continuous improvement. In days passed the accreditation model for New Mexico allowed a party such as North Central Accreditation (Now called Cognia) to intervene with a district over a multiple year period to develop a plan for improvement. Under the suggested model herein, a punitive system that is likely to eclipse the PED’s bandwidth and unnecessarily lead to district or school consolidations and removal of boards and superintendents. We contend that this draconian approach to school improvement is contradictory to best practices and that such actions are not only unwarranted, but fail to comply with state Law and Constitutional design.

Stan Rounds
Executive Director
NM Coalition of Educational Leaders/
NM School Superintendents Association
6600 Palomas Ave, NE
NMAA Building
Albuquerque, NM 87109
Phone: 505-217-2345
Cell: 575-915-7868

From: [T-Knox Properties, LLC](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Comments
Date: Sunday, December 17, 2023 8:45:59 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom it May Concern: I am expressing opposition to the proposed new rules listed in 6.19.4.9 NMAC, Accreditation Procedures and the Repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation. It has been and always will be important for private schools to remain without oversight from the public schools sector. Abundant data is available showing that private schools academically outperform the public schools. I shall mention here that NM public schools are rated 50th in the nation in academic rankings. The state legislators and PED should applaud private education and not try to manipulate it.

Regards. Tommy Scroggin

From: [CE User](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4.9 and 6.19.4.10
Date: Sunday, December 17, 2023 11:50:25 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

We do not want the PED to have any increase in power in our private schools. The very reason that we pay nearly twenty thousand dollars a year to send our 4 children to private school is because we know that the New Mexico PED is incapable of providing the education and environment that private Catholic schools do. St. Mary's School in Belen is consistently ranked above the eightieth percentile nationally compared to New Mexico schools which are LAST in the nation. We do not want the governor or the PED to start grabbing power over Catholic schools in particular because we (unlike the governor and the government) welcome Jesus and His Gospel message, prayer, and spiritual growth in the classroom. Private schools are succeeding not just in spite of being separated from the PED, but BECAUSE they are separated from the PED. The children that we have that spent nine years in private primary school prior to attending public high school are all high school honor students who are excelling far beyond the majority of their public primary school counterparts.

We are especially concerned about the use of the word "shall" – indicating that there is no other option, and the statement that "the department shall have the authority to observe the operation of a nonpublic or BIE school," and tying the statements in section 6.19.4.9 with those in 6.19.4.10 that would give PED the authority to approve or suspend the accreditation of our schools.

Keep the PED out of our private schools.

Sincerely,
Elizabeth Sanchez, mother of nine, BS, RDH

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.

From: [CE User](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4.9 with those in 6.19.4.10 PED
Date: Sunday, December 17, 2023 11:57:34 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

We are especially concerned about the use of the word “shall” – indicating that there is no other option, and the statement that “the department shall have the authority to observe the operation of a nonpublic or BIE school,” and tying the statements in section 6.19.4.9 with those in 6.19.4.10 that would give PED the authority to approve or suspend the accreditation of our schools.

We as taxpayers for New Mexico want choice over the education value of our children. If the PED oversees our private school system, the PED would have supreme power over the education system which can lead to tyranny.

Tax payers find value in paying more to keep the social engineering that the government is trying to produce out of our families. The public should be allowed to be Catholic and follow the Gospel message that Jesus Christ instituted without ridicule.

Government run organization keep Christ on the sidelines with no defense, so the public can only preach against Christ, i.e. relative sexual identity, abortion, euthanasia and marginalization of other groups like Catholics.

Keep the PED out of the public schools and give back tax money for the education of the constituent’s choice.

Sincerely,

Dr. Teles J. Sanchez

From: [Jacquelyn Cottrell](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures
Date: Sunday, December 17, 2023 3:02:39 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

December 17, 2023

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

- New Mexico has consistently been ranked as 50th in the Nation in education in both US News and World Report and Forbes rankings.
- According to the Public Department of Education, in 2022 only 13% of students in New Mexico scored at or above proficient in Mathematics, and only 18% of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was 76% according to the NMPED.
- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school’s mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Jacquelyn Camacho
Concerned Private School Parent

From: [Bobbi Grajeda](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] ANNUAL ACCREDITATION CYCLE
Date: Sunday, December 17, 2023 3:11:39 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern:

I am writing to you in regards to the upcoming meeting being held on Monday, December 18, 2023 for the upcoming accreditation cycle for nonpublic and BIE schools. It is with the utmost respect I write this email to impart my tremendous opposition for the language as well as the scope of *6.19.4 NMAC Accreditation Procedures*. It is my understanding that the NMPED does not have the authority to supervise, control or manage the curriculum of private schools. I have chosen private schooling for my child based sheer dissatisfaction of the NMPED and the fact that NM has the lowest placing of 49th & 50th in the nation in education. In addition there are several studies showing that the percentage of private school students have a higher chance of graduating versus that of a student educated by the public school system.

Site: [New Mexico State Regulations -- Office of Non-Public Education \(ONPE\)](#)

- The public education department's authority to approve courses of instruction in private schools does not extend to supervision, control, or management over private schools. *Santa Fe Community School v. State Bd. of Education*, N.M. Sup. Ct. R. 518 P.2d 272, 1974.

Site: [Are Private School Students Successful? - St. Thomas High School](#)

studies indicate that private schools are generally better able to prepare their students for standardized tests." For example, a [recent survey of mean ACT composite scores](#) among high school students found that those educated in private school scored an average of 24.2 out of 36, up from 20.3 for public school students.

According to the [National Center for Education Statistics](#), "*Private schools excel in graduation rates, with a [96.4% graduation rate](#) for the 2018-2019 school year. In contrast, the [public school graduation rate was 86%.](#)*"

Love and Blessings,

Bobbi Jo

From: [Jedediah Alderete](#)
To: [FeedBack, Rule, PED](#)
Cc: [Jedediah Alderete](#)
Subject: [EXTERNAL] NM PED comments on 6.19.4.9 and 6.19.4.10
Date: Sunday, December 17, 2023 3:56:02 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

NM PED,

For the record, I oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies.

As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

I feel legislation would better serve our children if it required public schools to be open to observation by parents and have the status of the school determined by a formal process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

I would like to request a written response from the New Mexico Public Education Department with their justification and explanation of all actions taken on this matter.

Sincerely,
Jedediah J. Alderete

From: [Deborah Carrasco](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Sections 6.19.4.9 and 6.19.4.10
Date: Sunday, December 17, 2023 4:13:52 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I oppose the language and scope of 6i.19.4 NMAC, Accreditation Procedures. I do not believe the Sec of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I feel I have the right to chose private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the agenda in State standards and curriculum..I hope to keep my unalienable right to parent my children.
Thank You



Virus-free. www.avast.com

From: [Christopher Rollins](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4.9 Accreditation of Nonpublic and BIE Schools
Date: Sunday, December 17, 2023 4:52:02 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

We are opposed to this measure. We are opposed to required accreditation for private schools. We are opposed to the state determining what accrediting entities are acceptable for private schools. This measure will effectively result in the state deciding what can be taught in all schools. The state is not supposed to institute a religion, and some modern secular beliefs are not compatible with the Bible. There is clear indication in recent legislation that unBiblical beliefs will be pushed on private schools. Requiring secular teachings/beliefs in Christian schools effectively results in an outlawing of Biblical Christian schools and a removal of freedom of religion. Christians are to follow God's word and teach their children accordingly. Of lesser importance, this is also government overreach as these schools are privately owned and may be operated without government funds, and this measure unnecessarily creates burdens on new and smaller schools.

Sincerely,

-Chris Rollins

Farmington, NM

From: [Makayla Parish](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL]
Date: Sunday, December 17, 2023 6:30:28 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I appose the language and scope of *6.19.4 NMAC, Accreditation Procedures*. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child. I also believe legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.
Sincerely, Makayla P

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The department's authority to "observe the operation of a nonpublic...school."
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on "evidence-based educational practices that facilitate student academic achievement." Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico's Education System:

- New Mexico has consistently been ranked as **50th** in the Nation in education in both US News and World Report and Forbes rankings.
- According to the Public Department of Education, in 2022 only **13%** of students in New Mexico scored at or above proficient in Mathematics, and only **18%** of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was 76% according to the NMPED.
- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons? Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold

a school to high standards, yet also be in line with the school's mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Joshua & Elisabet Edwards

(Concerned Parents)

Artesia Classical Academy

From: raydeb75@reagan.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Hearing on PED rules 6.19.4.9 & 6.19.4.10, December 18, 2023
Date: Sunday, December 17, 2023 8:24:19 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear PED,

With our State consistently ranking near or at the bottom of the quality of public education in the US, I believe that you should be examining yourselves instead of attempting to take more control of private & religious education in New Mexico.

Instead of seeking to make non-public education more like public education, why can't you instead seek ways to understand private & religious educational models, & borrow from those models the things that lead to their higher quality outcomes?

Attempts to force non-public education in New Mexico into the mold of our failed public education betrays a number of things to me:

- PED has some other measure of success than improved academic performance & outcomes.
- Systems of education that provide better results than public education are to be controlled, not learned from & emulated.
- Forcing students & educators into predetermined molds, rather than seeking to understand individual students & their needs, is the way PED believes that quality education is to be achieved.

Thank you for your thoughtful consideration.

Dr. Ray Miller
Belen

From: clayjars@reagan.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC Accreditation Procedures
Date: Sunday, December 17, 2023 9:13:09 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear New Mexico PED,

I oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. In attempting to acquire authority to “observe the operations of non-public schools,” PED is overstepping its boundaries without any statutory oversight. Private schools routinely out-perform public education and thus require no oversight from a non-elected Governor appointee.

Thank you.
Sincerely,
Donna Gassner

From: [Amy](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC, Accreditation Procedures
Date: Sunday, December 17, 2023 10:41:25 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom it May Concern:

I oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures.

I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies.

As a citizen of New Mexico, I have chosen private education for my grandchildren because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my children.

I feel legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

I find myself wondering why the State feels that private schools need additional oversight and would like to request a written response from the NM Public Education Department with their justification and explanation of all actions taken.

Thank you for your attention to this matter.

Respectfully,

S.A. Gallegos

Sent from [Mail](#) for Windows

December 18, 2023

New Mexico Public Education Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

To Whom It May Concern:

I am writing to provide public comment to proposed rule **6.19.4 NMAC, Accreditation Procedures**. As a membership association and NMPED approved accrediting agency for Christian schools with 19 member schools in New Mexico (13 of which are accredited), this rule will directly impact all New Mexico Christian Schools who are part of our association.

Several of the items from the proposed rule (6.19.4) warrant clarity and/or amendment.

- **6.19.4.9 A** indicates that all nonpublic schools shall obtain accreditation from an approved entity. This is a significant policy change from an optional accreditation to mandatory accreditation for all nonpublic schools and is not warranted. We are concerned as to why this significant change is needed and the basis for it.
- **6.19.4.9 D** provides for the department to observe the operation of nonpublic schools. As worded, it is our opinion that is overreach of the department. Accredited schools host visiting teams periodically to ensure adherence to standards. This should be sufficient. We recommend clarity to the word 'observe,' and indication for this line to apply only to those institutions accredited by the department (rather than by an approved agency).
- **6.19.4.9 E** provides for the approval of accrediting agencies by the department. We agree with the inclusion of requirements for an accrediting agency to be approved. We request that a list of approved agencies remain. If the department seeks to remove or add agencies, based upon stated standards, it should have the procedural mechanisms to do so or should add them through rule making instead of simply deleting those agencies already approved through issuance of a revised rule.
- **6.19.4.10** addresses nonpublic schools seeking accreditation by the state, indicating that the secretary shall determine the accreditation status of those schools. We propose that clarity is added to ensure 6.19.4.10 is **not** referring to nonpublic schools accredited by an approved agency. Each agency has their own process for determining the accredited status of each school, and approved agencies should have the authority to grant, deny, or remove accreditation per their own policies and guidelines.
- **6.19.4.11** removes substantial due process rights of accreditation agencies approved or seeking approval by the department under current Section I. of 6.81.2.8. Such rights should not be revoked.

- **6.19.4.11** creates an appeal process for school districts and charter schools who seek to appeal the department's determination of state granted accreditation. This rule does not provide the same procedural rights for nonpublic schools who seek the state's accreditation. State accreditation appears to be one of the accreditation options provided for nonpublic schools. This rule should be modified to provide the same procedural rights to any program seeking the state's accreditation.

Thank you,

A handwritten signature in black ink, appearing to read 'Stephen Deck', with a stylized flourish at the end.

Stephen Deck, EdS

Senior Director, Accreditation and Credentialing | ACSI Headquarters

From: [Bethany Pendergrass](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Comments on Proposed Rule: 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 7:23:52 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Please see the following comments on behalf of Dr. Sue Cleveland, Rio Rancho Public School District Superintendent

December 18, 2023

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Subject: Comments on Proposed Rule: 6.19.4 NMAC, Accreditation Procedures

Dear NMPED Policy and Legislative Affairs Division,

I am writing to express my concerns regarding the proposed rule 6.19.4 NMAC, Accreditation Procedures. As the Superintendent of Rio Rancho Public Schools, I believe it is crucial to provide feedback to ensure that the rule adequately addresses the needs and concerns of the education community.

I would like to express my appreciation for the New Mexico Public Education Department's ongoing efforts to enhance the quality of education in the state. However, I have reservations about the direction proposed in the recent rule changes. My concerns revolve around the delicate balance between state and local authority, both of which are crucial for delivering a quality education.

The proposed rule, while commendable in its intent, exhibits vagueness in certain aspects and unwarranted complexity in others. It seems to have been generated from a template and does not align with the Governor's Executive Order from May 23, 2022, which aimed to reduce administrative burdens on educators and administrators by 25%.

Specifically, I would like to address a few concerns that I believe could significantly impact our district:

1. **Evaluation of Educational Programs and Required Reports:** The lack of specificity in the evaluation criteria raises questions and contributes to opposition.

Clarity is essential regarding the standards, evaluative processes, and whether the requirements are evidence-based.

2.

Top-Down Nature of the Rule: The absence of input from school districts during the rule development process has resulted in opposition. Inclusion of district input could have facilitated a more positive response and a sense of shared responsibility.

3.

Ability of PED Staff to Manage the Program: While applauding the initiatives to improve PED personnel recruitment and retention, concerns persist regarding the PED's ability to implement these changes fairly and effectively given recent staffing shortages and turnover. It is also important that highly experienced educators who have a long history of school improvement manage the program.

4.

Incorporating District-Based Knowledge: Ensuring district-based knowledge and experience are incorporated into the decision-making process is crucial for a well-rounded perspective and effective policy implementation.

5.

Accreditation Considerations: Accreditation should be flexible enough to consider the unique challenges faced by districts, with waivers available to address shortages of staff or facilities beyond our control.

6.

Inclusive Approach to Native American Students: The term "historically defined Indian-impacted" warrants reconsideration. A more inclusive approach, supporting all Native American students, irrespective of their chosen district, would align better with the Yazzie-Martinez Lawsuit.

7.

Hearing Officer for Administrative Appeals: A qualified and independent hearing officer would be more suitable for reviewing administrative appeals, ensuring fairness and impartiality in the process.

8.

Collaboration with Cognia: Exploring collaboration with Cognia could bring about a national and international framework for accreditation, aligning with the business community's expectations and promoting community recognition.

In conclusion, I hope that the New Mexico Public Education Department will carefully consider this feedback and work collaboratively to develop a rule that best meets the educational needs of school districts across the state.

Thank you for considering our comments and for your dedication to receiving and reviewing public input. Please feel free to reach out with any questions. My email is sue.cleveland@rrps.net.

Thank you,

V. Sue Cleveland, Ed.D.

Superintendent of Schools

Rio Rancho Public Schools

Rio Rancho, NM 87124

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From: [Brauer, Alan, PED](#)
To: [FeedBack, Rule, PED](#)
Cc: [HOSFORD BARNES, JULIA](#)
Subject: PEC Comment Regarding Proposed NMAC 6.19.4
Date: Monday, December 18, 2023 7:43:39 AM
Attachments: [PEC.Comment 6.19.4 121523.pdf](#)

Dear PED, Please find a letter attached with comment from the PEC. We tracked the changes intentionally in the letter so that you could discern our recommendations.

Thanks so much and we look forward to our continued collaboration,
Alan

Alan Brauer
Chair, Public Education Commission
505-695-8930



STATE OF NEW MEXICO
PUBLIC EDUCATION COMMISSION
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-6661
www.ped.state.nm.us

ALAN BRAUER, CHAIR
PUBLIC EDUCATION COMMISSION

DR. ARSENIO ROMERO
SECRETARY OF EDUCATION

December 15, 2023

Alan Brauer, Chair
District 3, Albuquerque

Rebekka Burt, Vice Chair
District 4, Rio Rancho

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District 6, Deming

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District 7, Las Cruces

Michael M. Taylor, Member
District 8, Roswell

K.T. Manis, Member
District 9, Hobbs

Steven J. Carrillo, Member
District 10, Santa Fe

Dr. Arsenio Romero

Rule.Feedback@ped.nm.gov

Regarding Proposed NMAC 6.19.4

Dear Dr. Romero:

Thank you for an opportunity to provide comment on proposed NMAC 6.19.4. We would ask that you consider our comments below. Our overall comment is that we believe that parts of the proposed rule looks to impede the authorizing functions of charter authorizers under the Charter School Act NMSA 22-8B-1 *et. seq.* and looks to assert authority for the Public Education Department (PED) that belongs to charter school authorizers. We propose clarifying language to ensure that the lines between authorizers and your ability to take action as Secretary are clear. We believe that the clarification can be addressed quite easily.

Our comments related to 6.19.4.12 B. Any action that may impact the charter contract between the charter authorizer and a charter school are required by the Charter School Act to be addressed by the charter authorizer, not PED. Specifically, any concern related to charter schools under B.(1), (2) and (6) must be directed to the charter authorizer. The charter authorizer must then ensure that charter school remedies the concern consistent with the charter contract so that the PEC can provide accreditation.

We suggest the following revisions of this section:

B. In addition to conferring disapproval accreditation status upon a local school district, non-charter public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) ~~notify~~ the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(5) close the school; or

(6) execute other remedies in the public school code that may be appropriate.

C. If the department confers disapproval accreditation status upon a charter school, the department

(1) may suspend personnel from authority and responsibility pursuant to Section 22-2-14 NMSA 1978;

(2) may execute other remedies in the public school code provided to the department secretary or the department that may be appropriate; and

(3) shall request that the charter school's authorizer for purposes of
(a) ensure that the charter school develop a plan to correct the organizational or programmatic deficiencies contributing to disapproval or, if the school fails to provide an adequate plan for the PED to approve accreditation, direct the organizational and educational program planning changes needed for accreditation to be provided by the PED;

(b) if appropriate, consider suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

Thank you for your consideration.

Sincerely,

e/Alan Brauer

Chair, Public Education Commission

From: [Susan Bunker](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC Accreditation Procedures
Date: Monday, December 18, 2023 8:42:17 AM

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Dear New Mexico PED,

I oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. In attempting to acquire authority to “observe the operations of non-public schools,” PED is overstepping its boundaries without any statutory oversight. Private schools routinely out-perform public education and thus require no oversight from a non-elected Governor appointee.

Thank you.
Sincerely,
Susan Bunker

From: [Shirley Olbert](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rules concerning private schools
Date: Monday, December 18, 2023 8:44:45 AM

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I am voicing my opposition to proposed rule changes, specifically to rules
6.19.4.9 and
6.19.4.10 .

These rules usurp the legislative process giving too much authority to one unelected official. That is not what the people of New Mexico want.

Sincerely,
Shirley Olbert
Sent from my iPhone

From: [Amanda Patman](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for 6.19.4 NMAC, Accreditation Procedure
Date: Monday, December 18, 2023 9:14:11 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

December 15, 2023

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
 2. 6.19.4.9 B: Annual Report to the NMPED
 3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”
 4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.
- 6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

- New Mexico has consistently been ranked as 50th in the Nation in education in both US News and World Report and Forbes rankings.
- According to the Public Department of Education, in 2022 only 13% of students in New Mexico scored at or above proficient in Mathematics, and only 18% of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was 76% according to the NMPED.
- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and

BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school's mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to "observe the operation of a nonpublic...school.":

The word "observe" is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Amanda C Patman

Concerned mother

Artesia Classical Academy

From: [Eric Taylor](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed NM PED rule changes
Date: Monday, December 18, 2023 9:17:59 AM

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Good morning,

I am writing to express my concern over the proposed rule changes made by the New Mexico Public Education Department. Specifically, I am in opposition to Rules 6.19.4.9 and 6.19.4.10. The proposed rule changes appear to be an attempt to regulate, and possibly even control, nonpublic schools. Making accreditation of nonpublic/private schools subject to the NM Secretary of Education, puts these schools at the whim and mercy of one, unelected official. These proposed rule changes have not been made through the New Mexico Legislature, where they are open to scrutiny, discussion, and consideration by our elected officials. However, as I understand it, if these proposed changes are put into effect, it would require legislative action to change them. If it requires legislative action to undo a rule change, then it certainly should involve the legislative body to enact changes in the first place.

As the name indicates, NM PED is the Public Education Department. Public schools, which receive public/government funding, are understandably under the rules of the Public Education Department. However, nonpublic/private schools that do not receive public/government funding, should not be ruled by the *Public* Education Department. These nonpublic/private schools that choose to undergo the accreditation process have done so quite successfully, meeting the necessary accreditation requirements without the need for state government oversight.

I do not believe it is the position of the New Mexico Public Education Department to regulate, oversee, or control New Mexico schools that *do not* receive public/government funding. I respectfully ask you to reconsider the changes to Rules 6.19.4.9 and 6.19.4.10.

Sincerely,
Melanie Taylor
Aztec, NM

From: [Mary Ingham](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Re: Proposed NMAC 6.19.4
Date: Monday, December 18, 2023 9:26:06 AM

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Dear Dr. Romero;

I am writing as a Commissioner but not on behalf of the Public Education Commission (PEC) in agreement with the letter sent by the PEC regarding the proposed Rule NMAC 6.19.4.

Charter school authorizers have existing contracts with each charter school governing board that must be honored. The PEC specifically has recently developed a comprehensive Performance Framework that addresses most of the concerns articulated in this Rule.

I have found this commission to be exceedingly effective and professional and their hard work should be recognized.

Sincerely,

Stewart Ingham

PEC Commissioner District 6

From: [Alan Williams](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for:
Date: Monday, December 18, 2023 9:29:56 AM

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6.10.5 NMAC, School Calendar Requirements

6.19.4 NMAC, Accreditation Procedures

These rules are not the answer. We don't need more time, we need better time and better accountability mainly from parents and students. All accountability from the PED is always directed to teachers. If we have more time with students who don't want to be there and parents who don't care, nothing will change.

I am NOT in favor of these proposed rules.

Alan Williams

From: [T'Naya Edwards](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures.
Date: Monday, December 18, 2023 9:54:09 AM

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To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school. ”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

By and large nonpublic schools outperform public schools in testing, graduation rates, and core subject proficiency. NM consistently ranks at the bottom of our nation for education which is one of the primary reasons we have chosen nonpublic education for our children. Alongside our choice of educational methodology, most importantly stands our moral and religious values that led us to our schooling decision for our children. We are proud to exercise our freedom of choice in this matter and feel that the proposed rule changes are crossing the lines of that freedom. Nonpublic schools should be allowed to choose if they will be accredited and should have the freedom to choose the entity in which they obtain that accreditation from.

Concerning 6.19.4.9 D: The department's authority to “observe the operation of a nonpublic...school. ”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

T'Naya Edwards

Parent of nonpublic school educated children.

From: [Derrick Edwards](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures.
Date: Monday, December 18, 2023 9:58:18 AM

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To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school. ”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

By and large nonpublic schools outperform public schools in testing, graduation rates, and core subject proficiency. NM consistently ranks at the bottom of our nation for education which is one of the primary reasons we have chosen nonpublic education for our children. Alongside our choice of educational methodology, most importantly stands our moral and religious values that led us to our schooling decision for our children. We are proud to exercise our freedom of choice in this matter and feel that the proposed rule changes are crossing the lines of that freedom. Nonpublic schools should be allowed to choose if they will be accredited and should have the freedom to choose the entity in which they obtain that accreditation from.

Concerning 6.19.4.9 D: The department's authority to “observe the operation of a nonpublic...school. ”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Derrick Edwards

Parent of nonpublic school educated children.

Sent from my iPhone

From: [Jessica B.](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] PUBLIC COMMENT FOR 6.19.4 NMAC ACCREDITATION PROCEDURES
Date: Monday, December 18, 2023 9:59:45 AM

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To whom it may concern,

I appose the language and scope of **6.19.4 NMAC, Accreditation Procedures**, specifically sections **6.19.4.9** and **6.19.4.1** I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my **unalienable right** to parent my child. I feel legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it. Please consider these concerns when discussing this item.

Thank you.
J. Blanton

From: [Melissa Barbour](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures.
Date: Monday, December 18, 2023 10:00:29 AM

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To Whom it May Concern:

Hello, I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following: 1. 6.19.4.9 A: Mandated Accreditation of all private schools. 2. 6.19.4.9 B: Annual Report to the NMPED 3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.” 4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC. 6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control? Consider these concerning facts about New Mexico’s Education System: • New Mexico has consistently been ranked as 50th in the Nation in education in both US News and World Report and Forbes rankings. • According to the Public Department of Education, in 2022 only 13% of students in New Mexico scored at or above proficient in Mathematics, and only 18% of students scored at or above proficient in Reading. • In 2022 the overall four-year graduation rate was 76% according to the NMPED. • Public schools housed approximately 331,000 students in 2022. In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public. So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons? Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school’s mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”: The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Melissa Barbour, Parent of 3 school age students in New Mexico

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

- New Mexico has consistently been ranked as **50th** in the Nation in education in both US News and World Report and Forbes rankings.
- According to the Public Department of Education, in 2022 only **13%** of students in New Mexico scored at or above proficient in Mathematics, and only **18%** of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was 76% according to the NMPED.
- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the [Good Soil Report](#) conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school's mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Brad Griffith

Concerned Parent and Citizen of New Mexico

From: [Sam Hagelstein](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures.
Date: Monday, December 18, 2023 10:09:02 AM

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To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic... school. ”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

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Concerning 6.19.4.9 D: The department's authority to “observe the operation of a nonpublic...school. ”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Sam Hagelstein

Parent of nonpublic school educated children.

From: [Rachael Rodriguez](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Fwd: Rule 6.14.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 10:22:05 AM

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I appose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I would choose a private education for my children and grandchildren because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child and those entrusted in my care.

I feel legislation would better serve our children if it required public schools to be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and publicly elected school board who oversee it.

I would like to request a written response from the New Mexico Public Education Department with their justification and explanation of all actions taken.

Rachael Rodriguez

Get BlueMail for Android



Rio Grande Academy of Fine Arts . 1401 Old Coors Dr. SW, Albuquerque, NM 87114 . 505-361-1838

Founders & Directors: Jordan Franco & Michele Platis

Michele Platis

RioGAFA

1401 Old Coors Dr. SW

Albuquerque, NM 87114

Secretary Arsenio Romero

New Mexico Public Education Department

300 Don Gaspar Ave.

Santa Fe, NM 87501

Subject: Feedback and Requested Changes to Proposed NMAC 6.19.4

Dear Secretary Romero,

I am writing to provide feedback on the proposed accreditation process and to request adjustments that align more effectively with the unique context of charter schools. While the effort to implement charter school best practices is appreciated, it should be noted that there are robust accountability measures already in place for charter schools. Charter schools, including Rio Grande Academy of Fine Arts (RioGAFA) undergo a rigorous renewal process every five years, ensuring a thorough evaluation of their performance. This process evaluates charter schools based on their success in achieving student outcomes and mission specific goals, as outlined in the current Performance Framework created by the NM Public Education Commission (NM PED). Accountability is further emphasized through corrective action and potential closure for schools that fail to fulfill charter contract commitments.

The proposed rule undermines the Charter Schools Act and the autonomy of charter authorizers by introducing confusion and potential duplication of responsibilities. The Secretary of the Public Education Department's role in this model is to make decisions regarding the appeal of actions taken by the authorizer. This feature in state law should be protected, and decisions around intervention and closure should be addressed by the authorizer, and not duplicated or assumed by the department. RioGAFA asks that this rule either not apply to charter schools as a result, or that authorizers in the state (the Public Education Commission and local school districts) be assigned as approved accreditors for their charter schools.

RioGAFA believes that interventions and potential closures should be handled by authorizers due to their existing role in holding charter schools accountable. The transparency provided by explicit charter school contracts, outlining academic, organizational, and financial goals, is a key component of the current accountability model. Unfortunately, the proposed rule lacks clarity on the criteria for accreditation, leaving the Public Education Department as a subjective arbiter with no explicit standards for schools to meet.

While RioGAFA is not directly affected by this piece, it is crucial to explicitly state how schools serving over-aged and under-credited populations will be evaluated under the proposed rule. The potential threat to accreditation for schools

with CSI or MRI designations in NMVistas raises concerns, particularly regarding the impact on schools serving students who require alternative education options. The rule should clearly define the evaluation criteria for such schools, ensuring fairness and inclusivity in the accreditation process.

A significant concern is the lack of due process for schools stripped of accreditation under the proposed rule. The appeal process, as outlined, directs appeals to the Secretary, who heads the department responsible for the initial accreditation decision. This conflicts with the Charter School Act, which provides due process by allowing schools to appeal authorizer decisions. RioGAFA strongly recommends revising the rule to include an impartial appellate body and exempting charter schools with an existing appellate body in their legal structure.

Finally, we cannot identify a provision in state education law that empowers the Public Education Department to close a school, as outlined in Section 6.19.4.12(B) of the proposed rule. While state law provides for various interventions, closure is not clearly stipulated. Clarification and alignment with existing statutes are necessary to ensure the legality and fairness of such measures.

Thank you for your attention to our concerns regarding the proposed rule. Charter schools currently adhere to a rigorous accountability process, and we advocate for the continuation of the current framework provided by the Charter Schools Act.

Sincerely,

A handwritten signature in black ink that reads "Michele Platis". The signature is fluid and cursive, with the first name "Michele" and last name "Platis" clearly distinguishable.

Michele Platis
Co-Founder & Co- Director
Rio Grande Academy of Fine Arts

From: [Christopher David Belyeu](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed Rule Changes
Date: Monday, December 18, 2023 10:39:54 AM
Attachments: [Outlook-ilhyexqk.png](#)
[Outlook-g3eitcbp.png](#)

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To Whom It May Concern:

I am writing on behalf of the International Christian Accrediting Association (ICAA). ICAA accredits schools in New Mexico and has appreciated a strong working relationship that we have valued through the years. On behalf of our association and schools, I would like to respectfully express my concern for the proposed rule changes, especially regarding those that impact private schools in the state.

6.19.4.9-A “Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department.”

As an accrediting association that has been approved by the department, I am curious if there will be a separate rule that identifies approved entities and how those entities are approved. Before this rule is modified, published rules and procedures should be identified, reviewed, and implemented that give clear definitions of approved entities.

6.19.4.9-B “Annual report. All nonpublic and BIE schools shall submit an annual report, whether seeking state accreditation or not seeking state accreditation.”

Our accreditation protocol requires schools to annually report and be reviewed for status determination. In our opinion, this is an overreach of the department's monitoring of the private sector.

6.19.4.9-D “The department shall have the authority to observe the operation of a nonpublic or BIE school.”

This rule has been revised, removing language that qualified these visits to schools who have been accreditation with the department of education. Our association visits our schools to verify and supervise the validity and implementation of sound educational programs. In our opinion, the rule should remain as it was previously written to avoid an overreach of the state into private education where parents have chosen to place their children, outside of government controlled schools.

[6.19.4.10](#) **“ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools seeking accreditation by the state shall submit all required reports for accreditation.

“A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools seeking accreditation.

“B. A school district’s or school’s accreditation status will remain in effect until the next determination has been made by the secretary.”

While this rule seems to be couched in the requirements for private schools who have chosen accreditation through the state, we ask that language be added to clarify that status determination in this situation applies only to those private schools who have chosen accreditation through the NM State Department of Education.

Thank you for the work you do. Also, thank you for your consideration and attention to this matter.

Sincerely,



Chris Belyeu
*Executive Director,
ORUef and ICAA*

918.493.8864

oruef.org
icaa.us

2448 E 81st St, Suite 600
Tulsa, OK 74137

 Book time to meet with me

From: [Crystal Coriz](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.81. and Public Schools
Date: Monday, December 18, 2023 10:43:18 AM

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Repealing and Replacing 6.81.2 NMAC Requirements for Non Public Schools and for
Public Education Department Accreditation.

I disagree with the proposed 6.19.4.9 sections A B and D and 6.19.4.10 laws. I am a mother who sacrafices to put my children in a private school. I have witnessed other parents like me who do the same. Some parents commute long distances to have their kids attend private school. As parents that choose to put their children in a non-public school means that they have done their research. They have asked about curriculum being taught, accreditations, average test scores of the students and much more. They chose the non-public school after getting transparent and clear answers to all their questions. Parents prefer to put their children in the non-public schools for the better education that is offered to their children and do not want public school involvement.

I had my children in the public school until my oldest was in the third grade. My oldest and his class did not start learning to read until the first grade. When I switched my children to the private school, my youngest child was in a four year old preschool and could read by the end of the year along with her classmates. What a difference. How was this gap in learning possible? Was it magic? No. It was simply going back to the basics of the fundamentals of education, such as, phonics, math drills, and writing practice. By the time my children were finished with elementary they could do long division in their heads and could read better than ever.

New Mexico Public Schools are ranked last for a variety of reasons. I do have compassion for the kids in the public schools who may not receive the education they deserve. I do wish the PED well in improving our state's education system for the next generations' sake. That being said, The proposed 6.19.4.9 A B and D and 6.19.4.10 need to not pass. I chose the non-public school route because I see that they are doing something different from the unfortunately failing public school system and passing these laws will just be a reach of control over what is working instead of focusing on solutions for what is not working in the public school.

Sincerely,
Crystal Coriz

From: [John Trambley](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Requirements for Nonpublic Schools and for Public Education Department Accreditation
Date: Monday, December 18, 2023 10:44:36 AM

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Dear Dr. Romero and the members of the New Mexico Public Education Department,

I am very concerned about the proposed changes by the New Mexico Public Education Department to requirements for nonpublic schools and for Public Education Department accreditation.

I am especially concerned about the use of the word "shall" – indicating that there is no other option, and the statement that "the department shall have the authority to observe the operation of a nonpublic or BIE school," and tying the statements in section 6.19.4.9 with those in 6.19.4.10 that would give PED the authority to approve or suspend the accreditation of our nonpublic schools.

Please consider changing the word "shall" to "may."

Thank you very much for your careful consideration of this important matter.

Sincerely,

Fr. John Trambley
President of School
St. Pius X
5301 St. Joseph's Drive NW
Albuquerque, NM 87120

Telephone: 505-831-8464

From: [Natalie](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Repeal of 6.81.2
Date: Monday, December 18, 2023 10:55:38 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom It May Concern:

As parents of two students attending private school we are totally opposed to the repeal of the above bill (6.19.4.9 and 6.19.4.10). We are opposed to any new bill or bills (6.19.4.9 and 6.19.4.10) that would restrict or change accreditations for private schools.

Thank you.

Sincerely,

Joseph and Natalie Passantino
505.440.0355



Dr. Sandy Beery
New Mexico Connections Academy
130 Siringo Rd.
Santa Fe, NM 87505

Secretary Arsenio Romero
New Mexico Public Education Department
300 Don Gaspar Ave.
Santa Fe, NM 87501

Subject: Feedback and Requested Changes to Rule NMAC 6.19.4

Dear Secretary Romero,

I am writing to express our concerns regarding the proposed rule on a new accreditation process envisioned by the Secretary and managed by the Public Education Department (PED). While we appreciate the desire of the Secretary to improve New Mexico's national ranking, we feel that the proposed rule will not move our state closer to this expectation, but rather has the potential to undermine the current accountability systems currently instituted. My school, New Mexico Connections Academy (NMCA), is a state-chartered school that has recently been renewed for a 5-year term by the Public Education Commission (PEC). As you know, the most critical aspect of a charter school renewal is the commitment to a rigorous accountability contract that each charter school must adhere to over the course of their charter term. This statutorily-required contract includes all of the expected accountability measures identified in the proposed rule (6.19.4.8 A 1-10 and B) and actually goes further than the proposed accountability measures proposed in this rule.

If this rule were to be adopted, the amount of duplicative reporting requirements placed on charter schools would be problematic for both the schools and the PED. Currently, every state-chartered school is subject to an annual review by the Charter Schools Division of the PED. These annual reviews are much more comprehensive and robust than any of the accountability measures proposed in NMAC 6.19.4. This additional reporting expectation required in the proposed rule will increase the bureaucratic burden placed on the school and take time away from the focus on quality instruction and teacher and student support.

Although the proposed rule mentions that the process for entities outside of the PED becoming an accrediting body is articulated in this rule, there is no language that I could find that details that process. If there were to be such a process, we would recommend that the PEC be identified as an accrediting agency so that all of their statutorily-required oversight currently in place and working would continue to be the basis for charter school accreditation. If it is accountability that the rule is after, we can look no further than the PEC to understand the high-stakes decisions that they make on an annual basis. In spite of the low performance of many

130 Siringo Rd Santa Fe, NM 87505 Phone: (505)-428-2130 eFax: 575-613-7273



traditional public schools, there have been no 'real' consequences for such failure. In contrast, the PEC has closed low-performing charter schools when they have failed to live up to the expectations of their authorizer.

In addition to the big ideas that I have articulated above, the proposed rule has a number of problematic expectations for both the PED and all public schools including: an unrealistic timeline for appeals, an inherent conflict in the appeal process whereby the Secretary would hear an appeal of a decision that he initially made, no clear process for groups outside of the PED to become accrediting entities, as well as, a lack of clarity around the accreditation status of locally-chartered schools and that of their LEA. Without clarity around these issues, the potential for confusion for schools and districts, as well as, the confusion for existing accrediting agencies and the role that they may or may not play in the overall accountability system for schools is paramount.

For these reasons, we respectfully ask that the Secretary and the PED review the impact that this proposed rule could have and reassess the approach to accountability that is being brought forth through the proposed changes.

Sincerely,



Dr. Sandy Beery
Executive Director
New Mexico Connections Academy

Kimberly Ritterhouse
Red River Valley Charter School
PO Box 742
Red River, NM 87558

Secretary Arsenio Romero
New Mexico Public Education Department
300 Don Gaspar Ave
Santa Fe, NM 87558

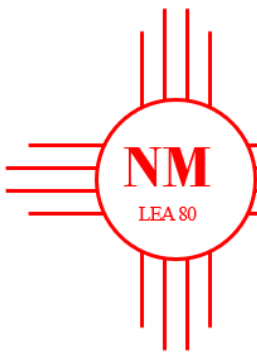
Subject: Proposed Changes to NMAC 6.19.4

Dear Secretary Romero,

I am writing to provide feedback and request adjustments to the accreditation process. As a state charter school, I am evaluated annually and go through a contract renewal process every five years. Should a charter school fail to fulfil the commitments made in the charter contract, it can face corrective action and closure. Charter schools in New Mexico have shown that when we blend this accountability with local design and innovation, we get great schools. As you know, charter schools are accountable to the Public Education Commission and by adding another accreditation process through the PED will create duplicity and confusion. The proposed rule would duplicate our accountability system, creating more burden and paperwork for charter schools. I urge the department to accept charter contracts and annual evaluations as accreditation and waive the additional accreditation process for charter schools.

Sincerely,

Kimberly Ritterhouse
Executive Director



ESTANCIA MUNICIPAL SCHOOLS

P.O. Box 68 / Estancia, NM 87016

Cindy L. Sims, PhD
Superintendent

Phone (505) 384-2006
Fax (505) 384-2015

To: Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

From: Estancia Municipal School District
Board of Education
Superintendent, Cindy L. Sims, PhD
PreK – 12 and Special Education Staff

Date: December 11, 2023

Topic: Feedback Re: Proposed Rulemaking 6.10.5 NMAC, School Calendar Requirements and 6.19.4 NMAC, Accreditation Procedures

The Estancia Municipal School District Board of Education, Superintendent, and Staff, representing the community of Estancia, stands in opposition of the following proposed rules found in 6.10.5 NMAC, School Calendar Requirements:

C. Beginning with the 2024-2025 school year:

- (1) all public-school calendars shall include at least 180 instructional days per school year, exclusive of teacher professional work hours;
- (2) all public schools shall schedule more than fifty percent of school weeks as five-day school weeks; and
- (3) all public schools shall be deemed to operate on five-day school weeks for the purposes of K-12 plus program funding calculations in Section 9 of this rule.

Under the outlined time requirements of 1,140 hours of instructional time annually, duly elected School Boards, staff, and parents are in the best position to develop a school calendar best suited to their community needs while adhering to the required instructional hours. This may mean more instructional minutes per day with fewer calendar days than 180. It could also mean a 4-day work week. For example, the second largest employers in Estancia are Torrance County and the Town of Estancia, both which operate on a four-day work week. This means our parents are off on Friday, and often wish to check their children out (or keep them at home) for camping, family celebrations, etc. While the community when surveyed embraced the idea of a 4-day school week, there has been a moratorium in place on new districts becoming 4-day week districts since 2020. This has created an equity issue – there are those who have been allowed, and those who have not. To be clear, the district is NOT in favor of treating all districts the same in mandating the number of school days in a year; the district IS in favor of lifting the moratorium and allowing more districts to become 4-day per week districts as desired by their communities. Treating districts all the same when they have unique and culturally rich differences that represent their community's individual differences is neither fair nor appropriate.

On a deeper level, the district protests the addition of more instructional days on the basis of “more does not equal better.” Doing more of the same that has not been working in some districts will not improve student learning. Watching the district's ratings bounce up and down from “Spotlight” to “Traditional” to “Additional Targeted Support” to “Comprehensive School Support” has been disheartening. The data do not reflect the hard work the district staff have put into learning and embracing MLSS or Structured Literacy. With 89% of our families

participating in government programs such as SNAP and TNIF, and with 28% of our students in special ed programs, we have our work cut out for us. The work is intense and exhausting for both staff and students. Coming in for *more* days is not our solution; continuing the good work we have begun with fidelity and enthusiasm is. Respectfully, we request you honor the hard work being done and let us prove we can get our students across the line. Develop criteria to determine what needs to be done differently at the local level for the NM schools in need of More Rigorous Improvement (MRI schools) – if that means more days or 5-day weeks, it will be based upon failing established criteria rather than a blanket one-size fits all approach

In regard to 6.19.4 NMAC, Accreditation Procedures, the district is opposed to the establishment of a rule lacking rubrics for scoring, identified weighted values, or clearly established criteria for success or failure. Existing found in NMSA Section 22 already define rules for public schools regarding assessment, courses of study, credit requirements, instructional materials, etc. Proposing a new rule with threatening consequences for failing to become accredited in the absence of the aforementioned criteria is perceived to be a bullying or intimidation practice. Estancia Schools is confident in the district's ability to pass an accreditation process based on the rigor of our Board's training, the soundness of the district's finances, the improvement over time in our school accountability data, the quality of our students' next step plans, our district's prioritizing low class size with elementary classrooms in the teens and our secondary classrooms in the low 20s, or manageable special ed caseloads for our special ed teachers (all below 1.0) and our counselors (two for elementary and two for secondary giving them caseloads of 1:125), and the strength of our curricular programs (including diplomas of merit, dual credit courses, and certification CTE programs). Our protest is in establishing the rule first without consultation in the development of the criteria.

Of particular concern in the Attendance Improvement component. Our district, like others, have a small percentage of students who are chronically absent. We have rich incentive programs and celebrate attendance weekly in our K-12 schools, yet for a few this is not enough. Having tried Attendance Plans in consultation with parents and students, wake up calls, home visits, and then CYFD and Juvenile Justice Program referrals to no avail, the district would be penalized for the attendance of these few families. When you have a small *N* (total number per school), the absence of a few students makes all the difference. For example, one year we had 25 second graders; there were two families with four students in second grade. Just these four students out with recurring lice issues (which resulted in a CYFD referral) dropped the attendance rate down to 88%, below the required 95%, showing the absence of just a few students effect your percentage when you have a small population. Secondly, our community is one that routinely takes children out of school to go on hunts with the families; this an event with deep cultural roots in our community. Parents ask for and take homework with them on the hunt, and the children stay caught up for the most part. Yet these absences of families out a week at a time impact the district's attendance rate. Compound that by having families with five or more children out (another norm in our community where large families are the norm), and you can see how the attendance rate drops, particularly during hunting season.

The Board, Superintendent, staff, and parents of Estancia Municipal School District stand in opposition of the Accreditation Rule in the absence of established criteria. Furthermore, they ask for consideration in the Attendance for Success Act to recognize and accommodate excused absences. The district is also requesting New Mexico Statutes Chapter 22: Public Schools § 22-13-1.D.3, "In fourth through eighth grades, instruction that meets academic content and performance standards shall be provided in the following subject areas...(3) language other than English" be revisited. While the district stands in support of bilingual programs, most districts do not have the qualified staff to teach a language other than English. Where the student population supports a bilingual program, there *are* certified teachers to teach this. Most districts are already in violation of this statute as it stands lacking bilingual teachers to teach a language other than English in grades 4 – 8 at this time.

Thank you for your consideration of our concerns and your response in light of the significance of the concerns noted.

From: [Tim Kienitz](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed Rule Change Comment
Date: Monday, December 18, 2023 12:29:54 PM

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Dear Secretary of Education:

This is to oppose any changes in rule that grants undue oversight to the Public Education Department of non-public, religious, or private schools (*6.19.4.9 Accreditation of Nonpublic and BIE Schools*). As a licensed public school administrator with 27 years in the public schools, and now as a Christian school administrator, I recognize the problems this could cause, as I am sure you do as well.

Parents at Pinon Hills Academy, where I now serve as Head of School, choose to put their children at a non-public, Christian school precisely for the reason that this proposed rule change would nullify. They believe that parents, not the government, should be the first and primary party responsible for their child's education. Private schools give them a choice in this matter, whereas providing PED oversight would only be seen as trying to make them similar again to public schools.

While Pinon Hills Academy is accredited both through ACSI as well as [Cognia](#) (the same accreditation agency as public schools), we believe that the PED oversight of our schools creates an undue intrusion into our religious institution. While the content knowledge is often the same, the values and approach that permeate curriculum at the PED are not the same as the values and approach that permeate the curriculum at our Christian school. Our students continue to perform above the national average on standardized tests, and we believe this is due, in part, to our unique approach, unfettered by the philosophy of the PED.

Furthermore, having been a teacher and administrator on the Navajo reservation for 17 years, I believe the Public Education Department would be overstepping its boundaries in BIE schools as well. I believe this will cause questions of the PED intruding on tribal sovereignty. Private Christian schools feel similarly that PED oversight would be an intrusion of the government on the right to choose a religious education protected by law.

As always, I know that we can rely on your common sense and Constitutional approach to issues such as these.

Sincerely,

Mr. Tim Kienitz
Pinon Hills Academy
Head of School
M.A. Education Administration, NMSU

--

Tim Kienitz
Head of School

■ [\(505\) 327-2395](tel:(505)327-2395)
■ tkienitz@pinonhillsacademy.com
■ pinonhillsacademy.com



5101 N Dustin Ave #3923
Farmington, NM 87401



From: [C.C](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Concern of sections 6.19.4.9 and 6.19.4.10
Date: Monday, December 18, 2023 12:32:31 PM

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To Policy and Legislative Affairs Division, New Mexico's Public Education Department and all others involved in decision making,

Why are Albuquerque Public Schools and or New Mexico's Public Education Department decision makers looking to incorporate private schools under the umbrella of APS and state government? After serving this great nation for over 20 years in the military which provides US citizens the right to choose the avenue of educating their offspring, I find this authoritarian style and dictatorship appalling and against our constitutional rights as United States Citizens. I am a native New Mexican and attended APS from K-12. If there were half the standards implemented in the public schools as there are in private schools, there would have been half the problems enabling students to receive a better education.

Private and Home-schooled students have a far greater knowledge and education than students from public schools. If anything, APS should be looking to model their programs off private-schools and home-schooled curriculum. Why does APS need to have the authority to approve or suspend private schools' curriculum? Is this to bring down private school institutions' excellence in education and commitment to its students and bring them down to the public school system to enable a level playing field so public-school students do feel threatened by private school students in society? APS has no reason to dabble in private school curriculum when APS has a hard enough time governing itself.

As a product of APS, I can recount the years of corruption, bad politics, bad policies, favoritism, segregation, and many more from APS executives to school districts. This is still seen today from the valley schools such as Rio Grande High, Valley, Highland, to well funded schools such as La Cueva, Del Norte, Manzano etc. APS has been plagued with bad politics as far back as I can remember in the early 1990s through to 2023. Many of these instances have cost tax-payers multi-millions of dollars they'll never recoup, and our kids will never receive. Yet here the PED is trying to capitalize on the benefits of Private schools in hopes to bring its rating up from dead last in the nation instead of trying to provide better education to the current APS products.

Recently there was an article about the oil revenue windfall as having a \$3.5 Billion general fund surplus through June 2025. However, New Mexico currently ranks last (50th) in the Nation for education. If the New Mexico Public Education Department is at all interested in increasing the rating of APS, why not look at utilizing those funds to build modern schools, increase teachers pay, update restrictive and outdated policies, recruit new teachers and educators to New Mexico, and find ways to fix the current system. This should be done first instead of adding another organization under an already broken umbrella that has a hard enough time operating under the current context.

An easy search provides a treasure trove of information on New Mexico's education

department. As a graduate of APS in the last 90s dealing with sub-par APS education policies and lowest in the nation education ranking through to present day, here is a quote from 2015-2016: New Mexico ranked lower than all other states on the Chance for Success Index, with a grade of D-plus and a score of 68. (And that was an increase from 66 in 2014) That's due in part to being at the bottom of the rankings on family income near the bottom on other indicators, like for the 2015-2016 school year high school graduation rates, where it ranked 50th. Another quote on how good New Mexico's Education is: "New Mexico came in dead last in a report card that measures education performance across the nation", this quote was from 2018 a full 2 years after the previous quote. In fact, I can't remember the last time New Mexico was on the positive side of the education process. This rating has continued from the recent 2014 to the present day and New Mexico still ranks 50th in the nation for education.

If APS can't govern itself with those interested in providing quality public education, APS has no business in governing public schools. Until APS can get its own product corrected, sections 6.19.4.9 and 6.19.4.10 should not be included and APS should not have the authority to govern private schools. Until then, I will continue to choose private education as an option for any parent displeased with the current and historically last in the nation rating for education APS continues to receive. As has always been noted when looking to expand your authority, make sure you clean in-house before you go out-house. I have served my country for over 20 years and with that the freedom and choice for all parents to choose the education avenues for our nation's children and if given again, I'd choose private education over APS.

Respectfully,

Mr. Casey Creel

From: jhbnm1@gmail.com
To: [FeedBack, Rule, PED](#)
Cc: [Brauer, Alan, PED](#)
Subject: [EXTERNAL] Corrected PEC Comment Regarding Proposed NMAC 6.19.4
Date: Monday, December 18, 2023 12:38:32 PM
Attachments: [PEC.Comment 6.19.4 121523.2.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

PED – Please accept the attached slightly revised letter which corrects a typo. That error was an error on my part, not that of Chair Brauer.

Respectfully, Julia Barnes, attorney for the PEC

From: Brauer, Alan, PED <alan.brauer@ped.nm.gov>
Sent: Monday, December 18, 2023 7:44 AM
To: FeedBack, Rule, PED <Rule.FeedBack@ped.nm.gov>
Cc: HOSFORD BARNES, JULIA <Jhbnm1@gmail.com>
Subject: PEC Comment Regarding Proposed NMAC 6.19.4

Dear PED, Please find a letter attached with comment from the PEC. We tracked the changes intentionally in the letter so that you could discern our recommendations.

Thanks so much and we look forward to our continued collaboration,
Alan

Alan Brauer
Chair, Public Education Commission
505-695-8930



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STATE OF NEW MEXICO
PUBLIC EDUCATION COMMISSION
300 DON GASPAR
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ALAN BRAUER, CHAIR
PUBLIC EDUCATION COMMISSION

DR. ARSENIO ROMERO
SECRETARY OF EDUCATION

December 15, 2023

Alan Brauer, Chair
District 3, Albuquerque

Rebekka Burt, Vice Chair
District 4, Rio Rancho

Melissa Armijo, Secretary
District 1, Albuquerque

Timothy E. Beck, Member
District 2, Albuquerque

Sharon Clahchischillage, Member
District 5, Aztec

Stewart Ingham, Member
District 6, Deming

Patricia Gipson, Member
District 7, Las Cruces

Michael M. Taylor, Member
District 8, Roswell

K.T. Manis, Member
District 9, Hobbs

Steven J. Carrillo, Member
District 10, Santa Fe

Dr. Arsenio Romero

Rule.Feedback@ped.nm.gov

Regarding Proposed NMAC 6.19.4

Dear Dr. Romero:

Thank you for an opportunity to provide comment on proposed NMAC 6.19.4. We would ask that you consider our comments below. Our overall comment is that we believe that parts of the proposed rule looks to impede the authorizing functions of charter authorizers under the Charter School Act NMSA 22-8B-1 *et. seq.* and looks to assert authority for the Public Education Department (PED) that belongs to charter school authorizers. We propose clarifying language to ensure that the lines between authorizers and your ability to take action as Secretary are clear. We believe that the clarification can be addressed quite easily.

Our comments related to 6.19.4.12 B. Any action that may impact the charter contract between the charter authorizer and a charter school are required by the Charter School Act to be addressed by the charter authorizer, not PED. Specifically, any concern related to charter schools under B.(1), (2) and (6) must be directed to the charter authorizer. The charter authorizer must then ensure that charter school remedies the concern consistent with the charter contract so that the PED can provide accreditation.

We suggest the following revisions of this section:

B. In addition to conferring disapproval accreditation status upon a local school district, non-charter public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) ~~notify~~ the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(5) close the school; or

(6) execute other remedies in the public school code that may be appropriate.

C. If the department confers disapproval accreditation status upon a charter school, the department

(1) may suspend personnel from authority and responsibility pursuant to Section 22-2-14 NMSA 1978;

(2) may execute other remedies in the public school code provided to the department secretary or the department that may be appropriate; and

(3) shall request that the charter school's authorizer for purposes of
(a) ensure that the charter school develop a plan to correct the organizational or programmatic deficiencies contributing to disapproval or, if the school fails to provide an adequate plan for the PED to approve accreditation, direct the organizational and educational program planning changes needed for accreditation to be provided by the PED;

(b) if appropriate, consider suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

Thank you for your consideration.

Sincerely,

e/Alan Brauer

Chair, Public Education Commission

From: [Deborah Potter](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Re: opposition to proposed rule changes 6.10.5 NMAC, 6.81.2 NMAC
Date: Monday, December 18, 2023 12:39:46 PM
Attachments: [image.png](#)

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I am also opposed to this proposed rule change: 6.19.4 NMAC, Accreditation Procedures

Dr. Deborah Ulinski Potter
1019 Guadalupe Ct. NW
Alameda, NM 87114
505-897-8621
ulinski@unm.edu

From: Deborah Potter <ulinski@unm.edu>
Sent: Monday, December 18, 2023 12:35 PM
To: Rule.Feedback@ped.nm.gov <Rule.Feedback@ped.nm.gov>
Subject: opposition to proposed rule changes 6.10.5 NMAC, 6.81.2 NMAC

To the NM Public Education Department
December 18, 2023

I stand alongside NM teachers and the National Education Association-NM teacher's union in opposition to the NM Public Education Department's proposed rule changes: 6.10.5 NMAC, School Calendar Requirements and 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation. These proposed changes should be immediately withdrawn to honor the flexibility that is currently held and needed by NM teachers, especially in rural areas. These changes are not good for students and will not help improve our quality of education. Today's hearing will be inadequate to address the concerns that have already been raised and will not allow adequate time for in person public testimony that is largely in opposition.

My opposition to the PED rule changes has also been communicated to Governor Michelle Lujan Grisham with a request for a reply.

Sincerely,

Dr. Deborah Ulinski Potter
1019 Guadalupe Ct. NW
Alameda, NM 87114
505-897-8621
ulinski@unm.edu

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Address

The Office of Governor Michelle Lujan Grisham is located on the 4th floor of the New Mexico State Capitol in Room 400.

Issue *
Education

Message *

I stand alongside NM teachers and the National Education Association-NM teacher's union in opposition to the NM Public Education Department's proposed rule changes: 6.10.5 NMAC, School Calendar Requirements and 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation. These changes should be immediately withdrawn to honor the flexibility that is currently held and needed by NM teachers, especially in rural areas. These changes are not good for students, and will not help improve our quality of education. Today's hearing will be inadequate to address the concerns that have already been raised, and will not allow adequate time for public testimony that is largely in opposition.

Would you like a response? *
Yes, please contact me

SUBMIT

From: sfox@matthewsfox.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback on Proposed Rule re: Accreditation Procedures (6.19.4.1 NMAC et seq.)
Date: Monday, December 18, 2023 12:43:16 PM
Attachments: [image001.png](#)
[6.19.4-NMAC New-PreAppvdDB-for-Web mf cmts.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom it May Concern:

Please see the attached document containing this Firm's comments and proposed changes to the above-referenced proposed rule relating to accreditation procedures.

Sincerely,

Susan B. Fox
Matthews Fox, P.C.
1925 Aspen Drive, Suite 301A
Santa Fe, New Mexico 87505
Tel. 505.473.3020
Fax 505.474.3727



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PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY PART 4 ACCREDITATION PROCEDURES

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 1/16/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 1/16/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.
[6.19.4.3 NMAC - N, 1/16/2024]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 1/16/2024]

6.19.4.5 EFFECTIVE DATE: January 16, 2024 unless a later date is cited at the end of a section.
[6.19.4.5 NMAC - N, 1/16/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools other than charter schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools and BIE schools seeking state accreditation and establishes requirements for reporting to the department by private schools and BIE schools not seeking state accreditation. This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 1/16/2024]

6.19.4.7 DEFINITIONS:

A. "Accreditation status" means either approval or disapproval by the secretary of the adequacy and functionality of an educational program. Public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the secretary.

B. "Accrediting entity" means an organization capable of evaluating the quality of an educational program pursuant to this rule.

C. "Attendance improvement plan" means a tiered, data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions, as defined in Section 22-12A-2 NMSA 1978.

D. "Bureau of Indian education school" or "BIE school" means a school that is funded by the bureau of Indian education, located in New Mexico, provides instruction for first through twelfth grades, and is not sectarian or denominational.

E. "Days" means, unless otherwise specified in a provision in this rule or applicable statute, business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more. In computing the amount of days, exclude the day of the event that triggers the period, and include the last day of the period. If the last day is a day when the department is closed, the period continues to run until the end of the next business day that the department is not closed. Whenever a person or entity shall act under this rule within a prescribed period after service of a notice or paper upon the person or entity, and the notice or paper is served by mail or courier service, three calendar days are added to the prescribed period.

F. "Digital citizenship" means the safe, ethical, responsible, and informed use of technology and encompasses a range of skills and literacies, including:

- (1) internet safety, privacy, and security;
- (2) recognition and reporting of cyberbullying;
- (3) online reputation management;

Commented [SF1]: Overall comment: PED does not appear to have been enabled by the Legislature to expand accreditation beyond accrediting "subject areas" per NMSA 1978 22-13-1. The proposed Rule exceeds PED authority

Commented [SF2]: The Legislature has given the power to regulate the closure/suspension of charter schools to state and local authorizers, only, in the Charter Schools Act. Charters receive essentially the same oversight from their authorizers as is proposed here, as the Legislature intended. The Rule steps on the rights of both the charters and the authorizers provided in the Charter Schools Act. With respect to the closure/suspension/conditions relating to charter school operations, the Secretary's role in the Act is limited to appellate reviewer of authorizer decisions. Charter Schools should be removed from this Rule. However, assuming PED keeps charter schools in the rule, further comments are provided under that assumption.

Commented [SF3]: This date is impractical. Need at least a year's notice (and presumably, PED would need additional time to staff the considerable oversight activities that this Rule contemplates).

Commented [SF4]: This approval/disapproval power as to program and functionality is expressly given by the Legislature to the charter authorizers in the Charter Schools Act, and the Act limits the Secretary's role in that endeavor to appellate reviewer.

Commented [SF5]: This contradicts the provisions of the Charter Schools Act, which provides a charter school with autonomy from its local authorizer except to the extent contained in the charter. If charter schools are to remain in this Rule, they should be analyzed and designated on their own.

Commented [SF6]: "Capability" is overly subjective

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (4) communication skills; information literacy; and
- (5) creative credit and copyright.

G. “Educational program” means a program that provides for the education of school-age persons in state institutions, public, nonpublic, or BIE schools.

H. “Evidence-based practices” means activities, strategies, and interventions informed and supported by rigorous research that demonstrate consistent, positive impacts on student outcomes, and may include practices that are supported by strong, moderate, promising, or rationale-demonstrating evidence.

I. “Historically defined Indian-impacted” means a school district ~~or a charter school~~ that:

- (1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;
- (2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
- (3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

J. “Local Education Agency” or “LEA” means a school district ~~or state-chartered charter school~~.

K. “Nonpublic school or private school” means a school, other than a home school, that offers programs of instruction and is not under the control, supervision, or management of a local school board or a charter school governing body.

L. “School index score” means the total score a school earns on all required measures as defined by the department according to the state’s system for annual meaningful differentiation detailed in the state’s ESSA plan.

M. “Secretary” means the secretary of the ~~Department~~.

N. “State accreditation” means approval by the secretary of an educational program’s adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters, as determined by the department. State accreditation of a nonpublic or BIE school means recognition by the department that the school meets standards set by an accrediting entity recognized by the department and has submitted required reports to the department.

O. “State institution” means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.
[6.19.4.7 NMAC - N, 1/16/2024]

6.19.4.8 PUBLIC SCHOOL ANNUAL ACCREDITATION REVIEW: Public school districts, public schools, and educational programs of state institutions shall report information to the department pursuant to Subsection I of Section 22-2-2 NMSA 1978. The quality and content of required reports and of the educational programs represented by the reports will be evaluated by the department for approval or disapproval of accreditation status. Pursuant to Subsection F of Section 22-2-2 NMSA 1978, the secretary’s accreditation decision is contingent upon evidence of the adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters such as factors contributing to school index scores. Local school districts ~~and charter schools~~ shall follow department guidance in submitting satisfactory reports.

A. Annual accreditation review requirements. Local school districts, ~~charter schools~~, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method prescribed by the department, of the following requirements:

(1) Board training. Local school districts ~~and charter schools~~ shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 ~~or by each member of the charter school governing body as required by Section 22-8B-5-1 NMSA 1978~~, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

(2) Financial audit. Local school districts, ~~charter schools~~, and state institutions shall submit a report of the previous fiscal year’s financial audit. The report shall include the date the audit was submitted as established in Paragraph (1) of Subsection A of 2.2.2.9 NMAC.

(3) Program plans, budget, and actual expenditures. Local school districts ~~and charter schools~~ shall:

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans;

Commented [SF7]: Again, these areas are already evaluated under clear standards by authorizers for charter schools under the Charter Schools Act and charter contracts/performance frameworks; word “adequacy” is a vague and undefined term here

Commented [SF8]: “As determined by the Department” provides no clear standard, necessary for due process. The Proposed Rule needs to clearly state what the basis would be for accreditation disapproval by the Department. Right now, the only basis for disapproval would appear to be failure to submit required reports in 6.19.4.8.A.

Commented [SF9]: No standard of evaluation provided

Commented [SF10]: Vague; not an appropriate standard

Commented [SF11]: All of these reports are already available to the charter authorizers and the Department) under other reporting mechanisms; providing additional reports is duplicative and overly burdensome

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process;
- (c) budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units;
- (d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures; and
- (d) report actual expenditures for each school.
- (4) School enrollment. Via the statewide data system, local school districts ~~and charter schools~~ shall submit reports of student membership for each school pursuant to Section 22-8-13 NMSA 1978.
- (5) School accountability data. Local school districts ~~and charter schools~~ shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978. ~~For student assessment data, a minimum ninety-five percent participation rate is required by Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.~~
- (6) Attendance improvement. Local school districts ~~and charter schools~~ shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans pursuant to Section 22-12A-7 NMSA 1978 (attendance for success act) submitted to the department no later than 45 days after the beginning of the school year.
- (7) School safety plans. Local school districts ~~and charter schools~~ shall submit approvable school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.
- (8) Postsecondary plans. Local school districts, ~~charter schools~~, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.
- (9) Class loads, caseloads, and subjects of instruction. Local school districts, ~~charter schools~~, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. ~~Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.~~
- (a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.
- (b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted individualized education programs (GIEPs), categorized by level of service pursuant to Subsection J of 6.29.1.9 NMAC.
- (c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.
- (d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

Commented [SF12]: I believe this sentence is misleading; the section of ESSA that is quoted does not "require" 95% participation rate for purposes of accreditation, nor does it require the consequences to a school set forth in this Rule if the 95% participation goal is not met. ESSA requires 95% participation at the STATE level.

Commented [SF13]: This is the only area in which the Legislature has authorized the PED to accredit public schools. NMSA 22-13-1.

Table 1 Required instructional subject areas in grades K-8

Grades	Subjects
--------	----------

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

K-3	daily instruction in mathematics, reading, and language arts skills, including phonemic awareness, phonics, and comprehension
1-3	art music a language other than English science mathematics reading and language arts, including structured literacy instruction social studies physical education health education
4-8	reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year mathematics reading and language arts, including structured literacy instruction language other than English communication skills science art music social studies New Mexico history United States history geography physical education health education electives that contribute to academic growth and skill development and that provide career and technical education.
8	algebra 1 shall be offered in general education classroom settings, online, or by agreement with high schools
6-8	media literacy may be offered as an elective

(10) Tribal consultation, tribal education status reports, student needs assessments.

(a) Local school districts with tribal lands in their boundaries shall include in the report the districtwide tribal education status report provided to tribes and evidence of tribal consultation pursuant to Section 22-23A-7 NMSA 1978 and 6.35.2.13 NMAC;

(b) Historically defined Indian-impacted local school districts ~~and charter schools~~ shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

(c) Local school districts contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of consultation with tribal leaders and members and families of students who will be eligible to attend the public school pursuant to Section 22-5-4.13 NMSA 1978.

(d) ~~Charter schools contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of negotiation with the tribal government and consultation with leaders, and members and families of students who will be eligible to attend the public school pursuant to Section 22-8-12.2 NMSA 1978.~~

(e) A school district ~~or charter school~~ that is required under federal law to consult with tribal entities as a condition of receiving impact aid funds shall include in its report the detailed narrative of its consultations with tribal entities and the results of those consultations as reported in the education plan pursuant to Section 22-8-6 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.
[6.19.4.8 NMAC - N, 1/16/2024]

6.19.4.9 ACCREDITATION OF NONPUBLIC AND BIE SCHOOLS:

Commented [SF14]: Already covered by Charter Schools Act and authorizer requirements

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

A. Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. All nonpublic and BIE schools shall submit an annual report, whether seeking state accreditation or not seeking state accreditation. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools shall update and submit the following information to the department:

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools seeking state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. The department shall have the authority to observe the operation of a nonpublic or BIE school.

E. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
 - (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
 - (3) success outside the state of New Mexico, if any, as an accrediting agency;
 - (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
 - (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
 - (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
 - (7) authority to suspend, limit, or terminate its accreditation of a school.
- [6.19.4.9 NMAC - N, 1/16/2024]

6.19.4.10 ANNUAL ACCREDITATION CYCLE: Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools seeking accreditation by the state shall submit all required reports for accreditation.

A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools seeking accreditation.

B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary.

6.19.4.11 ADMINISTRATIVE APPEAL HEARING PROCEDURES: A school district or charter school may request a hearing with regard to the determination of its accreditation status within 30 days of its issuance.

A. A hearing shall be held within 30 days of the date the secretary receives the request to convene the hearing.

B. The local school board or charter school governing body subject to disapproval accreditation status may submit to the secretary along with the request for hearing a written statement explaining why the school should receive approval accreditation status.

(1) The written statement shall address only the cause or causes for disapproval specified in the notice and the reasons for opposing the decision, which, for public schools, shall address the factors outlined in Section 8 of this rule, and for nonpublic or BIE schools, shall address the factors outlined in Section 9 of this rule.

Commented [SF15]: No standards for disapproval have been provided in this Rule, other than required submissions of reports. If there are other bases upon which the Secretary would intend to disapprove, those need to be clearly stated in detail. Note that there is no legislation that supports Department disapproval of accreditation other than with respect to subject areas.

Further, this timeframe is vague as to when the Secretary would have to provide his approval or disapproval; disapproval after the end of each fiscal year (after July 1) would be wholly unworkable for schools and families and staff, if immediate closure or similar sanction is contemplated.

Additionally, any determination needs to be in writing, must state the factual and legal grounds for denial, and must provide to each school by a certain date.

Commented [SF16]: See comment above regarding timeframes. Must ensure that timeframe for any appeal gives a school/district a meaningful opportunity for review, which would not be the case if this is all happening over the summer at the start of a new fiscal year.

Commented [SF17]: Continuing comment throughout this subsection: It is inappropriate and contrary to due process principles for the Secretary to be hearing/deciding an "appeal" of his own decision/the Department's decision.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (2) The written statement shall be submitted to the department's office of general counsel.
- C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board ~~or charter school governing body~~ required by this section may be raised at the hearing.
- D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.
- E. The rules of evidence and rules of civil procedure shall not apply to the hearing.
- F. The hearing shall be ~~presided over by the secretary~~, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.
- G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.
- H. The local school board ~~or charter school governing body~~ shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.
- I. ~~The local school board or charter school governing body may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's or charter school governing body's presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.~~
- J. The secretary or hearing officer may question department staff or the local school board ~~or charter school governing body~~ subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.
- K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.
- L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.
- (1) The secretary's decision shall be in writing and delivered to the local school board, ~~charter school governing body~~, or governing body of a nonpublic or BIE school subject to the accreditation decision.
- (2) The secretary's written decision shall provide ~~detailed~~ reasons for the decision, ~~and the factual/legal/evidentiary bases for all conclusions.~~
- (3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.
- M. The local school board, ~~charter school governing body~~, or governing body of a nonpublic or private school subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.
- N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. ~~Payment may be required for receipt of the administrative record.~~
- O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. ~~Any such agreement shall address the timelines provided in this rule.~~ [6.19.4.10 NMAC - N, 1/16/2024]

6.19.4.12 CONSEQUENCES OF ~~PUBLIC SCHOOL DISAPPROVAL OF~~ ACCREDITATION STATUS:

- A. A local school district or public school that has received disapproval accreditation status shall not ~~be eligible to~~ operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.
- B. In addition to conferring disapproval accreditation status upon a local school district, public school or educational program of a state institution, the department may:
- (1) require a locally developed plan to correct ~~the organizational or programmatic~~ deficiencies contributing to disapproval;
- (2) ~~direct the organizational and educational program planning of the local school district or public school;~~

Commented [SF18]: Due process prohibits the Secretary for presiding over/deciding an appeal of his own/the Department's decision

Commented [SF19]: This is entirely too long, unless an affected school is allowed to continue for another year during the appeal process.

Commented [SF20]: If Secretary/department is allowed to be both party and decisionmaker, Secretary/department must also be subject to question/cross-X

Commented [SF21]: If time limits are to be imposed, state in rule

Commented [SF22]: What would be the standard for exclusion/admission, if rules of evidence not applicable?

Commented [SF23]: This does not make sense as written.

Commented [SF24]: Subsection B goes beyond the powers/authority granted to the PED by the Legislature with regard to accreditation, and conflicts directly with the Charter Schools Act.

Commented [SF25]: Such "deficiencies" are nowhere stated in this Rule -- what would they be? Need clearly-defined standards for disapproval.

Commented [SF26]: This is contrary to the provisions of the Charter Schools Act, authorizer power/authority, and charter contracts with authorizers.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;
- (4) notify a charter school's authorizer for purposes of suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;
- (5) the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;
- (6) close the school; or
- (7) execute other remedies in the public school code that may be appropriate;
- [6.19.4.11 NMAC - N, 1/16/2024]

HISTORY OF 6.19.4 NMAC: [RESERVED]

Commented [SF27]: This statutory section does not support suspension as a function of accreditation.

Commented [SF28]: Ultra vires and contrary to Charter Schools Act and Secretary's limited role in charter school closure decisions.

Commented [SF29]: Impermissibly vague, not supported by legislation.



St. Bonaventure School
P.O. Box 610
Thoreau, NM 87323-0610
Office: 505.862.7465 Fax: 505.862.7790

December 18, 2023

St. Bonaventure Indian Mission and School is opposed to the changes proposed by the NMPED regarding 6.81.2 NMAC, Accreditation Procedures.

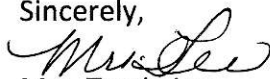
St. Bonaventure Indian Mission and School is accredited through the Western Catholic Education Association (WCEA). We have achieved and maintained our accreditation with WCEA. Through our WCEA accreditation we ensure that our primary stakeholders (our students) are receiving the quality education they deserve. Their quality education is rooted in Catholic values, which enable them to become sound and contributing members of their communities.

The accreditation standards are a rigorous set to achieve. They are rooted in and reflect the Catholic teachings. These standards are evolving to reflect the ongoing universal educational expectations. Results of implementing these standards show a higher level of mastery than the current Public School standards. The students' learning remain the core of WCEA.

We take seriously that we are held to a high standard of continual excellence. We already provide annual reports to the WCEA to ensure our continual growth in our school's improvement plans. These reports are data driven. Our improvement plans are derived from our intense self-study that includes the valuable input from our teachers, parents, students, community, and the final review from the WCEA Visiting Review Team.

Proposing a single accrediting agency process to oversee all school systems will not benefit all schools because it will not reflect and take into consideration the vast variety of communities and peoples we educate and serve. Furthermore, it will not validate the impact our school system has on its local communities. Students and schools reserve the right to determine the best educational setting that will help enhance the learning of the whole person.

Sincerely,


Mrs. Tracie Lee
Principal

St. Bonaventure School Mission Statement

Saint Bonaventure Catholic School exists to provide students from the rural Eastern Navajo Community and surrounding area with quality education with Christ at the center. Our curriculum is research based, comprehensive, and rooted in Gospel values.

The school, originally created to offer Navajo Pre-K students critical early learning skills, continues to serve predominately Navajo students from Pre-K through Grade Eight. We strive to blend our Catholic teachings with traditions held sacred by our Navajo students, and work in partnership with parents and local community to provide our students with the best learning opportunities available.

From: [Angela Smith](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Legislation regarding 6.81.2
Date: Monday, December 18, 2023 12:45:53 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern,

I am writing this letter to inform you that I am disappointed in the NMPED legislation regarding the vote to repeal and or replace 6.81.2. I am concerned with the new language regarding 6.19.4.9 and 6.19.4.10. We as parents have the right to freely educate our children through public, charter, private and homeschool. I am currently a parent of 2 homeschool children and one private school child. Our short time in public education was nothing short of a nightmare and I began looking for other options for my children. I am disappointed that NMPED chose to keep their intentions of this legislation a secret and I am scared of the language used in the new sections of the legislation. The use of the term "shall" indicate that there is no other option regarding the hostile takeover of charter and private schools. NMPED should not be allowed to approve or suspend accreditation to charter or private schools, and they should absolutely not be given the authority to observe the operation of nonpublic or BIE schools. Freedom of school choice is ours as citizens of the United States. For this type of legislation to happen right before Christmas break is nothing short of dirty politics. Public education is failing our children, especially here in New Mexico where we are 50th in education at a national level, it's no wonder why parents are looking at other options! Us parents who work hard to give our children an education they deserve by either enrolling them into charter schools, scraping every penny to afford private education, or giving up our careers to homeschool deserve better than NMPED playing games and trying to take over our right to have school choice. In closing it is my heart's desire that NMPED realizes that this legislation is a mistake and keeping charter and private schools to function as they see fit should be their choice, not the choice of NMPED.

Thank you for your time,
Angela Zamora

From: [Chris Halter](#)
To: [Tracie Lee](#)
Cc: [FracRock, Suite PSD](#); Father Isaac Dohar; Denise Whelan
Subject: [EXTERNAL] Re: Public Comment Accreditation
Date: Monday, December 18, 2023 12:46:08 PM
Attachments: [image002.png](#)

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Thank you.

Chris

On Dec 18, 2023, at 11:43 AM, Tracie Lee <TLee@sbms.k12.nm.us> wrote:

<!--[if !vml]-->
<image002.png>
<!--[endif]-->

Tracie Lee
Principal
Phone (505) 862-7465
Fax (505) 862-7790

St. Bonaventure School Mission Statement

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The school, originally created to offer Navajo Pre-K students critical early learning skills, continues to serve predominately Navajo students from Pre-K through Grade Eight. We strive to blend our Catholic teachings with traditions held sacred by our Navajo students, and work in partnership with parents and local community to provide our students with the best learning opportunities available.

<Public Comment Accreditation.pdf>

December 18, 2023

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

- New Mexico has consistently been ranked as 50th in the Nation in education in both US News and World Report and Forbes rankings.
- According to the Public Department of Education, in 2022 only 13% of students in New Mexico scored at or above proficient in Mathematics, and only 18% of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was 76% according to the NMPED.
- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school’s mission, vision, and educational methodology. Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”: The word “observe” is ambiguous and

needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Justine Garcia

From: [Liz Romero](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC Accreditation Procedures
Date: Monday, December 18, 2023 1:24:33 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear New Mexico PED,

I oppose the language and scope of 6.19.4

NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. In attempting to acquire authority to "observe the operations of non-public schools," PED is overstepping its boundaries without any statutory oversight.

Private schools routinely out-perform public education and thus require no oversight from a non-elected Governor appointee.

Cordially

Elizabeth Romero

Sent from my iPhone

From: [Porter Swentzell](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Opposing Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC
Date: Monday, December 18, 2023 1:25:55 PM
Attachments: [Enclosure - Revision Recommendations for Proposed New Rule, 6.19.4 NMAC.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom it May Concern:

I strongly oppose the proposed new rule, 6.19.4 NMAC, Accreditation Procedures, as it currently stands, as well as the repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

If the new rule moves forward, I strongly recommend adoption of the revisions in the Enclosure: "Revision Recommendations for Proposed New Rule, 6.19.4 NMAC". The revisions in the Enclosure make clear that Bureau of Indian Education (BIE) schools have the right to elect to seek accreditation from the state and that the state does not have the right to impose any mandates on BIE schools.

In addition, we strongly recommend and request that the New Mexico Public Education Department (NMPED) hold formal tribal consultation with New Mexico's twenty-three tribes. This ensures that Tribal Nations have the opportunity to provide feedback and input on administrative rules that impact Tribal Nations and should be held according to the State-Tribal Collaboration Act.

The NMPED does not have the authority to mandate that BIE schools be accredited by the state. As reflected in 6.81.2 NMAC, NMPED must, however, provide the option for BIE schools to be accredited by the state if they elect to seek this accreditation. If 6.81.2 NMAC is to be repealed and the framework and procedures from that rule are to be included in the new rule, 6.19.4 NMAC, then all language in the new rule must reflect the repealed rule's objective: "to provide a comprehensive framework within which nonpublic and BIE schools that desire department accreditation status can attain it." Under no circumstances should the new rule include any mandates for BIE schools and any steps to impose such mandates would be an infringement on the right to educational sovereignty held by BIE-funded, Tribally Controlled Schools.

Sincerely,

Porter Swentzell, PhD
Executive Director
Kha'p'o' Community School
Email: pswentzell@khapoeducation.org

Main: 505-901-7846

<https://www.khapoeducation.org>



PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION **CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY** **PART 4 ACCREDITATION PROCEDURES**

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 1/16/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 1/16/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2.2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.
[6.19.4.3 NMAC - N, 1/16/2024]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 1/16/2024]

6.19.4.5 EFFECTIVE DATE: January 16, 2024 unless a later date is cited at the end of a section.
[6.19.4.5 NMAC - N, 1/16/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools and BIE schools [that desire seeking state accreditation and establishes requirements for reporting to the department by private schools and BIE schools not seeking state accreditation](#). This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 1/16/2024]

6.19.4.7 DEFINITIONS:

A. "Accreditation status" means either approval or disapproval by the secretary of the adequacy and functionality of an educational program. Public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the secretary.

B. "Accrediting entity" means an organization capable of evaluating the quality of an educational program pursuant to this rule.

C. "Attendance improvement plan" means a tiered, data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions, as defined in Section 22-12A-2 NMSA 1978.

D. "Bureau of Indian education school" or "BIE school" means a school that is funded by the bureau of Indian education [and includes both tribally controlled and bureau operated schools](#), located in New Mexico, provides instruction for first through twelfth grades, and is not [private or](#) sectarian or denominational.

E. "Days" means, unless otherwise specified in a provision in this rule or applicable statute, business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more. In computing the amount of days, exclude the day of the event that triggers the period, and include the last day of the period. If the last day is a day when the department is closed, the period continues to run until the end of the next business day that the department is not closed. Whenever a person or entity shall act under this rule within a prescribed period after service of a notice or paper upon the person or entity, and the notice or paper is served by mail or courier service, three calendar days are added to the prescribed period.

F. "Digital citizenship" means the safe, ethical, responsible, and informed use of technology and encompasses a range of skills and literacies, including:

- (1) internet safety, privacy, and security;
- (2) recognition and reporting of cyberbullying;
- (3) online reputation management;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (4) communication skills; information literacy; and
- (5) creative credit and copyright.

G. **“Educational program”** means a program that provides for the education of school-age persons in state institutions, public, nonpublic, or BIE schools.

H. **“Evidence-based practices”** means activities, strategies, and interventions informed and supported by rigorous research that demonstrate consistent, positive impacts on student outcomes, and may include practices that are supported by strong, moderate, promising, or rationale-demonstrating evidence.

I. **“Historically defined Indian-impacted”** means a school district or a charter school that:

- (1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;
- (2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
- (3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

J. **“Local Education Agency” or “LEA”** means a school district or state-chartered charter school.

K. **“Nonpublic school or private school”** means a school, other than a home school, that offers programs of instruction and is not under the control, supervision, or management of a local school board or a charter school governing body.

L. **“School index score”** means the total score a school earns on all required measures as defined by the department according to the state’s system for annual meaningful differentiation detailed in the state’s ESSA plan.

M. **“Secretary”** means the secretary of the department.

N. **“State accreditation”** means approval by the secretary of an educational program’s adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters, as determined by the department. State accreditation of a nonpublic or BIE school [that elects to seek state accreditation](#) means recognition by the department that the school meets standards set by an accrediting entity recognized by the department and has submitted required reports to the department.

O. **“State institution”** means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.

[6.19.4.7 NMAC - N, 1/16/2024]

6.19.4.8 PUBLIC SCHOOL ANNUAL ACCREDITATION REVIEW: Public school districts, public schools, and educational programs of state institutions shall report information to the department pursuant to Subsection I of Section 22-2-2 NMSA 1978. The quality and content of required reports and of the educational programs represented by the reports will be evaluated by the department for approval or disapproval accreditation status. Pursuant to Subsection F of Section 22-2-2 NMSA 1978, the secretary’s accreditation decision is contingent upon evidence of the adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters such as factors contributing to school index scores. Local school districts and charter schools shall follow department guidance in submitting satisfactory reports.

A. Annual accreditation review requirements. Local school districts, charter schools, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method prescribed by the department, of the following requirements:

(1) Board training. Local school districts and charter schools shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 or by each member of the charter school governing body as required by Section 22-8B-5.1 NMSA 1978, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

(2) Financial audit. Local school districts, charter schools, and state institutions shall submit a report of the previous fiscal year’s financial audit. The report shall include the date the audit was submitted as established in Paragraph (1) of Subsection A of 2.2.2.9 NMAC.

(3) Program plans, budget, and actual expenditures. Local school districts and charter schools shall:

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

(b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process;

(c) budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units;

(d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures; and

(d) report actual expenditures for each school.

(4) School enrollment. Via the statewide data system, local school districts and charter schools shall submit reports of student membership for each school pursuant to Section 22-8-13 NMSA 1978.

(5) School accountability data. Local school districts and charter schools shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978. For student assessment data, a minimum ninety-five-percent participation rate is required by Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.

(6) Attendance improvement. Local school districts and charter schools shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans pursuant to Section 22-12A-7 NMSA 1978 (attendance for success act) submitted to the department no later than 45 days after the beginning of the school year.

(7) School safety plans. Local school districts and charter schools shall submit approvable school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.

(8) Postsecondary plans. Local school districts, charter schools, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.

(9) Class loads, caseloads, and subjects of instruction. Local school districts, charter schools, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.

(a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.

(b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted individualized education programs (GIEPs), categorized by level of service pursuant to Subsection J of 6.29.1.9 NMAC.

(c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.

(d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

Table 1 Required instructional subject areas in grades K-8	
Grades	Subjects

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

K-3	daily instruction in mathematics, reading, and language arts skills, including phonemic awareness, phonics, and comprehension
1-3	art music a language other than English science mathematics reading and language arts, including structured literacy instruction social studies physical education health education
4-8	reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year mathematics reading and language arts, including structured literacy instruction language other than English communication skills science art music social studies New Mexico history United States history geography physical education health education electives that contribute to academic growth and skill development and that provide career and technical education.
8	algebra 1 shall be offered in general education classroom settings, online, or by agreement with high schools
6-8	media literacy may be offered as an elective

(10) Tribal consultation, tribal education status reports, student needs assessments.

(a) Local school districts with tribal lands in their boundaries shall include in the report the districtwide tribal education status report provided to tribes and evidence of tribal consultation pursuant to Section 22-23A-7 NMSA 1978 and 6.35.2.13 NMAC;

(b) Historically defined Indian-impacted local school districts and charter schools shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

(c) Local school districts contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of consultation with tribal leaders and members and families of students who will be eligible to attend the public school pursuant to Section 22-5-4.13 NMSA 1978.

(d) Charter schools contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of negotiation with the tribal government and consultation with leaders, and members and families of students who will be eligible to attend the public school pursuant to Section 22-8-12.2 NMSA 1978.

(e) A school district or charter school that is required under federal law to consult with tribal entities as a condition of receiving impact aid funds shall include in its report the detailed narrative of its consultations with tribal entities and the results of those consultations as reported in the education plan pursuant to Section 22-8-6 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.
[6.19.4.8 NMAC - N, 1/16/2024]

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.9 PROCEDURES FOR THE ACCREDITATION OF PRIVATE SCHOOLS AND BIE SCHOOLS THAT DESIRE STATE ACCREDITATION~~ACCREDITATION OF NONPUBLIC AND BIE SCHOOLS:~~

A. Nonpublic and BIE schools ~~may elect to~~shall obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. All nonpublic and BIE schools electing to seek state accreditation shall submit an annual report ~~whether seeking state accreditation or not seeking state accreditation~~. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools electing to seek state accreditation shall update and submit the following information to the department:

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools electing to seek~~ing~~ state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. The department ~~may obtain~~shall have the authority to observe the operation of a nonpublic or BIE school that elects to seek or hold state accreditation.

E. ~~6.19.4 NMAC does not obligate or require nonpublic or BIE schools to seek or obtain state accreditation.~~

F. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
- (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
- (3) success outside the state of New Mexico, if any, as an accrediting agency;
- (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 1/16/2024]

6.19.4.10 **ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools that elect to seek~~ing~~ accreditation by the state shall submit all required reports for accreditation.

A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools that elect to seek~~ing~~ state accreditation.

B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary.

Commented [KS1]: For BIE Schools, the reason for changing the wording to "may obtain" is so that the state secures authority from Tribes, or other entities as determined by the BIE School's Governing Body, prior to observing BIE Schools.

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Commented [KS2]: This should be a separate section since it's about the accrediting agencies not the nonpublic or BIE schools.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.11 ADMINISTRATIVE APPEAL HEARING PROCEDURES: A school district or charter school may request a hearing with regard to the determination of its accreditation status within 30 days of its issuance.

A. A hearing shall be held within 30 days of the date the secretary receives the request to convene the hearing.

B. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation, subject to disapproval accreditation status may submit to the secretary along with the request for hearing a written statement explaining why the school should receive approval accreditation status.

(1) The written statement shall address only the cause or causes for disapproval specified in the notice and the reasons for opposing the decision, which, for public schools, shall address the factors outlined in Section 8 of this rule, and for nonpublic or BIE schools that elect to seek state accreditation, shall address the factors outlined in Section 9 of this rule.

(2) The written statement shall be submitted to the department's office of general counsel.

C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE School that elects to seek state accreditation required by this section may be raised at the hearing.

D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.

E. The rules of evidence and rules of civil procedure shall not apply to the hearing.

F. The hearing shall be presided over by the secretary, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.

G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.

H. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.

I. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's, ~~or~~ charter school governing body's, governing body's of nonpublic or BIE schools that elect to seek state accreditation presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.

J. The secretary or hearing officer may question department staff or the local school board, ~~or~~ charter school governing body, or governing body of nonpublic or BIE schools electing to seek state accreditation subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.

K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.

(1) The secretary's decision shall be in writing and delivered to the local school board, charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation subject to the accreditation decision.

(2) The secretary's written decision shall provide reasons for the decision.

(3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.

M. The local school board, charter school governing body, or governing body of a nonpublic or ~~private~~ BIE school electing to seek state accreditation subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.

Commented [KS3]: In this section, it is important to be clear that BIE schools electing to seek state accreditation have the same rights to appeal and hearing procedures as all other schools accredited by the state.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. Payment may be required for receipt of the administrative record.

O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. Any such agreement shall address the timelines provided in this rule.

[6.19.4.10 NMAC - N, 1/16/2024]

6.19.4.12 CONSEQUENCES OF PUBLIC SCHOOL DISAPPROVAL ACCREDITATION STATUS:

A. A local school district or public school that has received disapproval accreditation status shall not operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.

B. In addition to conferring disapproval accreditation status upon a local school district, public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) notify a charter school's authorizer for purposes of suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

(5) the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(6) close the school; or

(7) execute other remedies in the public school code that may be appropriate.

[6.19.4.11 NMAC - N, 1/16/2024]

HISTORY OF 6.19.4 NMAC: [RESERVED]

Please accept this letter as my objection to the proposed rule changes 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation. I am troubled by the significant alterations to accreditation, yearly reporting to PED, and PED assuming authority to "observe the operations" of non-public schools. It is deeply disconcerting to discover that the non-public schools were informed of these modifications, which raises serious concerns about the fairness and transparency of the process.

The New Mexico Department of Education officially became the Public Education Department (PED) in 2011. The creation of the PED brought about significant changes that included a deliberate focus on public education, the establishment of a cabinet-level agency, enhanced accountability measures, and was introduced as an endeavor to increase local school board autonomy. According to 6.81.2.8 (D) NMAC, the only power granted to PED concerning nonpublic schools is as follows: "The Public Education Department maintains a list of all nonpublic schools in the state and the list must include the school name, mailing and email addresses, name of the Head Administrator, phone number, and accrediting entity. Nonpublic schools accredited by educational accrediting agencies identified in the rule, or since approved by the Division, shall be deemed to be acknowledged by the Department unless the accrediting entity's accreditation status is suspended, limited, or terminated by the Department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity."

Non-public schools are not overseen by the PED, which renders it unjust to impose rules and regulations on them that they are not legally obligated to follow. By granting the PED authority to observe the operations of non-public schools, it appears that they are exceeding their jurisdiction without any statutory oversight.

Significant changes to accreditation and yearly reporting requirements should only be made if PED funds will be allocated to the school of the students' choosing, and even then, it should be carried out through a well-structured and consultative process involving all stakeholders, including the non-public schools and accrediting bodies. Open dialogue and collaborative decision-making are crucial, ensuring that the concerns and viewpoints of all involved parties are acknowledged and taken into account.

Rebecca Dow

Former board member of the New Mexico Nonpublic School Association

Founder and previous director of a nationally accredited K-12 New Mexico nonpublic school

Former member of Legislative Education Committee

From: [Amy Suman](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment from Laguna Department of Education Accreditation Procedures
Date: Monday, December 18, 2023 1:59:50 PM
Attachments: [SKM_C300i23121815070.pdf](#)
[Enclosure - Revision Recommendations for Proposed New Rule, 6.19.4 NMAC.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good Afternoon,

Please see my public comment re: the proposed new rule 6.19.4 and repeal of 6.81.2.

Appreciatively,

Amy Suman

Amy Suman, MS, CPT
Superintendent
Laguna Department of Education
PO Box 207
Laguna, NM 87026
a.suman@lagunaed.net
Cell: 505-240-1489
Office: 505-263-2564 ex. 1010

"Education should be recognized as an essential requirement for the disruption of the cycle of poverty and inequities in health."
International Journal of Health Services, 2015.



Pueblo of Laguna
Department of Education
Office of the Superintendent

P.O. Box 207
11 Rodeo Drive - Building A
Laguna, NM 87026
(505) 552-6008

December 18, 2023

Re: Opposing Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC

To Whom it May Concern:

I strongly oppose the proposed new rule, 6.19.4 NMAC, Accreditation Procedures, as it currently stands, as well as the repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

If the new rule moves forward, I strongly recommend adoption of the revisions in the Enclosure: "Revision Recommendations for Proposed New Rule, 6.19.4 NMAC". The revisions in the Enclosure make clear that Bureau of Indian Education (BIE) schools have the right to elect to seek accreditation from the state and that the state does not have the right to impose any mandates on BIE schools.

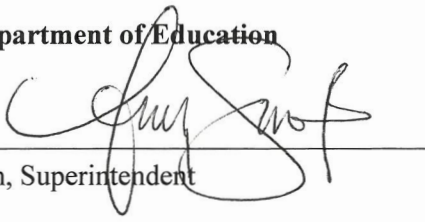
In addition, we strongly recommend and request that the New Mexico Public Education Department (NMPED) hold formal tribal consultation with New Mexico's twenty-three tribes. This ensures that Tribal Nations have the opportunity to provide feedback and input on administrative rules that impact Tribal Nations and should be held according to the State-Tribal Collaboration Act.

The NMPED does not have the authority to mandate that BIE schools be accredited by the state. As reflected in 6.81.2 NMAC, NMPED must, however, provide the option for BIE schools to be accredited by the state if they elect to seek this accreditation. If 6.81.2 NMAC is to be repealed and the framework and procedures from that rule are to be included in the new rule, 6.19.4 NMAC, then all language in the new rule must reflect the repealed rule's objective: "to provide a comprehensive framework within which nonpublic and BIE schools that desire department accreditation status can attain it." Under no circumstances should the new rule include any mandates for BIE schools and any steps to impose such mandates would be an infringement on the right to educational sovereignty held by BIE-funded, Tribally Controlled Schools.

Sincerely,

Enclosure: Revision Recommendations for Proposed New Rule, 6.19.4 NMAC

Laguna Department of Education



Amy Suman, Superintendent

K'awaika Schools
Laguna Elementary School
Laguna Middle School

Division of Early Childhood
Preschool Head Start
Early Head Start
Early Intervention
Child Care
Page 177 of 310

Partners For Success
Higher Education
Vocational Rehabilitation
Employment & Training / G.E.D.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY PART 4 ACCREDITATION PROCEDURES

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 1/16/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 1/16/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2.2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.
[6.19.4.3 NMAC - N, 1/16/2024]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 1/16/2024]

6.19.4.5 EFFECTIVE DATE: January 16, 2024 unless a later date is cited at the end of a section.
[6.19.4.5 NMAC - N, 1/16/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools and BIE schools [that desire seeking state accreditation and establishes requirements for reporting to the department by private schools and BIE schools not seeking state accreditation](#). This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 1/16/2024]

6.19.4.7 DEFINITIONS:

A. "Accreditation status" means either approval or disapproval by the secretary of the adequacy and functionality of an educational program. Public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the secretary.

B. "Accrediting entity" means an organization capable of evaluating the quality of an educational program pursuant to this rule.

C. "Attendance improvement plan" means a tiered, data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions, as defined in Section 22-12A-2 NMSA 1978.

D. "Bureau of Indian education school" or "BIE school" means a school that is funded by the bureau of Indian education [and includes both tribally controlled and bureau operated schools](#), located in New Mexico, provides instruction for first through twelfth grades, and is not [private or](#) sectarian or denominational.

E. "Days" means, unless otherwise specified in a provision in this rule or applicable statute, business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more. In computing the amount of days, exclude the day of the event that triggers the period, and include the last day of the period. If the last day is a day when the department is closed, the period continues to run until the end of the next business day that the department is not closed. Whenever a person or entity shall act under this rule within a prescribed period after service of a notice or paper upon the person or entity, and the notice or paper is served by mail or courier service, three calendar days are added to the prescribed period.

F. "Digital citizenship" means the safe, ethical, responsible, and informed use of technology and encompasses a range of skills and literacies, including:

- (1) internet safety, privacy, and security;
- (2) recognition and reporting of cyberbullying;
- (3) online reputation management;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (4) communication skills; information literacy; and
- (5) creative credit and copyright.

G. “Educational program” means a program that provides for the education of school-age persons in state institutions, public, nonpublic, or BIE schools.

H. “Evidence-based practices” means activities, strategies, and interventions informed and supported by rigorous research that demonstrate consistent, positive impacts on student outcomes, and may include practices that are supported by strong, moderate, promising, or rationale-demonstrating evidence.

I. “Historically defined Indian-impacted” means a school district or a charter school that:

- (1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;
- (2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
- (3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

J. “Local Education Agency” or “LEA” means a school district or state-chartered charter school.

K. “Nonpublic school or private school” means a school, other than a home school, that offers programs of instruction and is not under the control, supervision, or management of a local school board or a charter school governing body.

L. “School index score” means the total score a school earns on all required measures as defined by the department according to the state’s system for annual meaningful differentiation detailed in the state’s ESSA plan.

M. “Secretary” means the secretary of the department.

N. “State accreditation” means approval by the secretary of an educational program’s adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters, as determined by the department. State accreditation of a nonpublic or BIE school [that elects to seek state accreditation](#) means recognition by the department that the school meets standards set by an accrediting entity recognized by the department and has submitted required reports to the department.

O. “State institution” means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.

[6.19.4.7 NMAC - N, 1/16/2024]

6.19.4.8 PUBLIC SCHOOL ANNUAL ACCREDITATION REVIEW: Public school districts, public schools, and educational programs of state institutions shall report information to the department pursuant to Subsection I of Section 22-2-2 NMSA 1978. The quality and content of required reports and of the educational programs represented by the reports will be evaluated by the department for approval or disapproval accreditation status. Pursuant to Subsection F of Section 22-2-2 NMSA 1978, the secretary’s accreditation decision is contingent upon evidence of the adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters such as factors contributing to school index scores. Local school districts and charter schools shall follow department guidance in submitting satisfactory reports.

A. Annual accreditation review requirements. Local school districts, charter schools, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method prescribed by the department, of the following requirements:

(1) **Board training.** Local school districts and charter schools shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 or by each member of the charter school governing body as required by Section 22-8B-5.1 NMSA 1978, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

(2) **Financial audit.** Local school districts, charter schools, and state institutions shall submit a report of the previous fiscal year’s financial audit. The report shall include the date the audit was submitted as established in Paragraph (1) of Subsection A of 2.2.2.9 NMAC.

(3) **Program plans, budget, and actual expenditures.** Local school districts and charter schools shall:

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process;
- (c) budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units;
- (d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures; and
- (d) report actual expenditures for each school.
- (4) School enrollment. Via the statewide data system, local school districts and charter schools shall submit reports of student membership for each school pursuant to Section 22-8-13 NMSA 1978.
- (5) School accountability data. Local school districts and charter schools shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978. For student assessment data, a minimum ninety-five-percent participation rate is required by Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.
- (6) Attendance improvement. Local school districts and charter schools shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans pursuant to Section 22-12A-7 NMSA 1978 (attendance for success act) submitted to the department no later than 45 days after the beginning of the school year.
- (7) School safety plans. Local school districts and charter schools shall submit approvable school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.
- (8) Postsecondary plans. Local school districts, charter schools, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.
- (9) Class loads, caseloads, and subjects of instruction. Local school districts, charter schools, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.
- (a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.
- (b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted individualized education programs (GIEPs), categorized by level of service pursuant to Subsection J of 6.29.1.9 NMAC.
- (c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.
- (d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

Table 1 Required instructional subject areas in grades K-8	
Grades	Subjects

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

K-3	daily instruction in mathematics, reading, and language arts skills, including phonemic awareness, phonics, and comprehension
1-3	art music a language other than English science mathematics reading and language arts, including structured literacy instruction social studies physical education health education
4-8	reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year mathematics reading and language arts, including structured literacy instruction language other than English communication skills science art music social studies New Mexico history United States history geography physical education health education electives that contribute to academic growth and skill development and that provide career and technical education.
8	algebra 1 shall be offered in general education classroom settings, online, or by agreement with high schools
6-8	media literacy may be offered as an elective

(10) Tribal consultation, tribal education status reports, student needs assessments.

(a) Local school districts with tribal lands in their boundaries shall include in the report the districtwide tribal education status report provided to tribes and evidence of tribal consultation pursuant to Section 22-23A-7 NMSA 1978 and 6.35.2.13 NMAC;

(b) Historically defined Indian-impacted local school districts and charter schools shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

(c) Local school districts contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of consultation with tribal leaders and members and families of students who will be eligible to attend the public school pursuant to Section 22-5-4.13 NMSA 1978.

(d) Charter schools contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of negotiation with the tribal government and consultation with leaders, and members and families of students who will be eligible to attend the public school pursuant to Section 22-8-12.2 NMSA 1978.

(e) A school district or charter school that is required under federal law to consult with tribal entities as a condition of receiving impact aid funds shall include in its report the detailed narrative of its consultations with tribal entities and the results of those consultations as reported in the education plan pursuant to Section 22-8-6 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.
[6.19.4.8 NMAC - N, 1/16/2024]

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.9 PROCEDURES FOR THE ACCREDITATION OF PRIVATE SCHOOLS AND BIE SCHOOLS THAT DESIRE STATE ACCREDITATION~~ACCREDITATION OF NONPUBLIC AND BIE SCHOOLS:~~

A. Nonpublic and BIE schools ~~may elect to~~shall obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. All nonpublic and BIE schools electing to seek state accreditation shall submit an annual report ~~whether seeking state accreditation or not seeking state accreditation~~. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools electing to seek state accreditation shall update and submit the following information to the department:

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools electing to seek~~ing~~ state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. The department ~~may obtain~~shall have the authority to observe the operation of a nonpublic or BIE school that elects to seek or hold state accreditation.

E. ~~6.19.4 NMAC does not obligate or require nonpublic or BIE schools to seek or obtain state accreditation.~~

F. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
- (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
- (3) success outside the state of New Mexico, if any, as an accrediting agency;
- (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 1/16/2024]

6.19.4.10 **ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools that elect to seek~~ing~~ accreditation by the state shall submit all required reports for accreditation.

A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools that elect to seek~~ing~~ state accreditation.

B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary.

Commented [KS1]: For BIE Schools, the reason for changing the wording to "may obtain" is so that the state secures authority from Tribes, or other entities as determined by the BIE School's Governing Body, prior to observing BIE Schools.

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Commented [KS2]: This should be a separate section since it's about the accrediting agencies not the nonpublic or BIE schools.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.11 ADMINISTRATIVE APPEAL HEARING PROCEDURES: A school district or charter school may request a hearing with regard to the determination of its accreditation status within 30 days of its issuance.

A. A hearing shall be held within 30 days of the date the secretary receives the request to convene the hearing.

B. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation, subject to disapproval accreditation status may submit to the secretary along with the request for hearing a written statement explaining why the school should receive approval accreditation status.

(1) The written statement shall address only the cause or causes for disapproval specified in the notice and the reasons for opposing the decision, which, for public schools, shall address the factors outlined in Section 8 of this rule, and for nonpublic or BIE schools that elect to seek state accreditation, shall address the factors outlined in Section 9 of this rule.

(2) The written statement shall be submitted to the department's office of general counsel.
C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE School that elects to seek state accreditation required by this section may be raised at the hearing.

D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.

E. The rules of evidence and rules of civil procedure shall not apply to the hearing.

F. The hearing shall be presided over by the secretary, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.

G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.

H. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.

I. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's, ~~or~~ charter school governing body's, governing body's of nonpublic or BIE schools that elect to seek state accreditation presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.

J. The secretary or hearing officer may question department staff or the local school board, ~~or~~ charter school governing body, or governing body of nonpublic or BIE schools electing to seek state accreditation subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.

K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.

(1) The secretary's decision shall be in writing and delivered to the local school board, charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation subject to the accreditation decision.

(2) The secretary's written decision shall provide reasons for the decision.

(3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.

M. The local school board, charter school governing body, or governing body of a nonpublic or ~~private~~ BIE school electing to seek state accreditation subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.

Commented [KS3]: In this section, it is important to be clear that BIE schools electing to seek state accreditation have the same rights to appeal and hearing procedures as all other schools accredited by the state.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. Payment may be required for receipt of the administrative record.

O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. Any such agreement shall address the timelines provided in this rule.

[6.19.4.10 NMAC - N, 1/16/2024]

6.19.4.12 CONSEQUENCES OF PUBLIC SCHOOL DISAPPROVAL ACCREDITATION STATUS:

A. A local school district or public school that has received disapproval accreditation status shall not operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.

B. In addition to conferring disapproval accreditation status upon a local school district, public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) notify a charter school's authorizer for purposes of suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

(5) the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(6) close the school; or

(7) execute other remedies in the public school code that may be appropriate.

[6.19.4.11 NMAC - N, 1/16/2024]

HISTORY OF 6.19.4 NMAC: [RESERVED]

From: [Brian Gottschall](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule 6.19.4.9 and 6.19.4.10
Date: Monday, December 18, 2023 2:04:33 PM

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At today's committee meeting, Ted Farnath referred to these rules as "within its [PED] scope," but private schools are NOT working the score of the authority of PED. They are independent, often faith-based schools operating under their Constitutional authority, not Started mandates.

Respectfully submitted,
Brian Gottschall
Administrator, Grace Baptist Academy, Farmington
Executive Director, Need Mexico Association of Christian Schools

From: [Valerie Varoz](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback Regarding repealing and replacing 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation
Date: Monday, December 18, 2023 2:10:21 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good Afternoon

I am writing in regards to the following:

6.19.4.9-A "Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department."

6.19.4.9-B "Annual report. All nonpublic and BIE schools shall submit an annual report, whether seeking state accreditation or not seeking state accreditation."

6.19.4.9-D "The department shall have the authority to observe the operation of a nonpublic or BIE school."

6.19.4.10 "ANNUAL ACCREDITATION CYCLE: Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools seeking accreditation by the state shall submit all required reports for accreditation.

"A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools seeking accreditation.

"B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary."

I have been a teacher for Albuquerque Public Schools for 15 years, but I also have two children at a non-public school in Albuquerque. I believe I have a well-balanced experience and perspective on school diversity both in and out of the public school systems since I am a stakeholder in both.

I value public education, as I believe the opportunity to learn should be available to all. I also value individual right to choose the learning environment for their students, including at the family level as well as autonomy at the school level.

This repealing process seems to be a gross overstep of the state's authority and an obvious attack on freedom of school choice. The best choice for my family at this time is to have my children at a non-public school to avoid the overreach of our state in their education. Having taught through many administrative changes, one thing has become clear: we are crossing the line as a public school system and are no longer asked to teach tolerance (of different values, beliefs, convictions), but are actually required to promote.

I find myself being asked more each year to assume the role of parent / social worker /

counselor to my students, and I am relieved to know my own children are not in a school that will groom their faculty to do the same.

I ask that you carefully consider the ramifications of what is being discussed today.

Valerie Varoz
Chemistry 1 / AP Chemistry Teacher
Sandia High School

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From: [Valerie Varoz](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback Regarding repealing and replacing 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation
Date: Monday, December 18, 2023 2:10:21 PM

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Valerie Varoz
Chemistry 1 / AP Chemistry Teacher
Sandia High School

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From: [Kristina \(Nina\) Smith](#)
To: [FeedBack, Rule, PED](#)
Cc: [Abeyta, Christie](#); [Aguilar, Yvette L.](#); [Dozier Enos \(Dr.\), Anya](#); [Kevin R Calabaza](#); [Kimball, Sekaquaptewa](#); [Dearman, Tony L](#); [Albert, Connie L](#); [Poitra, Cherie F](#); [AllBoardOfTrustees](#)
Subject: [EXTERNAL] SFIS Public Comment: Opposing Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC
Date: Monday, December 18, 2023 2:20:50 PM
Attachments: [SFIS Public Comment to NMPED Proposed New Rule 6-19-4 NMAC 12.18.23.pdf](#)

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Good Afternoon,

On behalf of Superintendent Abeyta, I'm submitting the attachment as the Santa Fe Indian School's public comment opposing NMPED proposed new rule 6.19.4, NMAC and repeal of 6.81.2., NMAC.

Best,

Nina Smith
Continuous School Improvement Director
Santa Fe Indian School
nsmith@sfis.k12.nm.us
505-870-5658

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December 18, 2023

Re: Opposing Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC

To Whom it May Concern:

Santa Fe Indian School (SFIS) is a P.L. 100-297 tribally-controlled, Bureau of Indian Education (BIE)-funded school. It is owned and operated by the 19 New Mexico Pueblo tribes and is located on 115 acres of sovereign trust land in Santa Fe, NM.

We are proud that our comprehensive approach to programming and services, combined with our high academic, social, and behavioral expectations, continues to result in positive outcomes for our students. The student outcomes for SY22-23 reflect the cumulative impact of these programs and services and include a 96.7% four-year cohort graduation rate, a 92% retention rate, and consistent, continued closure of achievement gaps for students during their tenure at SFIS. In addition, SFIS' accrediting agency, Cognia, identified SFIS as a 2022 School of Distinction for exemplifying excellence in education and standing out as a global example for our service to learners.

SFIS strongly opposes the proposed new rule, 6.19.4 NMAC, Accreditation Procedures, as it currently stands, as well as the repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

If the new rule moves forward, we strongly recommend adoption of the revisions in the Enclosure: "Revision Recommendations for Proposed New Rule, 6.19.4 NMAC". The revisions in the Enclosure make clear that BIE schools have the right to elect to seek accreditation from the state and that the state does not have the right to impose any mandates on BIE schools.

In addition, we strongly recommend and request that the New Mexico Public Education Department (NMPED) hold formal tribal consultation with New Mexico's twenty-three tribes. This ensures that Tribal Nations have the opportunity to provide feedback and input on administrative rules that impact them and should be held according to the State-Tribal Collaboration Act.

The NMPED does not have the authority to mandate that BIE schools be accredited by the state. As reflected in 6.81.2 NMAC, NMPED must, however, provide the option for BIE schools to be accredited by the state if they elect to seek this accreditation. If 6.81.2 NMAC is to be repealed and the framework and procedures from that rule are to be included in the new rule, 6.19.4 NMAC, then all language in the new rule must reflect the repealed rule's objective: "to provide a comprehensive framework within which nonpublic and BIE schools that desire department accreditation status can attain it." Under no circumstances should the new rule include any mandates for BIE schools and any steps to impose such mandates would be an infringement on the right to educational sovereignty held by BIE-funded, Tribally Controlled Schools.

Sincerely,



Superintendent Christie L. Abeyta

Enclosure: Revision Recommendations for Proposed New Rule, 6.19.4 NMAC

cc:

Santa Fe Indian School Board of Trustees

19 New Mexico Pueblo Governors

Tony Dearman, Director, Bureau of Indian Education

Dr. Cherie Poitra, Associate Deputy Director, Tribally Controlled Schools

Connie Albert, Education Program Administrator, Tribally Controlled Schools – Albuquerque

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION **CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY** **PART 4 ACCREDITATION PROCEDURES**

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 1/16/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 1/16/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.
[6.19.4.3 NMAC - N, 1/16/2024]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 1/16/2024]

6.19.4.5 EFFECTIVE DATE: January 16, 2024 unless a later date is cited at the end of a section.
[6.19.4.5 NMAC - N, 1/16/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools and BIE schools [that desire seeking state accreditation and establishes requirements for reporting to the department by private schools and BIE schools not seeking state accreditation](#). This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 1/16/2024]

6.19.4.7 DEFINITIONS:

A. "Accreditation status" means either approval or disapproval by the secretary of the adequacy and functionality of an educational program. Public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the secretary.

B. "Accrediting entity" means an organization capable of evaluating the quality of an educational program pursuant to this rule.

C. "Attendance improvement plan" means a tiered, data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions, as defined in Section 22-12A-2 NMSA 1978.

D. "Bureau of Indian education school" or "BIE school" means a school that is funded by the bureau of Indian education [and includes both tribally controlled and bureau operated schools](#), located in New Mexico, provides instruction for first through twelfth grades, and is not [private or](#) sectarian or denominational.

E. "Days" means, unless otherwise specified in a provision in this rule or applicable statute, business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more. In computing the amount of days, exclude the day of the event that triggers the period, and include the last day of the period. If the last day is a day when the department is closed, the period continues to run until the end of the next business day that the department is not closed. Whenever a person or entity shall act under this rule within a prescribed period after service of a notice or paper upon the person or entity, and the notice or paper is served by mail or courier service, three calendar days are added to the prescribed period.

F. "Digital citizenship" means the safe, ethical, responsible, and informed use of technology and encompasses a range of skills and literacies, including:

- (1) internet safety, privacy, and security;
- (2) recognition and reporting of cyberbullying;
- (3) online reputation management;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (4) communication skills; information literacy; and
- (5) creative credit and copyright.

G. **“Educational program”** means a program that provides for the education of school-age persons in state institutions, public, nonpublic, or BIE schools.

H. **“Evidence-based practices”** means activities, strategies, and interventions informed and supported by rigorous research that demonstrate consistent, positive impacts on student outcomes, and may include practices that are supported by strong, moderate, promising, or rationale-demonstrating evidence.

I. **“Historically defined Indian-impacted”** means a school district or a charter school that:

- (1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;
- (2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
- (3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

J. **“Local Education Agency” or “LEA”** means a school district or state-chartered charter school.

K. **“Nonpublic school or private school”** means a school, other than a home school, that offers programs of instruction and is not under the control, supervision, or management of a local school board or a charter school governing body.

L. **“School index score”** means the total score a school earns on all required measures as defined by the department according to the state’s system for annual meaningful differentiation detailed in the state’s ESSA plan.

M. **“Secretary”** means the secretary of the department.

N. **“State accreditation”** means approval by the secretary of an educational program’s adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters, as determined by the department. State accreditation of a nonpublic or BIE school [that elects to seek state accreditation](#) means recognition by the department that the school meets standards set by an accrediting entity recognized by the department and has submitted required reports to the department.

O. **“State institution”** means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.

[6.19.4.7 NMAC - N, 1/16/2024]

6.19.4.8 PUBLIC SCHOOL ANNUAL ACCREDITATION REVIEW: Public school districts, public schools, and educational programs of state institutions shall report information to the department pursuant to Subsection I of Section 22-2-2 NMSA 1978. The quality and content of required reports and of the educational programs represented by the reports will be evaluated by the department for approval or disapproval accreditation status. Pursuant to Subsection F of Section 22-2-2 NMSA 1978, the secretary’s accreditation decision is contingent upon evidence of the adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters such as factors contributing to school index scores. Local school districts and charter schools shall follow department guidance in submitting satisfactory reports.

A. Annual accreditation review requirements. Local school districts, charter schools, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method prescribed by the department, of the following requirements:

(1) Board training. Local school districts and charter schools shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 or by each member of the charter school governing body as required by Section 22-8B-5.1 NMSA 1978, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

(2) Financial audit. Local school districts, charter schools, and state institutions shall submit a report of the previous fiscal year’s financial audit. The report shall include the date the audit was submitted as established in Paragraph (1) of Subsection A of 2.2.2.9 NMAC.

(3) Program plans, budget, and actual expenditures. Local school districts and charter schools shall:

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

(b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process;

(c) budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units;

(d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures; and

(d) report actual expenditures for each school.

(4) School enrollment. Via the statewide data system, local school districts and charter schools shall submit reports of student membership for each school pursuant to Section 22-8-13 NMSA 1978.

(5) School accountability data. Local school districts and charter schools shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978. For student assessment data, a minimum ninety-five-percent participation rate is required by Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.

(6) Attendance improvement. Local school districts and charter schools shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans pursuant to Section 22-12A-7 NMSA 1978 (attendance for success act) submitted to the department no later than 45 days after the beginning of the school year.

(7) School safety plans. Local school districts and charter schools shall submit approvable school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.

(8) Postsecondary plans. Local school districts, charter schools, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.

(9) Class loads, caseloads, and subjects of instruction. Local school districts, charter schools, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.

(a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.

(b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted individualized education programs (GIEPs), categorized by level of service pursuant to Subsection J of 6.29.1.9 NMAC.

(c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.

(d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

Table 1 Required instructional subject areas in grades K-8	
Grades	Subjects

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

K-3	daily instruction in mathematics, reading, and language arts skills, including phonemic awareness, phonics, and comprehension
1-3	art music a language other than English science mathematics reading and language arts, including structured literacy instruction social studies physical education health education
4-8	reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year mathematics reading and language arts, including structured literacy instruction language other than English communication skills science art music social studies New Mexico history United States history geography physical education health education electives that contribute to academic growth and skill development and that provide career and technical education.
8	algebra 1 shall be offered in general education classroom settings, online, or by agreement with high schools
6-8	media literacy may be offered as an elective

(10) Tribal consultation, tribal education status reports, student needs assessments.

(a) Local school districts with tribal lands in their boundaries shall include in the report the districtwide tribal education status report provided to tribes and evidence of tribal consultation pursuant to Section 22-23A-7 NMSA 1978 and 6.35.2.13 NMAC;

(b) Historically defined Indian-impacted local school districts and charter schools shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

(c) Local school districts contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of consultation with tribal leaders and members and families of students who will be eligible to attend the public school pursuant to Section 22-5-4.13 NMSA 1978.

(d) Charter schools contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of negotiation with the tribal government and consultation with leaders, and members and families of students who will be eligible to attend the public school pursuant to Section 22-8-12.2 NMSA 1978.

(e) A school district or charter school that is required under federal law to consult with tribal entities as a condition of receiving impact aid funds shall include in its report the detailed narrative of its consultations with tribal entities and the results of those consultations as reported in the education plan pursuant to Section 22-8-6 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.
[6.19.4.8 NMAC - N, 1/16/2024]

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.9 PROCEDURES FOR THE ACCREDITATION OF PRIVATE SCHOOLS AND BIE SCHOOLS THAT DESIRE STATE ACCREDITATION~~ACCREDITATION OF NONPUBLIC AND BIE SCHOOLS:~~

A. Nonpublic and BIE schools ~~may elect to~~shall obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. All nonpublic and BIE schools electing to seek state accreditation shall submit an annual report ~~whether seeking state accreditation or not seeking state accreditation~~. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools electing to seek state accreditation shall update and submit the following information to the department:

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools electing to seek~~ing~~ state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. The department ~~may obtain~~shall have the authority to observe the operation of a nonpublic or BIE school that elects to seek or hold state accreditation.

~~E. 6.19.4 NMAC does not obligate or require nonpublic or BIE schools to seek or obtain state accreditation.~~

E. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
- (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
- (3) success outside the state of New Mexico, if any, as an accrediting agency;
- (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 1/16/2024]

6.19.4.10 **ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools that elect to seek~~ing~~ accreditation by the state shall submit all required reports for accreditation.

A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools that elect to seek~~ing~~ state accreditation.

B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary.

Commented [KS1]: For BIE Schools, the reason for changing the wording to "may obtain" is so that the state secures authority from Tribes, or other entities as determined by the BIE School's Governing Body, prior to observing BIE Schools.

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Commented [KS2]: This should be a separate section since it's about the accrediting agencies not the nonpublic or BIE schools.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.11 ADMINISTRATIVE APPEAL HEARING PROCEDURES: A school district or charter school may request a hearing with regard to the determination of its accreditation status within 30 days of its issuance.

A. A hearing shall be held within 30 days of the date the secretary receives the request to convene the hearing.

B. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation, subject to disapproval accreditation status may submit to the secretary along with the request for hearing a written statement explaining why the school should receive approval accreditation status.

(1) The written statement shall address only the cause or causes for disapproval specified in the notice and the reasons for opposing the decision, which, for public schools, shall address the factors outlined in Section 8 of this rule, and for nonpublic or BIE schools that elect to seek state accreditation, shall address the factors outlined in Section 9 of this rule.

(2) The written statement shall be submitted to the department's office of general counsel.

C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE School that elects to seek state accreditation required by this section may be raised at the hearing.

D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.

E. The rules of evidence and rules of civil procedure shall not apply to the hearing.

F. The hearing shall be presided over by the secretary, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.

G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.

H. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.

I. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's, ~~or~~ charter school governing body's, governing body's of nonpublic or BIE schools that elect to seek state accreditation presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.

J. The secretary or hearing officer may question department staff or the local school board, ~~or~~ charter school governing body, or governing body of nonpublic or BIE schools electing to seek state accreditation subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.

K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.

(1) The secretary's decision shall be in writing and delivered to the local school board, charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation subject to the accreditation decision.

(2) The secretary's written decision shall provide reasons for the decision.

(3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.

M. The local school board, charter school governing body, or governing body of a nonpublic or ~~private~~ BIE school electing to seek state accreditation subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.

Commented [KS3]: In this section, it is important to be clear that BIE schools electing to seek state accreditation have the same rights to appeal and hearing procedures as all other schools accredited by the state.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. Payment may be required for receipt of the administrative record.

O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. Any such agreement shall address the timelines provided in this rule.

[6.19.4.10 NMAC - N, 1/16/2024]

6.19.4.12 CONSEQUENCES OF PUBLIC SCHOOL DISAPPROVAL ACCREDITATION STATUS:

A. A local school district or public school that has received disapproval accreditation status shall not operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.

B. In addition to conferring disapproval accreditation status upon a local school district, public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) notify a charter school's authorizer for purposes of suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

(5) the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(6) close the school; or

(7) execute other remedies in the public school code that may be appropriate.

[6.19.4.11 NMAC - N, 1/16/2024]

HISTORY OF 6.19.4 NMAC: [RESERVED]

From: [MICHAEL DEMERS](#)
To: [FeedBack, Rule, PED](#)
Cc: [MICHAEL DEMERS](#)
Subject: [EXTERNAL] proposal for 6.19.14 NMAC Accreditation Procedures
Date: Monday, December 18, 2023 2:32:46 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I was recently made aware of the New Mexico Public Education Department proposing the repeal of **6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation** with **6.19.4 NMAC, Accreditation Procedures**. Please be advised that I oppose the language and scope of **6.19.4 NMAC**, accreditation procedures. I see no justification for the Secretary of Education to observe and determine the status of schools accredited by state approved agencies. I have great respect for the public education system and the hard-working teachers, aides, etc. My wife was a math teacher in the Los Lunas Public School system. We have numerous friends who teach in the public school. I have three grand kids in public school and two in private school. With all the current problems in the public schools, I believe the NMPED would be better off concentrating on those problems. New Mexico, for a long time, has placed near the bottom in the nation relative to education. The schools that are having the highest success rate in New Mexico are private schools and home-schools. Why should the NMPED interfere with this? No oversight should be required from a nonelected official. It is my opinion that legislation would better serve our children if public schools would be open to observation by parents, and that the status of the school should be determined by a formalized process involving the parents or guardians of those students who attend that school, along with the publicly elected school board who oversee it. Again, I have great respect for public schools, but do not believe the NMPED has any business getting involved in observing private school activities and changing accreditation for private schools.

I would appreciate a response to this. Thank you.

Mike

Mike Demers
1800 Camino Corona SW
Los Lunas, NM 87031
cell: 505-235-0282

From: [Rebecca Woodruff](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Sections 6.19.4.9 and 6.19.4910
Date: Monday, December 18, 2023 2:34:12 PM

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To whom it may concern,

It has been brought to my attention that the New Mexico Public Education Department has quietly organized an unpublicized meeting today to repeal The Requirements for Nonpublic schools. As a New Mexico taxpayer and resident of the state of New Mexico, the lack of coverage on this meeting is concerning.

I would like to bring attention to the following truths: New Mexico Public Education is dead last in The Union. New Mexico is 50 out of 50 states for our public education. As of 2018, which is the last report card that is visible to the public, showed that 70% of 4th graders were not proficient in reading. 74% are not proficient in mathematics. I have included evidence of these facts. It seems that the private schools have a better grasp on education. 6.19.4.9-D States that " the department shall have the authority to observe the operation on nonpublic or BIE schools. " This is not necessary for the private schools, as they do not accept funding from the federal or state governments. Statute 6.19.4.A states that "the Secretary shall determine the accreditation status of school districts, public schools, educational programs of the state institutions, and any nonpublic schools or BIE schools seeking accreditation." Forcing a school to go through a specific accreditor that is more costly and has less requirements, seems like our PED Secretary may be getting some sort of benefit from specific accreditors. Because that is not logical. Every private school in the state is doing better than our Public-School systems. Again, if the state is not funding the school, the school should have the choice of whom to be accredited through. People have left the public school system because of the lack of education, safety and staff that want to be there. Please leave the private schools to do what they have been doing, Educating children. We should not be interested in bringing our private schools down, but instead the PED should find out how to improve the public education system.

The new language is a gross overreach into the function of non-public schools. It gives complete authority to the State to observe all private school activities and suspend private school accreditation and operation for any reason they see fit. This is tyrannical in nature.

On the note of safety. Every time we turn around there is a report of students being sexually abused, degrading performances across the state, and criminal activities that occur in government run schools. My children have come home daily reporting abuse from teachers and staff, yet parents aren't allowed to observe. Reports get filed yet nothing is done. It

seems that the Secretary of Public Education may want to work on the issues in public schools first.

The First Amendment states that every American has freedom to practice or not practice the religion of their choice. This change would restrict private schools from teaching their religion. Which is a direct violation of The Constitution of The United States of America.

I feel legislation would better serve our children if it required public schools to be open to observation by parents and have the status of the school determined by a formal process involving the parents of the student that attend said school and the publicly elected board who oversee it.

I am opposed to the language and scope of 6.19.4 NMAC Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have the authority to observe and determine the status of schools accredited by the state approved agencies. As a citizen of New Mexico, I am dissatisfied with the state- run educational system my tax dollars are spent on. I disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by New Mexico Public Education Department to undermine my **unalienable rights** to parent my child.

I am requesting a written response from the Department of Education with their justification and explanation of the gross overreach.

Thank you,
Rebecca Woodruff
Concerned Parent and Registered Voter

From: [Stephen HRZICH](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 2:41:10 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To NM Public Education Department

It appears that this requirement for private schools is an invasion of our rights to establish an education of our choice for our children. The public education system has been clearly unable to create a system that allows students to compete with national scores, so why do you need to be involved with our private school that has out performed the States Public Education?

As parents have not been able to participate or be involved in Public Education, why should the Government be allowed oversight in our private education that has proven for many years our children can excel in a private school without Government intervention?

Could this be possibly be motivated by a political agenda? Perhaps the Education Dept should provide a written response with their justification and explanation of such actions.

Respectfully,
Stephen and Allene Hrzich

From: [Stephen HRZICH](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Re: 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 2:42:52 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Sent from my iPad

> On Dec 18, 2023, at 2:41 PM, Stephen HRZICH <hrzich@msn.com> wrote:

>

> To NM Public Education Department

>

> It appears that this requirement for private schools is an invasion of our rights to establish an education of our choice for our children. The public education system has been clearly unable to create a system that allows students to compete with national scores, so why do you need to be involved with our private school that has out performed the States Public Education?

> As parents have not been able to participate or be involved in Public Education, why should the Government be allowed oversight in our private education that has proven for many years our children can excel in a private school without Government intervention?

> Could this be possibly be motivated by a political agenda? Perhaps the Education Dept should provide a written response with their justification and explanation of such actions.

>

> Respectfully,

> Stephen and Allene Hrzich

>

From: [Sevcik, Denise](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4.9 NMAC Accreditation Procedures & 6.81.2 NMAC Proposed Repeal of Accreditation
Date: Monday, December 18, 2023 2:44:37 PM
Attachments: [LETTER TO NM DEPT OF EDUCATION.docx](#)

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Please refer to the attached letter for concerns I have regarding the subject matter.

Thank you for your time and consideration.

Denise Sevcik
Secretary of the Board
Artesia Classical Academy

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December 18, 2023

To Whom It May Concern:

The recent rule changes that will affect non-public schools in the State of New Mexico has been brought to my attention and I have concerns regarding the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9.B: Annual Report to the NMPED
3. 6.19.4.9.D: The NMPED department's authority to "observe the operations of a nonpublic...school."

I must respectfully point out that the State of New Mexico's public education system has ranked 50th in the Nation in education. The percentages of students in 2022 that ranked above proficient in Mathematics and Reading were under 20%. Non-public school students have consistently scored higher on standardized tests (including ACT and SAT). Non-public school students consistently have had higher graduation rates, lower student to teacher ratios, and students are better prepared for college.

Please reconsider any rule changes that could adversely affect the progress that is being made in the non-public school environment. The wording of these changes has an appearance of governmental control that is concerning to me.

Thank you for your time and consideration,

Denise Sevcik

Secretary of the Board

Artesia Classical Academy

From: [Shanah McCabe](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4.9 Accreditation of Nonpublic and BIE Schools - Response
Date: Monday, December 18, 2023 2:53:12 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello,

This is in direct response to the proposed rule change,
6.19.4.9 Accreditation of Nonpublic and BIE Schools.

While Pinon Hills Academy (PHA), located in Farmington, NM, is accredited both through ACSI as well as [Cognia](#), my husband and I strongly believe that the public school education department's oversight of PHA will hinder the wisdom, creativity and curriculum of the School. Our kids' currently attend PHA as primary students and enjoy every week of school there.

As parents, we have a duty to guide and nurture our kids' academic intuition and foundation; therefore, we make sacrifices to pay for our [kids' tuition to](#) attend Pinon Hills Academy. Our daughter, the oldest, who is a fourth-year student of PHA, has continued to perform above the national average on standardized tests, and we believe this is due, in part, to PHA's exemplary approach, unfettered by the philosophy of NM PED. Our son, a first year student, is learning and meeting classroom requirements with satisfactory results. While the content knowledge is often the same, the values and approach that permeate curriculum at the PED are not the same as the values and approach that permeate the curriculum at Pinon Hills Academy.

Please reconsider the proposed rule change, and allow Pinon Hills Academy to remain standing as an independent school free from public oversight.

Cordially,

Shanah McCabe
Farmington, NM

From: [Darah Tabrum](#)
To: [FeedBack, Rule, PED](#)
Cc: [Anderson Yazzie](#); [Sherrick Roanhorse](#); [Dr. Bernadette Todacheene](#); [Craig Lee Sandoval](#); [Nahalea, Marcus](#); [Shawna Becenti](#); [AdminTeam](#)
Subject: [EXTERNAL] Public comment - NM Proposed New Rule 6.19.4
Date: Monday, December 18, 2023 2:53:51 PM
Attachments: [Public Comment to NMPED Proposed New Rule 6-19-4 NMAC 12.18.23.Final.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Secretary Romero,

Please find the attached public comment for Shawna Allison Becenti, the Head of Navajo Preparatory School. This public comment has also received support from the Navajo Preparatory School Governing Board of Trustees during a public board meeting on December 15.

We urge you to consider the attached revisions to NM Proposed New Rule 6.19.4.

Thanks,

Darah Tabrum

Associate Head of School for Advancement and Outreach
Navajo Preparatory School
(505) 326-6571 ext. 123
Yideeskáágóó Naat'áanii – Leaders Now and Into the Future

Please schedule a meeting with me by [clicking here](#).



NAVAJO PREPARATORY SCHOOL

Yideeskáágóó Naat'áanii: Leaders Now and into the Future

December 18, 2023

Re: Opposing Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC

To Whom It May Concern:

Navajo Preparatory School is designated as a Tribally Controlled School (Public Law 100-297) authorized by the Navajo Nation and funded by the Bureau of Indian Education (Title 25 Code of Federal Regulations Part 44). As a BIE-funded school, we would be impacted by the proposed new rule 6.19.4 NMAC.

I strongly oppose the proposed new rule, 6.19.4 NMAC, Accreditation Procedures, as it currently stands, as well as the repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

If the new rule moves forward, I strongly recommend adoption of the revisions in the Enclosure: "Revision Recommendations for Proposed New Rule, 6.19.4 NMAC". The revisions in the Enclosure make clear that Bureau of Indian Education (BIE) schools have the right to elect to seek accreditation from the state and that the state does not have the right to impose any mandates on BIE schools.

In addition, we strongly recommend and request that the New Mexico Public Education Department (NMPED) hold formal tribal consultation with New Mexico's twenty-three tribes. This ensures that Tribal Nations have the opportunity to provide feedback and input on administrative rules that impact Tribal Nations and should be held according to the State-Tribal Collaboration Act.

The NMPED does not have the authority to mandate that BIE schools be accredited by the state. As reflected in 6.81.2 NMAC, NMPED must, however, provide the option for BIE schools to be accredited by the state if they elect to seek this accreditation. If 6.81.2 NMAC is to be repealed and the framework and procedures from that rule are to be included in the new rule, 6.19.4 NMAC, then all language in the new rule must reflect the repealed rule's objective: "to provide a comprehensive framework within which nonpublic and BIE schools that desire department accreditation status can attain it." Under no circumstances should the new rule include any mandates for BIE schools and any steps to impose such mandates would be an infringement on the right to educational sovereignty held by BIE-funded, Tribally Controlled Schools.

Sincerely,

Shawna Allison Becenti, Head of School

Navajo Preparatory School, Inc. • 1220 West Apache Street • Farmington, NM 87401

Phone: (505) 326-6571 • Fax (505) 326-2155 • navajoprep.com



PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY PART 4 ACCREDITATION PROCEDURES

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 1/16/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 1/16/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2.2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.
[6.19.4.3 NMAC - N, 1/16/2024]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 1/16/2024]

6.19.4.5 EFFECTIVE DATE: January 16, 2024 unless a later date is cited at the end of a section.
[6.19.4.5 NMAC - N, 1/16/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools and BIE schools [that desire seeking state accreditation and establishes requirements for reporting to the department by private schools and BIE schools not seeking state accreditation](#). This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 1/16/2024]

6.19.4.7 DEFINITIONS:

A. "Accreditation status" means either approval or disapproval by the secretary of the adequacy and functionality of an educational program. Public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the secretary.

B. "Accrediting entity" means an organization capable of evaluating the quality of an educational program pursuant to this rule.

C. "Attendance improvement plan" means a tiered, data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions, as defined in Section 22-12A-2 NMSA 1978.

D. "Bureau of Indian education school" or "BIE school" means a school that is funded by the bureau of Indian education [and includes both tribally controlled and bureau operated schools](#), located in New Mexico, provides instruction for first through twelfth grades, and is not [private or](#) sectarian or denominational.

E. "Days" means, unless otherwise specified in a provision in this rule or applicable statute, business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more. In computing the amount of days, exclude the day of the event that triggers the period, and include the last day of the period. If the last day is a day when the department is closed, the period continues to run until the end of the next business day that the department is not closed. Whenever a person or entity shall act under this rule within a prescribed period after service of a notice or paper upon the person or entity, and the notice or paper is served by mail or courier service, three calendar days are added to the prescribed period.

F. "Digital citizenship" means the safe, ethical, responsible, and informed use of technology and encompasses a range of skills and literacies, including:

- (1) internet safety, privacy, and security;
- (2) recognition and reporting of cyberbullying;
- (3) online reputation management;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (4) communication skills; information literacy; and
- (5) creative credit and copyright.

G. **“Educational program”** means a program that provides for the education of school-age persons in state institutions, public, nonpublic, or BIE schools.

H. **“Evidence-based practices”** means activities, strategies, and interventions informed and supported by rigorous research that demonstrate consistent, positive impacts on student outcomes, and may include practices that are supported by strong, moderate, promising, or rationale-demonstrating evidence.

I. **“Historically defined Indian-impacted”** means a school district or a charter school that:

- (1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;
- (2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
- (3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

J. **“Local Education Agency” or “LEA”** means a school district or state-chartered charter school.

K. **“Nonpublic school or private school”** means a school, other than a home school, that offers programs of instruction and is not under the control, supervision, or management of a local school board or a charter school governing body.

L. **“School index score”** means the total score a school earns on all required measures as defined by the department according to the state’s system for annual meaningful differentiation detailed in the state’s ESSA plan.

M. **“Secretary”** means the secretary of the department.

N. **“State accreditation”** means approval by the secretary of an educational program’s adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters, as determined by the department. State accreditation of a nonpublic or BIE school [that elects to seek state accreditation](#) means recognition by the department that the school meets standards set by an accrediting entity recognized by the department and has submitted required reports to the department.

O. **“State institution”** means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.

[6.19.4.7 NMAC - N, 1/16/2024]

6.19.4.8 PUBLIC SCHOOL ANNUAL ACCREDITATION REVIEW: Public school districts, public schools, and educational programs of state institutions shall report information to the department pursuant to Subsection I of Section 22-2-2 NMSA 1978. The quality and content of required reports and of the educational programs represented by the reports will be evaluated by the department for approval or disapproval accreditation status. Pursuant to Subsection F of Section 22-2-2 NMSA 1978, the secretary’s accreditation decision is contingent upon evidence of the adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters such as factors contributing to school index scores. Local school districts and charter schools shall follow department guidance in submitting satisfactory reports.

A. Annual accreditation review requirements. Local school districts, charter schools, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method prescribed by the department, of the following requirements:

(1) Board training. Local school districts and charter schools shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 or by each member of the charter school governing body as required by Section 22-8B-5.1 NMSA 1978, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

(2) Financial audit. Local school districts, charter schools, and state institutions shall submit a report of the previous fiscal year’s financial audit. The report shall include the date the audit was submitted as established in Paragraph (1) of Subsection A of 2.2.2.9 NMAC.

(3) Program plans, budget, and actual expenditures. Local school districts and charter schools shall:

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

(b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process;

(c) budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units;

(d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures; and

(d) report actual expenditures for each school.

(4) School enrollment. Via the statewide data system, local school districts and charter schools shall submit reports of student membership for each school pursuant to Section 22-8-13 NMSA 1978.

(5) School accountability data. Local school districts and charter schools shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978. For student assessment data, a minimum ninety-five-percent participation rate is required by Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.

(6) Attendance improvement. Local school districts and charter schools shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans pursuant to Section 22-12A-7 NMSA 1978 (attendance for success act) submitted to the department no later than 45 days after the beginning of the school year.

(7) School safety plans. Local school districts and charter schools shall submit approvable school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.

(8) Postsecondary plans. Local school districts, charter schools, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.

(9) Class loads, caseloads, and subjects of instruction. Local school districts, charter schools, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.

(a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.

(b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted individualized education programs (GIEPs), categorized by level of service pursuant to Subsection J of 6.29.1.9 NMAC.

(c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.

(d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

Table 1 Required instructional subject areas in grades K-8	
Grades	Subjects

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

K-3	daily instruction in mathematics, reading, and language arts skills, including phonemic awareness, phonics, and comprehension
1-3	art music a language other than English science mathematics reading and language arts, including structured literacy instruction social studies physical education health education
4-8	reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year mathematics reading and language arts, including structured literacy instruction language other than English communication skills science art music social studies New Mexico history United States history geography physical education health education electives that contribute to academic growth and skill development and that provide career and technical education.
8	algebra 1 shall be offered in general education classroom settings, online, or by agreement with high schools
6-8	media literacy may be offered as an elective

(10) Tribal consultation, tribal education status reports, student needs assessments.

(a) Local school districts with tribal lands in their boundaries shall include in the report the districtwide tribal education status report provided to tribes and evidence of tribal consultation pursuant to Section 22-23A-7 NMSA 1978 and 6.35.2.13 NMAC;

(b) Historically defined Indian-impacted local school districts and charter schools shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

(c) Local school districts contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of consultation with tribal leaders and members and families of students who will be eligible to attend the public school pursuant to Section 22-5-4.13 NMSA 1978.

(d) Charter schools contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of negotiation with the tribal government and consultation with leaders, and members and families of students who will be eligible to attend the public school pursuant to Section 22-8-12.2 NMSA 1978.

(e) A school district or charter school that is required under federal law to consult with tribal entities as a condition of receiving impact aid funds shall include in its report the detailed narrative of its consultations with tribal entities and the results of those consultations as reported in the education plan pursuant to Section 22-8-6 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.
[6.19.4.8 NMAC - N, 1/16/2024]

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.9 PROCEDURES FOR THE ACCREDITATION OF PRIVATE SCHOOLS AND BIE SCHOOLS THAT DESIRE STATE ACCREDITATION~~ACCREDITATION OF NONPUBLIC AND BIE SCHOOLS:~~

A. Nonpublic and BIE schools ~~may elect to~~shall obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. All nonpublic and BIE schools electing to seek state accreditation shall submit an annual report ~~whether seeking state accreditation or not seeking state accreditation~~. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools electing to seek state accreditation shall update and submit the following information to the department:

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools electing to seek~~ing~~ state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. The department ~~may obtain~~shall have the authority to observe the operation of a nonpublic or BIE school that elects to seek or hold state accreditation.

E. ~~6.19.4 NMAC does not obligate or require nonpublic or BIE schools to seek or obtain state accreditation.~~

F. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
- (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
- (3) success outside the state of New Mexico, if any, as an accrediting agency;
- (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 1/16/2024]

6.19.4.10 **ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools that elect to seek~~ing~~ accreditation by the state shall submit all required reports for accreditation.

A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools that elect to seek~~ing~~ state accreditation.

B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary.

Commented [KS1]: For BIE Schools, the reason for changing the wording to "may obtain" is so that the state secures authority from Tribes, or other entities as determined by the BIE School's Governing Body, prior to observing BIE Schools.

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Commented [KS2]: This should be a separate section since it's about the accrediting agencies not the nonpublic or BIE schools.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.11 ADMINISTRATIVE APPEAL HEARING PROCEDURES: A school district or charter school may request a hearing with regard to the determination of its accreditation status within 30 days of its issuance.

A. A hearing shall be held within 30 days of the date the secretary receives the request to convene the hearing.

B. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation, subject to disapproval accreditation status may submit to the secretary along with the request for hearing a written statement explaining why the school should receive approval accreditation status.

(1) The written statement shall address only the cause or causes for disapproval specified in the notice and the reasons for opposing the decision, which, for public schools, shall address the factors outlined in Section 8 of this rule, and for nonpublic or BIE schools that elect to seek state accreditation, shall address the factors outlined in Section 9 of this rule.

(2) The written statement shall be submitted to the department's office of general counsel.

C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE School that elects to seek state accreditation required by this section may be raised at the hearing.

D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.

E. The rules of evidence and rules of civil procedure shall not apply to the hearing.

F. The hearing shall be presided over by the secretary, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.

G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.

H. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.

I. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's, ~~or~~ charter school governing body's, governing body's of nonpublic or BIE schools that elect to seek state accreditation presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.

J. The secretary or hearing officer may question department staff or the local school board, ~~or~~ charter school governing body, or governing body of nonpublic or BIE schools electing to seek state accreditation subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.

K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.

(1) The secretary's decision shall be in writing and delivered to the local school board, charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation subject to the accreditation decision.

(2) The secretary's written decision shall provide reasons for the decision.

(3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.

M. The local school board, charter school governing body, or governing body of a nonpublic or ~~private~~ BIE school electing to seek state accreditation subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.

Commented [KS3]: In this section, it is important to be clear that BIE schools electing to seek state accreditation have the same rights to appeal and hearing procedures as all other schools accredited by the state.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. Payment may be required for receipt of the administrative record.

O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. Any such agreement shall address the timelines provided in this rule.

[6.19.4.10 NMAC - N, 1/16/2024]

6.19.4.12 CONSEQUENCES OF PUBLIC SCHOOL DISAPPROVAL ACCREDITATION STATUS:

A. A local school district or public school that has received disapproval accreditation status shall not operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.

B. In addition to conferring disapproval accreditation status upon a local school district, public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) notify a charter school's authorizer for purposes of suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

(5) the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(6) close the school; or

(7) execute other remedies in the public school code that may be appropriate.

[6.19.4.11 NMAC - N, 1/16/2024]

HISTORY OF 6.19.4 NMAC: [RESERVED]

From: [May, Rick](#)
To: [FeedBack, Rule, PED](#); [Constantine, Consuelo, PED](#)
Cc: [Hedin, Ryan](#); [Matthew Garcia-Sierra](#); [gail@gailfornewmexico.com](#); [Bill Rehm@comcast.net](#); [Brian Baca](#); [Cathrynn Brown](#); [Ezzell, Candy S.](#); [Mark Duncan](#); [Nibert, Greg](#); [Luis Terrazas](#); [Larry Scott](#); [ryan@laneforalliberty.com](#); [Jack Chatfield](#); [John Block \(john@johnform.com\)](#); [Joshua Hernandez](#); [Jim Townsend \(jamesgtownsend@gmail.com\)](#); [Jim Townsend \(jamesgtownsend@gmail.com\)](#); [Jenifer Jones \(jenifermariejones@gmail.com\)](#); [Alan Martinez](#); [andrea@reeblaw.org](#); [Tanya Mirabal-Moya \(tanyamirabalmoya@gmail.com\)](#); [Jimmy Mason \(jimmymason1950@gmail.com\)](#); [Harlan Vincent \(harlan@harlanvincent.com\)](#); [Martine Zamora](#); [Randall Pettigrew](#); [Montoya, Rod](#); [JasonHarperNM](#); [stefanilord2@gmail.com](#); [Stefani Lord](#)
Subject: Public Comments form the House Republican Caucus Opposing the Proposed Rule Expanding PED"s Accreditation Authority Over Nonpublic Schools.
Date: Monday, December 18, 2023 2:58:02 PM
Attachments: [6.19.4-NMAC New-PreAppvdDB-for-Web.docx](#)
[Final Letter to PED on Accreditation of Private Schools.pdf](#)

Mr. Secretary:

At the direction of the House Republican Leadership, I am attaching public comments from the entire 25-member House Republican Caucus that express opposition to the proposed rule dealing with accreditation of private schools. These signed comments express opposition to the proposed rule that would expand PED's authority in regards to accreditation of nonpublic schools, which the Caucus believes PED lacks statutory authority. In addition, attached is a revised version of the proposed rule that fulfills the intent of your statements concerning PED's lack of statutory authority over nonpublic schools which you provided last week before the Legislative Finance Committee.

Please include these public comments in the public hearing record.

Thank you for your consideration of the Caucus' views on this important matter. If there are any questions, please do not hesitate to contact us.

Rick May

Rick May
Policy Director
House Republican Leadership Office
State Capitol, Room 125
Santa Fe, New Mexico 87501
(505) 986-4761 office



State of New Mexico
House of Representatives
State Capital
Santa Fe

December 18, 2023

Dr. Arsenio Romero
Cabinet Secretary
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, New Mexico 87501

Subject: Opposition to Proposed Rule Impacting Private School Accreditation

Dear Mr. Secretary:

We are writing to express our strong opposition to language in the Public Education Department's (PED) proposed Accreditation Procedures rule – Title 6, Chapter 19, Part 4 – that appears to make some of the provisions applicable to all nonpublic schools rather than only applicable to nonpublic schools that are voluntarily seeking department accreditation. First, the rule mandates that all nonpublic schools obtain and maintain accreditation from a department-approved accreditation entity. PED does not have statutory authority to require accreditation of nonpublic schools (6.19.4.9A NMAC). Subsection G of Section 22-2-2 NMAC 1978 only authorizes PED to assess and evaluate "those private schools that desire accreditation." Second, PED does not have statutory authority to require all nonpublic schools to submit annual reports on immunization status records of students (6.19.4.9B(1) NMAC) or graduation requirements that substantially comply with statutory graduation requirements for public schools (6.19.4.9B(6) NMAC). See Section 24-5-4 and 22-13-1.1 NMSA 1978. Finally, PED does not have statutory authority to observe the operation of all nonpublic schools as noted in 6.19.4.9D NMAC.

In response to a question about PED's statutory authority to implement the requirements in the proposed 6.19.4.9 NMAC that apply to all nonpublic schools, you testified to the Legislative Finance Committee on December 14, 2023, that the department only has the authority to place these requirements on nonpublic schools who are seeking accreditation. You further stated that it was not PED's intent to place these requirements on a nonpublic school that is not seeking department accreditation.

PED should update the proposed rule to align with your testimony. The proposed rule should be changed to ensure the requirements of 6.19.4.9 NMAC are only placed on nonpublic schools seeking department accreditation. Attach are proposed changes which will ensure the requirements of 6.19.4.9 NMAC are only placed on those nonpublic schools seeking accreditation. Thank you for your attention to this important issue.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "T. Ryan Lane".

T. Ryan Lane
Republican Leader District 3

A handwritten signature in blue ink, appearing to read "Greg Nibert".

Greg Nibert
Republican Whip District 59



Gail Armstrong
Republican Caucus Chair District 49




James G. Townsend
State Representative District 54



John Block
State Representative District 51



Alan T. Martinez
State Representative District 23



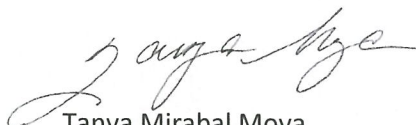
Mark Duncan
State Representative District 2



Randall T. Pettigrew
State Representative District 61



William R. Rehm
State Representative District 31



Tanya Mirabal Moya
State Representative District 7



Andrea Reeb
State Representative District 64



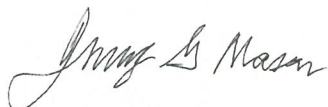
Jason C. Harper
State Representative District 57



Jennifer Jones
State Representative District 32



Rod Montoya
State Representative District 1



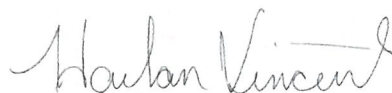
Jimmy G. Mason
State Representative District 66



Martin R. Zamora
State Representative District 63



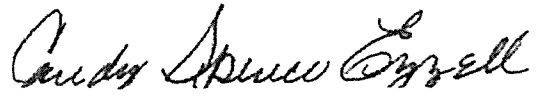
Jack Chatfield
State Representative District 67



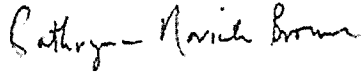
Harlan Vincent
State Representative District 56



Larry R. Scott
State Representative District 62




Candy Spence Ezzell
State Representative District 58



Cathrynn N. Brown
State Representative District 55



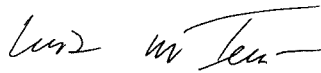
Stefani Lord
State Representative District 22



Brian G. Baca
State Representative District 8



Joshua N. Hernandez
State Representative District 60



Luis M. Terrazas
State Representative District 39

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY
PART 4 ACCREDITATION PROCEDURES

6.19.4.9 ACCREDITATION OF NONPUBLIC AND BIE SCHOOLS:

A. Nonpublic and BIE schools seeking state accreditation shall obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. ~~All nonpublic and BIE schools shall submit an annual report, whether seeking state accreditation or not seeking state accreditation. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools shall update and submit the following information to the department. On a date set by the department and in a method prescribed by the department, all nonpublic and BIE schools seeking state accreditation shall submit an annual report to the department, which includes the following information:~~

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools seeking state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. For nonpublic and BIE schools seeking state accreditation, The department shall have the authority to observe the operation of a nonpublic or BIE school.

E. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
- (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
- (3) success outside the state of New Mexico, if any, as an accrediting agency;
- (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 1/16/2024]

From: [Gabriela Aragon](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation
Date: Monday, December 18, 2023 3:01:50 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To Whom It May Concern,

I oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child. I feel legislation would better serve our children if it required public schools to be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it. In addition, I request that the NMPED provide a response with their justification and explanation on this matter and the actions they will be taking.

Regards

From: [Roman McCabe](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Pinon Hills Rule Change
Date: Monday, December 18, 2023 3:05:26 PM

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Hello, I am a parent of 2 kids that attend Pinon Hills Academy. This email is in regards to the Rule Change, and opposing any changes in legislation that grants undue oversight to the Public Education Department of non-public, religious, or private schools (*6.19.4.9 Accreditation of Nonpublic and BIE Schools*).

We are grateful to have caring staff and leadership at our kids' school, to share this information with all parents to create support for the school's vision and student's lives. As parents we choose to have our children at Pinon Hills Academy because of the type of education that is being focused on, the Christian World view, and the valued feelings of being the primary party responsible for our kids' education. Parents. The allowance of the Public School system would more so interfere with the school's Vision and also the entire Student Body. We want our school to remain the same. A thriving Christian Private School. Thank you for your support. Roman McCabe.

From: [Todd Knouse](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback on new rule proposal for NMAC 6.19.4
Date: Monday, December 18, 2023 3:09:05 PM

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Dear members of the Policy and Legislative Affairs Division of the New Mexico Public Education Department:

I am writing with concerns about the proposed new rule 6.19.4 regarding new accreditation procedures.

I urge the division to do the following:

1. Extend the time for public comment on this critical issue. This is critical. This new rule is being proposed at the same time as 6.10.5 regarding school calendars. In order to avoid the perception that the department is presenting 6.19.4 at the same time as the very inflammatory 6.10.5, I beg you to extend the public input on this issue. It could be interpreted that 6.10.5 is a distraction so that few people will pay attention to and comment upon 6.19.4. This is contrary to the intent of due process of public input on a critical issue. There is no cost nor other reason that would prevent the Department from allowing another month of public input on this issue.
2. Change the annual accreditation process to one every 5 years. I am not aware of any accreditation process that takes place in an annual basis. As a charter school we undergo a rigorous accreditation process approximately every five years. During the 5 year term of our accreditation we are visited annually for progress towards our goals, but the actual accreditation is not annual. We are also accredited by International Baccalaureate and that accreditation is also for a 5 year term.
3. Allow Charter Authorizers as Accrediting Entities: Since charters undergo a rigorous process by nature of being a charter school, it is redundant to have charters also acquire another accreditation by PED. I urge you to allow the charter authorization process be considered in lieu of the PED accreditation process described in the proposed new rule.

Sent from my iPhone

From: [ANDREW MC*COURT](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Change to private school accreditation
Date: Monday, December 18, 2023 3:09:23 PM

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I appose the language and scope of *6.19.4 NMAC, Accreditation Procedures*. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

I feel legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

I would like a written response from New Mexico Public Education Department with a reasonable justification and explanation of all actions taken and proposed actions.

Best regards,
Andrew L. McCourt

Sent from my iPhone

From: [Ted Trujillo](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for:
Date: Monday, December 18, 2023 3:11:08 PM

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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.

Greetings,

My name is Ted Trujillo. I am a home grown native New Mexican. There are 3 proposed changes that I am against due to these proposals do not make the education system better in New Mexico. This increased micromanagement makes the NM education system worse than it currently is.

Please do not implement these rule changes!

-6.81.2 NMAC, Requirements for Nonpublic Schools and for PED Accreditation

-6.19.4 NMAC, Accreditation Procedures

-6.10.5 NMAC, School Calender Requirements

Especially regarding 6.81.2 NMAC, this is the most disturbing. This is government overreach in dealing with private schools especially regarding Christian schools. The state has no business regulating Christian school due to their emphasis of these schools teaching the Bible and growing in their Christian beliefs while at the same time teaching the needed academics. This will also step on the 1st Amendments parental rights regarding school choices.

Please do not approve these proposed rule changes.

Thank you,

Ted Trujillo

6601 Honeylocust Ave NW
Albuquerque, NM 87121

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: [RONALD NESS](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL]
Date: Monday, December 18, 2023 3:14:31 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I oppose the language and scope of 6.19.4 NMAC.

You need to fix public schools in NM.

Ron and Lana Ness

From: [Frank Chiapetti](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] public input 6.19.4 NMAC
Date: Monday, December 18, 2023 3:17:28 PM
Attachments: [public comment 6 19 4 NMAC.pdf](#)
[Enclosure - Revision Recommendations for Proposed New Rule, 6.19.4 NMAC.pdf](#)

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Attached is the written public input for proposed rule changes by the NMPED from Ch'ooshgai Community School.

Frank Chiapetti
Principal/CEO
Ch'ooshgai Community School

Tsé Hootsoi II Board of Directors:

Sophia Attakai-Francis, President
Genevieve Jackson, Vice President
Hoskie Bryant, Secretary
Vacant, Member
Vacant, Member

Ch'ooshgai Community School Board of Education, Inc.

"Home of the Broncos"
P.O. Box 321, Tohatchi, N.M. 87325
Phone: (505) 733-2700
Fax: (505) 733-2703



December 18, 2023

Re: Public Comment for Proposed Rule 6.19.4 and repeal of 6.81.2 NMAC

To Whom it May Concern:

Ch'ooshgai Community School (CCSBE) strongly opposes the proposed new rule, 6.19.4 NMAC; Accreditation Procedures, as it currently stands as well as the repeal of 6.81.2 NMAC; Requirements for Nonpublic Schools and for Public Education Department Accreditation.

Currently, CCSBE is accredited by Cognia through the Navajo Nation. This is a requirement to the reauthorization requirements as set by the Navajo Nation. If the new rule moves forward, CCSBE seeks revisions to ensure Tribally Controlled Schools (TCS) can continue to be Nationally Accredited through Navajo Nation Cognia and to add wording that the state does not have the right to impose added mandates on schools that are Tribally controlled.

CCSBE follows National, State and Tribal Law in operating the school. For the NMPED to mandate through rule without formal consultation with the Navajo Nation is unethical and against state law. Formal consultation with all Tribal Nations should be held according to the State-Tribal Collaboration Act.

CCSBE has not benefited or been included in any NMPED or state government funding. An example includes the governor's initiative for all N.M. schools to add safety measures with programs to immediately notify first responders. When Ch'ooshgai inquired on funding to link the school with the local public schools and area first responders the response from the state; "You do not qualify as you are not a N.M. Public School". In my five years at CCSBE, the state has not shown any interest in helping CCSBE with academic or safety endeavors.

CCSBE relies on federal funding for all school operations and does not receive any assistance from the State of N.M. These proposed rule changes would require reporting and accreditation from the state without any financial assistance. It takes us back to colonial times and "taxation without representation". This is clear as the NMPED has not reached out to the Tribally Controlled Schools or the Navajo Nation.

The NMPED does not have the authority to mandate that BIE or TCS schools be accredited by the state. As reflected in 6.81.2 NMAC, NMPED must, however, provide the option for BIE schools to be accredited by the state if they elect to seek this accreditation. If 6.81.2 NMAC is to be repealed and the framework and procedures from that rule are to be included in the new rule, 6.19.4 NMAC, then all language in the new rule must reflect the repealed rule's objective: "to provide a comprehensive framework within which nonpublic and BIE schools that desire

Tsé Hootsoi II Board of Directors:

Sophia Attakai-Francis, President
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Hoskie Bryant, Secretary
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**Ch'ooshgai Community School
Board of Education, Inc.**

"Home of the Broncos"
P.O. Box 321, Tohatchi, N.M. 87325
Phone: (505) 733-2700
Fax: (505) 733-2703



department accreditation status can attain it." Under no circumstances should the new rule include any mandates for BIE schools and any steps to impose such mandates would be an infringement on the right to educational sovereignty held by BIE-funded, Tribally Controlled Schools.

Respectfully,

A handwritten signature in blue ink that reads "Frank Chiapetti". The signature is written in a cursive, flowing style.

Frank Chiapetti
Principal/CEO
Ch'ooshgai Community School

Enclosure: Revision Recommendations for Proposed New Rule, 6.19.4 NMAC

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION **CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY** **PART 4 ACCREDITATION PROCEDURES**

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 1/16/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 1/16/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.
[6.19.4.3 NMAC - N, 1/16/2024]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 1/16/2024]

6.19.4.5 EFFECTIVE DATE: January 16, 2024 unless a later date is cited at the end of a section.
[6.19.4.5 NMAC - N, 1/16/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools and BIE schools [that desire seeking state accreditation and establishes requirements for reporting to the department by private schools and BIE schools not seeking state accreditation](#). This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 1/16/2024]

6.19.4.7 DEFINITIONS:

A. "Accreditation status" means either approval or disapproval by the secretary of the adequacy and functionality of an educational program. Public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the secretary.

B. "Accrediting entity" means an organization capable of evaluating the quality of an educational program pursuant to this rule.

C. "Attendance improvement plan" means a tiered, data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions, as defined in Section 22-12A-2 NMSA 1978.

D. "Bureau of Indian education school" or "BIE school" means a school that is funded by the bureau of Indian education [and includes both tribally controlled and bureau operated schools](#), located in New Mexico, provides instruction for first through twelfth grades, and is not [private or](#) sectarian or denominational.

E. "Days" means, unless otherwise specified in a provision in this rule or applicable statute, business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more. In computing the amount of days, exclude the day of the event that triggers the period, and include the last day of the period. If the last day is a day when the department is closed, the period continues to run until the end of the next business day that the department is not closed. Whenever a person or entity shall act under this rule within a prescribed period after service of a notice or paper upon the person or entity, and the notice or paper is served by mail or courier service, three calendar days are added to the prescribed period.

F. "Digital citizenship" means the safe, ethical, responsible, and informed use of technology and encompasses a range of skills and literacies, including:

- (1) internet safety, privacy, and security;
- (2) recognition and reporting of cyberbullying;
- (3) online reputation management;

PROPOSED NEW RULE

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- (4) communication skills; information literacy; and
- (5) creative credit and copyright.

G. **“Educational program”** means a program that provides for the education of school-age persons in state institutions, public, nonpublic, or BIE schools.

H. **“Evidence-based practices”** means activities, strategies, and interventions informed and supported by rigorous research that demonstrate consistent, positive impacts on student outcomes, and may include practices that are supported by strong, moderate, promising, or rationale-demonstrating evidence.

I. **“Historically defined Indian-impacted”** means a school district or a charter school that:

- (1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;
- (2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
- (3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

J. **“Local Education Agency” or “LEA”** means a school district or state-chartered charter school.

K. **“Nonpublic school or private school”** means a school, other than a home school, that offers programs of instruction and is not under the control, supervision, or management of a local school board or a charter school governing body.

L. **“School index score”** means the total score a school earns on all required measures as defined by the department according to the state’s system for annual meaningful differentiation detailed in the state’s ESSA plan.

M. **“Secretary”** means the secretary of the department.

N. **“State accreditation”** means approval by the secretary of an educational program’s adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters, as determined by the department. State accreditation of a nonpublic or BIE school [that elects to seek state accreditation](#) means recognition by the department that the school meets standards set by an accrediting entity recognized by the department and has submitted required reports to the department.

O. **“State institution”** means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.

[6.19.4.7 NMAC - N, 1/16/2024]

6.19.4.8 PUBLIC SCHOOL ANNUAL ACCREDITATION REVIEW: Public school districts, public schools, and educational programs of state institutions shall report information to the department pursuant to Subsection I of Section 22-2-2 NMSA 1978. The quality and content of required reports and of the educational programs represented by the reports will be evaluated by the department for approval or disapproval accreditation status. Pursuant to Subsection F of Section 22-2-2 NMSA 1978, the secretary’s accreditation decision is contingent upon evidence of the adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters such as factors contributing to school index scores. Local school districts and charter schools shall follow department guidance in submitting satisfactory reports.

A. Annual accreditation review requirements. Local school districts, charter schools, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method prescribed by the department, of the following requirements:

(1) Board training. Local school districts and charter schools shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 or by each member of the charter school governing body as required by Section 22-8B-5.1 NMSA 1978, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

(2) Financial audit. Local school districts, charter schools, and state institutions shall submit a report of the previous fiscal year’s financial audit. The report shall include the date the audit was submitted as established in Paragraph (1) of Subsection A of 2.2.2.9 NMAC.

(3) Program plans, budget, and actual expenditures. Local school districts and charter schools shall:

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

(b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process;

(c) budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units;

(d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures; and

(d) report actual expenditures for each school.

(4) School enrollment. Via the statewide data system, local school districts and charter schools shall submit reports of student membership for each school pursuant to Section 22-8-13 NMSA 1978.

(5) School accountability data. Local school districts and charter schools shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978. For student assessment data, a minimum ninety-five-percent participation rate is required by Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.

(6) Attendance improvement. Local school districts and charter schools shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans pursuant to Section 22-12A-7 NMSA 1978 (attendance for success act) submitted to the department no later than 45 days after the beginning of the school year.

(7) School safety plans. Local school districts and charter schools shall submit approvable school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.

(8) Postsecondary plans. Local school districts, charter schools, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.

(9) Class loads, caseloads, and subjects of instruction. Local school districts, charter schools, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.

(a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.

(b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted individualized education programs (GIEPs), categorized by level of service pursuant to Subsection J of 6.29.1.9 NMAC.

(c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.

(d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

Table 1 Required instructional subject areas in grades K-8	
Grades	Subjects

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

K-3	daily instruction in mathematics, reading, and language arts skills, including phonemic awareness, phonics, and comprehension
1-3	art music a language other than English science mathematics reading and language arts, including structured literacy instruction social studies physical education health education
4-8	reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year mathematics reading and language arts, including structured literacy instruction language other than English communication skills science art music social studies New Mexico history United States history geography physical education health education electives that contribute to academic growth and skill development and that provide career and technical education.
8	algebra 1 shall be offered in general education classroom settings, online, or by agreement with high schools
6-8	media literacy may be offered as an elective

(10) Tribal consultation, tribal education status reports, student needs assessments.

(a) Local school districts with tribal lands in their boundaries shall include in the report the districtwide tribal education status report provided to tribes and evidence of tribal consultation pursuant to Section 22-23A-7 NMSA 1978 and 6.35.2.13 NMAC;

(b) Historically defined Indian-impacted local school districts and charter schools shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

(c) Local school districts contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of consultation with tribal leaders and members and families of students who will be eligible to attend the public school pursuant to Section 22-5-4.13 NMSA 1978.

(d) Charter schools contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of negotiation with the tribal government and consultation with leaders, and members and families of students who will be eligible to attend the public school pursuant to Section 22-8-12.2 NMSA 1978.

(e) A school district or charter school that is required under federal law to consult with tribal entities as a condition of receiving impact aid funds shall include in its report the detailed narrative of its consultations with tribal entities and the results of those consultations as reported in the education plan pursuant to Section 22-8-6 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.
[6.19.4.8 NMAC - N, 1/16/2024]

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.9 PROCEDURES FOR THE ACCREDITATION OF PRIVATE SCHOOLS AND BIE SCHOOLS THAT DESIRE STATE ACCREDITATION

A. Nonpublic and BIE schools may elect to seek obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. All nonpublic and BIE schools electing to seek state accreditation shall submit an annual report whether seeking state accreditation or not seeking state accreditation. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools electing to seek state accreditation shall update and submit the following information to the department:

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools electing to seek state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. The department may obtain the authority to observe the operation of a nonpublic or BIE school that elects to seek or hold state accreditation.

E. 6.19.4 NMAC does not obligate or require nonpublic or BIE schools to seek or obtain state accreditation.

F. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
- (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
- (3) success outside the state of New Mexico, if any, as an accrediting agency;
- (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 1/16/2024]

6.19.4.10 **ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools that elect to seek accreditation by the state shall submit all required reports for accreditation.

A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools that elect to seek accreditation.

B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary.

Commented [KS1]: For BIE Schools, the reason for changing the wording to "may obtain" is so that the state secures authority from Tribes, or other entities as determined by the BIE School's Governing Body, prior to observing BIE Schools.

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Commented [KS2]: This should be a separate section since it's about the accrediting agencies not the nonpublic or BIE schools.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.11 ADMINISTRATIVE APPEAL HEARING PROCEDURES: A school district or charter school may request a hearing with regard to the determination of its accreditation status within 30 days of its issuance.

A. A hearing shall be held within 30 days of the date the secretary receives the request to convene the hearing.

B. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation, subject to disapproval accreditation status may submit to the secretary along with the request for hearing a written statement explaining why the school should receive approval accreditation status.

(1) The written statement shall address only the cause or causes for disapproval specified in the notice and the reasons for opposing the decision, which, for public schools, shall address the factors outlined in Section 8 of this rule, and for nonpublic or BIE schools that elect to seek state accreditation, shall address the factors outlined in Section 9 of this rule.

(2) The written statement shall be submitted to the department's office of general counsel.

C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE School that elects to seek state accreditation required by this section may be raised at the hearing.

D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.

E. The rules of evidence and rules of civil procedure shall not apply to the hearing.

F. The hearing shall be presided over by the secretary, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.

G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.

H. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.

I. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's, ~~or~~ charter school governing body's, governing body's of nonpublic or BIE schools that elect to seek state accreditation presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.

J. The secretary or hearing officer may question department staff or the local school board, ~~or~~ charter school governing body, or governing body of nonpublic or BIE schools electing to seek state accreditation subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.

K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.

(1) The secretary's decision shall be in writing and delivered to the local school board, charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation subject to the accreditation decision.

(2) The secretary's written decision shall provide reasons for the decision.

(3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.

M. The local school board, charter school governing body, or governing body of a nonpublic or ~~private~~ BIE school electing to seek state accreditation subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.

Commented [KS3]: In this section, it is important to be clear that BIE schools electing to seek state accreditation have the same rights to appeal and hearing procedures as all other schools accredited by the state.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. Payment may be required for receipt of the administrative record.

O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. Any such agreement shall address the timelines provided in this rule.

[6.19.4.10 NMAC - N, 1/16/2024]

6.19.4.12 CONSEQUENCES OF PUBLIC SCHOOL DISAPPROVAL ACCREDITATION STATUS:

A. A local school district or public school that has received disapproval accreditation status shall not operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.

B. In addition to conferring disapproval accreditation status upon a local school district, public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) notify a charter school's authorizer for purposes of suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

(5) the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(6) close the school; or

(7) execute other remedies in the public school code that may be appropriate.

[6.19.4.11 NMAC - N, 1/16/2024]

HISTORY OF 6.19.4 NMAC: [RESERVED]

From: [ANDREW MC*COURT](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Opposed to proposed accreditation changes
Date: Monday, December 18, 2023 3:21:44 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I appose the language and scope of *6.19.4 NMAC, Accreditation Procedures*. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

I feel legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

I would like a written response from New Mexico Public Education Department with a reasonable justification and explanation of all actions taken and proposed actions.

Best regards,
Andrew L. McCourt

Sent from my iPhone

From: [Gene Strickland](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment / Feedback
Date: Monday, December 18, 2023 3:30:29 PM

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6.19.4 - Accreditation Procedures

As Superintendent of Hobbs Municipal Schools, I am writing to provide public comment and feedback on the proposed rule relative to Accreditation Procedures. See below the following bulleted comments/feedback:

- 6.19.4.5 - Effective Date
 - This date should coincide with the new school year of 24-25 and not in the middle of this school year
- 6.19.4.8 - Public School Annual Accreditation Review
 - The majority of these reports are already being submitted to NMPED. This may be misconstrued as a duplication of reporting if the “Accreditation” will be a separate process
 - 9(c) - Counselors - Currently counselors are not included in the FTE of the district. Reporting these as FTE implies that districts will be funded on the inclusion of Counselors in our funding formula via the TCI
 - 9(d) - This can be handled through an assurance as the diploma is an artifact of the LEA and not NMPED
- 6.19.4.10 - Annual Accreditation Cycle
 - B - as described in paragraph heading that “LEA’s shall submit all required reports for accreditation before the end of the year”; implies that accreditation will be provided annually. Otherwise, reports would only be due in the year of accreditation.
- 6.19.4.11 - Administrative Appeal Hearing Procedures
 - F - This paragraph conflicts with well established “due process” parameters. If the Secretary is the accreditation issuing position how can this position also be the appellate for an entity who has been denied accreditation?
- 6.19.4.12 - Consequences of Public School Disapproval Accreditation Status
 - B(2) - This function is a responsibility of the LEA and not the Department. This could be included as an option within B(1) but should be options of the Department
 - B(3) - The local school board is elected by the local electorate and not the Department
 - B(3) - The superintendent is contracted by the local school board and not the Department
 - B(3) - The principal is contracted by the LEA and not the Secretary
 - Each of these could be options within B(1) but should not be options of the Department

Gene Strickland
Superintendent
Hobbs Municipal Schools
575.433.0100

GO EAGLES!
#theHobbsWay
#theGoldStandard

From: J. Miller
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 3:42:21 PM
Attachments: [C84716AAB87C4B819FC64B40A8A22CF3.png](#)
[E2A1CD10839B4536BF6970A581148C3C.png](#)

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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.
Sent from [Mail](#) for Windows

Below are comments for the proposed rule 6.19.4 NMAC, Accreditation Procedures:

1. The proposed rule is unnecessary and unfounded. The proposed rule states no technical information served as a basis for this proposed rule change. Therefore, there appears to be no reason for the rule other than regulatory overreach.

6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation

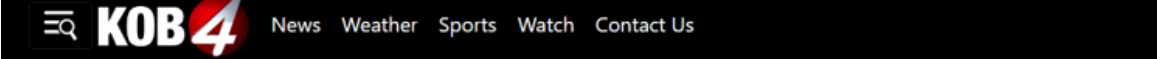
Explanation: The purpose of the proposed repeal of the rule is to place the accreditation procedures and requirements for all types of schools in one new rule with significantly greater scope, 6.19.4 NMAC, Accreditation Procedures.

Summary: This proposed rulemaking repeals 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

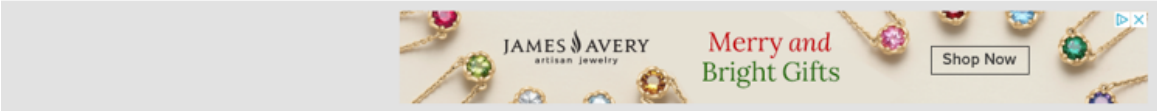
Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978.

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

2. The proposed rule is contrary to many of the reasons New Mexico parents choose to send their children to private schools.
3. The NMPED is already struggling with their current responsibilities, and New Mexico ranks last in the United States, please see KOB4 screenshot below. Adding to the NMPED regulatory scope would only ensure private schools are reduced to the same low academic outcomes as New Mexico public schools.



Watch Now:
Replay > KOB 4 Eyewitness News at Midday



New study projects New Mexico will improve education ranking

Spencer Schacht KOB
September 20, 2023 - 12:20 PM

[anvplayer video="5192910" station="998122"]

ALBUQUERQUE, N.M. — **New WalletHub education rankings** put New Mexico at 51st in the U.S. now but projected a jump to No. 23 in 2032.

We talked with community members about if they believe this could happen. We also talked with education experts about how it could be done and what it would take.

Thank you.

From: [Andrew Mahlstedt](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Comment regarding 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 3:45:09 PM

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Greetings,

I am writing to express concern for a proposed new rule, 6.19.4 NMAC, Accreditation Procedures. I am the Associate Head of School at UWC-USA (aka, Armand Hammer United World College the American West).

Our independent school is already accredited by the Independent Schools Associate of the Southwest and the International Baccalaureate. We have on average less than 5% of our students from the state of New Mexico, with around 25% being from the US as a whole, and 75% from more than 90 countries. Put simply, we are unlike any other school in the state, and certainly than all public schools. To subject us to the same rule system under NMPED as public schools, particularly in the sections 6.19.4.9 and 6.19.4.10 would create an undue burden on our institution.

I urge you to not advance this rule.

All the best,

Andrew Mahlstedt, Ph.D.
Associate Head of School
(O) 505-454-4241



www.uwc-usa.org

UWC makes education a force to unite people, nations, and cultures for peace and a sustainable future.

From: [Hannah Giles](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 3:59:51 PM

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To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic... school. ”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

By and large nonpublic schools outperform public schools in testing, graduation rates, and core subject proficiency. NM consistently ranks at the bottom of our nation for education which is one of the primary reasons we have chosen nonpublic education for our children. Alongside our choice of educational methodology, most importantly stands our moral and religious values that led us to our schooling decision for our children. We are proud to exercise our freedom of choice in this matter and feel that the proposed rule changes are crossing the lines of that freedom. Nonpublic schools should be allowed to choose if they will be accredited and should have the freedom to choose the entity in which they obtain that accreditation from.

Concerning 6.19.4.9 D: The department's authority to “observe the operation of a nonpublic...school. ”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Hannah Hagelstein

Parent of nonpublic school educated children.

From: [Dorothy Burrows](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4 NMAC Accreditation Procedures
Date: Monday, December 18, 2023 4:02:34 PM

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To those in the Policy and Legislative Affairs Division NM Public Education Dept.

I oppose 6.19.4 NMAC Accreditation Procedures. I believe it could cause Private Schools to be put in the same category as the current Public Schools in New Mexico, which is dismal. New Mexico education at this time is ranked at #50. Private schools have much better education and they do not need to be brought down to a lower level with any of the NM Education Dept. procedures and ideas.

Thank you.

Dorothy Burrows

491 Zuni River Cr SW

Los Lunas, NM 87031put

From: [Anja Rudiger](#)
To: [FeedBack, Rule, PED](#)
Cc: [regis pecos](#)
Subject: [EXTERNAL] Tribal Education Alliance comments on 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 4:03:40 PM

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To the Policy and Legislative Affairs Division, New Mexico Public Education Department:

The Tribal Education Alliance strongly opposes the New Mexico Public Education Department's (NMPED) administrative overreach evident in the proposed rule, 6.19.4 NMAC, Accreditation Procedures. We oppose this draft rule as written because it infringes on the sovereignty of federally recognized Indian Tribes. This infringement is evident throughout the draft rule, and especially egregious in the extension of reporting requirements to BIE schools that do not seek state accreditation. The draft rule also appears to suggest that the State has the authority to mandate BIE schools to seek accreditation, when, in fact, no such State authority exists.

The Tribal Education Alliance (TEA) works in partnership with New Mexico's Native Nations, Tribes, and Pueblos to ensure an equitable, culturally relevant education for Native children. It supports New Mexico's tribal leaders in advancing the Tribal Remedy Framework, a comprehensive plan for meeting the educational needs of Native students and upholding their constitutional and human rights.

With these comments, TEA joins the All Pueblo Council of Governors and the Santa Fe Indian School in their opposition to 6.19.4 NMAC, Accreditation Procedures, as drafted.

We request that, at a minimum, the following changes be made to the proposed rule, 6.19.4 NMAC:

1. Remove any reference in 6.19.4.6. to BIE schools not desiring accreditation.
2. Distinguish between private and BIE schools in 6.19.4.6 (BIE schools are not private schools), and between federally and tribally operated BIE schools.
3. Clarify that there is no State authority to mandate any BIE schools to seek accreditation (6.19.4.9.(A)). This is an option for BIE schools, not a mandate (replace "shall" with "may").
4. Narrow 6.19.4.9.(B)) to BIE schools seeking accreditation.
5. Make State authority to "observe" conditional on tribal consultation and narrow this authority to apply to BIE schools seeking accreditation (6.19.4.9. (D)).

We also point to the need for NMPED to hold formal tribal consultations with New Mexico's Nations, Tribes, and Pueblos. Any administrative rules or rule changes that impact Tribal Nations must be subject to tribal consultation, pursuant to the provisions of New Mexico's State-Tribal Collaboration Act.

Sincerely,
The Tribal Education Alliance (chaired by Regis Pecos)

Submitted by:
Anja Rudiger, Ph.D.
Tribal Education Alliance
<https://tribaleducationalliance.org/>

From: [Victoria Mora](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Concerns from United World College USA, Montezuma, NM
Date: Monday, December 18, 2023 4:13:06 PM

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Dear Members of the New Mexico Public Education Department,

First, thank you for all of the hard work you do on behalf of education in New Mexico. As a graduate of New Mexico public schools, and the parent of five such graduates, I know firsthand the importance of what you do.

Second, I write in my capacity as president of one of 18 campuses worldwide of the United World Colleges educational system--the only campus in the U.S. located right here in Montezuma, New Mexico.

I am deeply concerned by the proposed changes to 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Accreditation.

6.19.4.9-A states that "Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department." As an international school that receives no funding from the state, it would seem to be an overreach and an unreasonable burden to have our accreditation tied to a list determined by the department of education rather than a list informed by our international work and mission.

6.19.4.9-B states that "All nonpublic and BIE schools shall submit an annual report, whether seeking state accreditation or not seeking state accreditation." Our reporting at the international and national level already taxes our staff. Again, without any outlay from the state for our operations and facilities it would be overreach and an undue burden to expect us to provide annual reports to the state that we are already providing to our accreditors and to our movement, United World College International.

6.19.4.9-D states "The department shall have the authority to observe the operation of a nonpublic or BIE school." While we welcome the state and its representatives to our campus, any authority to observe our operations would be overreach given no funds are provided by the state to our school.

6.19.4.10 states "**ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools seeking accreditation by the state shall submit all required reports for accreditation.

“A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools seeking accreditation.

“B. A school district’s or school’s accreditation status will remain in effect until the next determination has been made by the secretary.”

This seems reasonable for any entity seeking accreditation from the state.

I ask you as a professional in private education not to go through with the changes other than 6.19.4.10 as they represent overreach by the state government when it comes to independent, private educational entities. As a native New Mexican deeply concerned about education in the state, I ask you to focus on our public schools and accountability given their benefit from state funds.

Sincerely,

Victoria Mora Ph.D

President

(O) 505-426-3373



www.uwc-usa.org

UWC makes education a force to unite people, nations, and cultures for peace and a sustainable future.

From: [John Keisling](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Opposition to proposed 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 4:14:05 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Public Education Department,

I am writing to express my strong opposition to the the language and scope of *6.19.4 NMAC, Accreditation Procedures*. As you well know, the state of public education in New Mexico is dismal. Every year we rank 49th or 50th in the nation, and the blame lies squarely at the feet of public schools, not private schools. Private schools outperform public schools in our state by every measure. We send our three children (and will send our fourth next year) to a private religious school--while still paying taxes to prop up the failing public ones--because we care about their intellectual, moral, physical, and spiritual development. Like many other New Mexicans, we are sacrificing to give our kids an excellent education. Rule 6.19.4, particularly through sections 6.19.4.9 and 6.19.4.10, is a blatant attempt to arrogate power to unelected bureaucrats who care more about transgenderism, abortion, and critical race theory than about math, science, reading, art, or theology. Given the inferior performance of public schools, perhaps what we need is for parents and locally elected school boards to observe their performance at will. Perhaps their status should be determined by a formal process involving parents, local school boards, and county officials.

In short, we, the caring parents of New Mexico, reject all claims that the State needs to monitor, let alone approve, the education we provide for our children. Governments derive their powers from the consent of the governed, and we will not stand for this power grab. Moreover, I hereby request a written response from the New Mexico Public Education Department with justifications and explanations of all actions taken including the proposed 6.19.4 NMAC.

Most sincerely,

John D. Keisling, Ph.D.

From: [Loretta](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Repeal and replacement of 6.81.2
Date: Monday, December 18, 2023 4:17:18 PM

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Public Education Department:

It has come to my attention that the PED is in the process of repealing and replacing 6.81.2 NMAC.

It is concerning this is being proposed to change any of this legislation.

The most concerning is the change in 6.19.4.9 A, 6.19.4.9 B, 6.19.4.9 D, and 6.19.4.10. This would give PED the authority to observe the operation, as well as, approve or suspend the accreditation of our private, non-public schools.

The government apparently is not content with OUR choice to have our children taught outside the public system, so it must come up with some way to overreach to take over ,saying it is in our best interest, NOT.

Again we, as parents and grandparents, are having to be worrying about the government overreaching taking away our freedoms and push secular programming.

It is our prayer that the law makers will rule against this overreach.

Loretta B Perez
Corrales, NM

From: [Renee Pacheco](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.19.4.9 A, B, D 6.19.4.10 rules
Date: Monday, December 18, 2023 4:19:22 PM

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I disagree with repeal of these accreditation rules. The rules written currently have allowed my children to thrive in academics. They have gained knowledge in reading and math more than they could have learned in public school. The PED needs to improve the public schools and change policies before they worry about what private schools are doing. We are preparing our children for their future in society with a better education and a solid foundation in biblical principles.

Sent from my iPhone

From: [Nicholas Aragon](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Completely oppose 6.19.4 NMAC
Date: Monday, December 18, 2023 4:21:50 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I completely and unequivocally oppose the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am dissatisfied with the State-run educational system my tax dollars were spent on and disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child. I feel legislation would better serve our children if it required public schools to be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversee it.

This is a complete government overreach. The New Mexico PED had failed this state for years. The failing public school system is the reason I pulled my children from public schools and placed them in a thriving private school. I will continue to fight against this type of government overreach and will continue to oppose what you are trying to do. Parents have a right to place their kids in a system that is best fitting for them and this should not be infringed upon by the failing NM PED.

From: [Joe Guillen](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Comments on 6.10.5 NMAC, School Calendar Requirements and 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 4:22:15 PM
Attachments: [image001.png](#)
[NMSBA Letter to Secretary Romero Re School Calendar and Accreditation Rules.pdf](#)

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NMPED Officials

Attached please find official comments from the New Mexico School Boards Association on the following proposed rules:

6.10.5 NMAC, School Calendar Requirements
6.19.4 NMAC, Accreditation Procedures

Joe Guillen
Executive Director
New Mexico School Boards Association
(505) 983-5041 office
(505) 470-3967 cell
jguillen@nmsba.org



450 Strong!

New Mexico School Boards Association

Joe Guillen, Executive Director

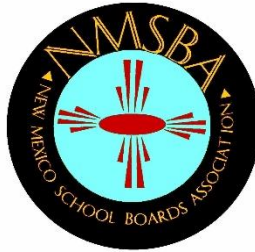
Email: jguillen@nmsba.org

Carolyn Mole, Finance Director

Email: cmole@nmsba.org

Lorraine Vigil, Program Director

Email: lvigil@nmsba.org



300 Galisteo Street, Suite 204

Santa Fe, New Mexico 87501

Phone: (505) 983-5041

Fax: (505) 983-2450

Webpage: www.nmsba.org

Email: nmsba@nmsba.org

December 14, 2023

Dr. Arsenio Romero, Secretary of Education

c/o Policy and Legislative Affairs Division

New Mexico Public Education Department

300 Don Gaspar Ave., Room 121

Santa Fe, New Mexico 87501

Subject: Comments on 6.10.5 NMAC, School Calendar Requirements
and 6.19.4 NMAC, Accreditation Procedures

Dear Secretary Romero,

The New Mexico School Boards Association has served as a leader in New Mexico's public education system for over six decades. The Association was born out of a simple premise of visionary school board members, to advocate for local control of public education and to offer programs and assistance to local boards of education.

The Association serves as the statewide voice of 89 boards of education. The collective influence of close to 450 school board members enables the Association to work toward the benefit of the elementary and secondary public school system in New Mexico. The Association provides current information and advice on matters affecting school boards and cooperates with other educational and related organizations including the New Mexico Public Education Department (NMPED) in promoting excellence in education.

School boards are not an accidental creation. Elected school board members serve their communities in several important ways.

- First and foremost, school boards look out for students. Education is not a line item on the school board's agenda—it is the only item.
- When making decisions about school programs, school boards incorporate their community's view of what students should know and be able to do.
- School boards are accessible to the public and accountable for the performance of their schools.
- School boards are the education watchdog for their communities, ensuring that students get the best education for the tax dollars spent.

Christine Ludi
President

Pauline Jaramillo
President-Elect

Marvyn Jaramillo
Vice-President

Kevin Mitchell
Secretary-Treasurer

Dymorie Maker
Past-President

NMSBA Comments on Proposed Rule 6.10.5 NMAC, School Calendar Requirements

Lack of Partnership/Consultation

Governance must be a balanced partnership between state and local officials responsible for public education in New Mexico. There should be no surprises in public education. NMPED, school superintendents and school board members should be constantly communicating and sharing ideas and concepts, problems and solutions. The proposed rules were brought upon local public schools with no warning by the NMPED or input from any of our education stakeholders. This lack of consultation with local school leaders is a direct violation of this balanced partnership.

Timing of Release

The timing and release of the proposed rule in the middle of the school year, not even five months into the new school year, fails to consider the existing workload of our school superintendents, administrators, principals, teachers and students. Nor does it consider the tremendous time and energy and funding resources expended this year to implement school hours legislation passed by the 2023 State Legislature. School officials should be allowed to determine the effectiveness and results of existing mandates before being forced to go through the calendar revision process again.

Regulatory Overreach/Legislative Intent

While NMPED has broad authority to promulgate administrative code, some of the provisions of the proposed rules appear to be directly in contradiction of statutory learning time provisions and legislative intent. The proposed rule requires over 50% of school weeks to consist of five days, thereby directly disregarding the legislature's intended flexibility in implementing the required 1,140 instructional hours annually, as mandated by House Bill 130. This requirement fundamentally alters the established educational structure and undermines the legislative intent focused on increased instructional hours rather than mandating the structure of the school week. These changes threaten to disrupt successfully established school calendars in 43 of our 89 school districts in New Mexico.

Local Decision Making

School boards and superintendents in 43 school districts have listened to their constituents and effectively established and operated a full-time 4-day per week schedule for many years. There is a profound concern that changes in these rules may lead to a loss of local control over educational decisions and undermine the unique needs and successful practices of our school

districts, especially in rural areas. We urge you to consider the significant impact of these changes on local communities, the importance of maintaining local control over educational practices, and the need to preserve the unique and successful educational models that have been established in our school districts.

K-12 Plus Funding

The Legislature created the K-12 plus program during the 2023 legislative session. The statute provides thresholds for instructional days above which school districts and charter schools are eligible for additional funding. The law specifically calls out thresholds for four-day school weeks, signaling intent that there is no requirement for a five-day week to be eligible for funding, as long as school districts and charter schools are meeting statutory instructional hour requirements. NMPED's proposal that requires a minimum of 180 days to be eligible for funding appears contradictory to statutory provisions and legislative intent.

NMPED's proposal requires secondary students to attend a minimum of four class periods per instructional day, unless a secondary student provides evidence of participating for an equivalent amount of time in an apprenticeship, work study program, or employment. The requirement exists regardless of a school's schedule or the number of credits a student is lacking for graduation.

NMSBA Comments on Proposed Rule 6.19.4 NMAC, Accreditation Procedures

Statutory Authorization

NMPED accreditation proposal consolidates many statutory and regulatory requirements into one process by which the department uses its statutory authority to review whether school districts meet those requirements and would now tie these requirements for a new purpose, accreditation, without statutory amendment or review.

Directing Use of Discretionary Funding

The proposed rule also directs school districts to budget at least as much money on specific programs – those aimed at special education, gifted education, and at-risk services – as is generated by corresponding units in the funding formula. As with the department's proposed instructional time, this proposal is contradictory to current statute, which specifically designates funds generated by the Public School Finance Act as "discretionary" to school boards and governing bodies of charter schools.

Consequences of Public School Disapproval Accreditation Status

The proposal rule specifies that a local school district or public school that is not accredited by the department would subject to several punitive actions including the suspension of the school board, superintendent and principal. We are concerned that there is no process outlined or included in the rule that would ensure this is a last step in a graduated collaborative process. Suspending local elected school board members, superintendents and principals for a purpose (accreditation) not included in statute is concerning.

Conclusion

In light of these serious concerns, school board members from across New Mexico stand united with school superintendents in opposition to the rules as published and request that we have collaborative dialogue on the proposed changes, considering the importance of local control over educational practices and the preservation of educational models that have been effective in our districts.

Thank you for your consideration of our comments and for your continued support of education in New Mexico.

Sincerely,



Christine Ludi
State President



Joe Guillen
Executive Director

From: Agatha Montoya
Concerned Parent, NM Citizen, NN Tribal Member, KAFB Employer

To: The Honorable Arsenio Romero
Cabinet Secretary, New Mexico Public Education Department

(Sent via email to arsenio.romero@ped.nm.gov & rule.feedback@ped.nm.gov)

Re: Opposition to Rule Change – 6.19.4.10 NMAC, Accreditation of Nonpublic and BIE Schools
Re: Opposition to Rule Change – 6.19.4.10 NMAC, Annual Accreditation Cycle

Dear Secretary Romero:

I am writing to express my opposition to the Public Education Department's proposed ruling for nonpublic and BIE schools to (1) obtain and maintain accreditation from one of the accrediting entities approved by the department and (2) submit all required reports for accreditation. This proposal is premature in timing and readiness, the New Mexico Public Education Department (NMPED) is currently struggling in maintaining requirements for all public schools. The NMPED has publicly stated they are currently and consistently understaffed and without additional personnel it is highly unlikely the department will adequately provide review, feedback, and accreditation approvals. If this rule is approved, the NMPED will increase their responsibility of maintaining requirements for the many nonpublic and BIE schools which will incur costs for training, additional manpower, and human error. Additionally, NMPEDs data systems need to be updated and improved. Items mentioned will delay the review process and feedback timelines for accreditation approvals. Currently, nonpublic and BIE schools have an approved accreditation process that should not be altered by an outside entity, why change a process that's already proven to work and not broken.

Under the proposed rule, accreditation would be based on completeness and sufficiency of the required annual report only. The NMPED proposal does not clearly state the purpose, intent, benefits, and how this rule would result in meaningful outcome and change. This proposal is another administrative paper pusher versus effectively proposing a change in improving school performance and safety. School performance and safety is the main issue and concern by most parents across NM public schools. This rule is an attempt to further govern rather than focusing on NMPED current issues to include accountability, processes, procedures, and practices. NMPED lost credibility and distrust during and after the findings from the Martinez/Yazzie consolidated lawsuit. The lawsuit clearly revealed the need for NMPED to increase oversight and accountability on the part of the department. Until NMPED has gained trust and credibility by acting with proven results, should this proposed rule be considered, now is not the time. If the department's intent is to govern over nonpublic and BIE schools to improve performance data by increasing the number of schools with excellent school performance, then once again credibility will be further lost to reveal much needed public accountability on the department.

I respectfully urge you to reconsider and reject moving forward with these proposed rules. Thank you for reading this letter of concern.

Sincerely,

Agatha Montoya

From: [Emily Wildau](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Public Comment 6.19.4 NMAC
Date: Monday, December 18, 2023 4:36:50 PM
Attachments: [NMVC comment 6.19.4.pdf](#)

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Good afternoon,

Attached is public comment in opposition to a number of components in proposed rule 6.19.4 NMAC from New Mexico Voices for Children.

Best,

Emily Wildau, MPP

(she, her, & [why this matters](#))

Senior Research & Policy Analyst/KIDS COUNT Coordinator
New Mexico Voices for Children
625 Silver Ave SW, Suite 195
Albuquerque, NM 87102
C: 575-910-8769

Board of Directors

December 18, 2023

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Humble

To the Policy and Legislative Affairs Division, New Mexico Public Education Department:

New Mexico Voices for Children submits this public comment in opposition to most components of proposed rule 6.19.4 NMAC. While we applaud the overall efforts to create stronger systems of accountability to ensure our public schools are providing the education our children deserve, this approach seems to step back toward a more punitive system as opposed to one based on collaboration through evaluation and continuous improvement.

First, the state of New Mexico through PED does not have legal authority over BIE schools. This proposed rule attempts to inappropriately exert control over tribal- and federal-operated schools, circumventing tribal sovereignty. The proposed rule does not differentiate between tribally controlled or BIE-operated schools and it is unclear whether PED conducted tribal consultation in accordance with its own policies and the State-Tribal Consultation Act prior to proposing this rule.

NM Voices agrees that New Mexico LEAs should submit clear reports of their operating budgets and actual expenses along with other statutorily required reporting, and we further recommend that the PED continue to improve public sharing of district budget data that is meaningful and clear to understand. We especially support the requirement to ensure that districts are connecting funding intended for students who are at-risk, have disabilities, and other factors that generate program units through the school funding formula so dollars are proportionately spent on programs and services for those students. We believe this has the potential to better ensure dollars are targeted to meet the needs of students facing the greatest barriers to success in our public education system.

However, the proposed rule does not give any indication of how various criteria will be weighted in the accreditation process. It is also unclear if districts will simply be scored against their own progress or if there is intention in the PED to develop cut scores or require certain minimum achievements in any or all categories laid out as components of the accreditation process. This leaves the process open to subjectivity and does not provide clear guidance to the districts.

Additionally, the proposed rule is opaque in its description of what will happen to districts with disapproval status. It is clear that districts with disapproval status will not be able to operate school-based early childhood programs, but all other consequences are listed as options the PED has. It is unclear if a district could face draconian outcomes like school closures, district consolidations, and suspended school boards and administrators after the first disapproval or if they would move through a series of supported interventions that could escalate in more extreme measures.

The proposed accreditation process will greatly increase administrative burden. Both the PED and districts will almost certainly need additional staff to manage, review, and monitor the accreditation process, particularly if districts have to appeal an accreditation decision with the PED.

Overall, the rule leaves the PED with significant latitude in responding to disapproval status, creating an environment that will not foster collaboration with the PED and districts to improve our public schools and ultimately improve student preparation for college and career pathways.

Sincerely,

Handwritten signatures of Bill Jordan and Farah Council in black ink.

Bill Jordan and Farah Council
Interim Co-Directors

From: [Kimberly Cordova](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Oppose 6.19.4.9A-D
Date: Monday, December 18, 2023 4:41:40 PM

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We would like to state we do not agree with the rule 6.19.4.9 A-D. We believe that the state is trying to over step their right to be involved in church activities. Calvary Christian Academy is a ministry under Calvary Chapel East and believes PED does not have the authority to observe or decide what we teach, our curriculum, and our standards for our students.

In His Service,

Kimberly Cordova

Principal/Administrator

Calvary Christian Academy

kcordova@calvarychristianabq.com

505-842-8681 ex.226

December 15, 2023

To Whom it May Concern:

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico. Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.

6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.” Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the New Mexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

- New Mexico has consistently been ranked as **50th** in the Nation in education in both *US News and World Report* and *Forbes* rankings.
- According to the Public Department of Education, in 2022 only **13%** of students in New Mexico scored at or above proficient in Mathematics, and only **18%** of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was 76% according to the NMPED.
- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the [Good Soil Report](#) conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school

to high standards, yet also be in line with the school's mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school.”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Amy Scroggin

Head of School

Artesia Classical Academy

From: [Laura Baca](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Accreditation Procedures
Date: Monday, December 18, 2023 4:45:51 PM

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1 / 1

Policy and Legislative Affairs Division
NM Public Education Department
300 Don Gaspar Ave, Room 121

I am opposing the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have the authority to observe and determine the status of schools accredited by State approval agencies. As a citizen of New Mexico, I sent my son to private school from kindergarten to the 7th grade. Based on statistics, I believe these years that he was in private school he excelled. New Mexico is ranked 49th/50th in the United States, private school students are placing much higher in the rankings. More recently my son graduated from college with a degree in mechanical engineering and was in the top percentage of the graduating class. I am dissatisfied with my tax dollars being spent on the radical agenda in the State standards and curriculum. The State Public Education Department is trying to undermine my rights as a parent and future grandparent (who will be assisting my son in sending my grandchildren to private school). I have a relative that is a teacher, he is constantly having to jump through hoops for the curriculum that is expected for the students. The curriculum that is currently used in public schools is not good for the students of New Mexico. Changes in public schools should be a priority with the NM Public Education Department before you start messing up the private schools. I feel the parents should be able to observe their children and legislation should create a committee of parents from all across the schools of New Mexico with input from the taxpayers as well on how the schools should be run. There should be a committee that is elected to oversee the Public Education Board. This would ensure agendas and curriculum would be given equally to all public-school students across New Mexico that are in the best interest of the children, with the parents having the ultimate decision in their children's lives.

Thank you for your assistance in this matter, I would greatly appreciate a response in

From: [Kaitlin Victorino](#)
To: [FeedBack, Rule, PED](#)
Cc: [Teran Villa](#); [Tyla L. Chopito](#); [Deejay Chino](#)
Subject: [EXTERNAL] Public Comment on NMPED Proposed Rule: 6.19.4 NMAC Accreditation Procedures
Date: Monday, December 18, 2023 4:54:35 PM
Attachments: [APCG Public Comment to NMPED Proposed New Rule 6-19-4 NMAC 12.18.23.pdf](#)
[Enclosure - Revision Recommendations for Proposed New Rule, 6.19.4 NMAC.pdf](#)
Importance: High

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Hello,

On behalf of the All Pueblo Council of Governors (APCG) , please see attached our comments on NMPED Proposed Rule: 6.19.4 NMAC Accreditation Procedures.

Thank you,

Kaitlin E. Victorino, Acoma/Laguna Pueblo(s), (she/her)

Policy Coordinator

All Pueblo Council of Governors

2401 12th Street NW, Suite 201N

Albuquerque, NM 87104

O: (505)212-7041

C: (505)917-7942

Email: kvictorino@indianpueblo.org



All Pueblo Council of Governors

Officers:
Mark Mitchell, Chairman
Jerome Lucero, Vice-Chairman
Governor Arden Kucate, Secretary

December 18, 2023

Re: Opposing NMPED's Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC

To Whom it May Concern:

The All Pueblo Council of Governors (APCG) collectively representing the 20 federally recognized Pueblo tribes of New Mexico and Texas strongly opposes the New Mexico Public Education Department's (NMPED) administrative overreach evident in the draft rule, 6.19.4 NMAC, Accreditation Procedures. We oppose this draft rule as written because it infringes on the sovereignty of federally recognized Indian Tribes. This infringement is evident throughout the rule, and especially egregious in the extension of reporting requirements to Bureau of Indian Education (BIE) schools that do not seek state accreditation. The draft rule also appears to suggest that the State has the authority to mandate BIE schools to seek accreditation, when in fact there is no such State authority.

APCG requests the following changes to the draft rule, 6.19.4 NMAC, Accreditation Procedures:

1. Remove any reference in 6.19.4.6. to BIE schools not desiring accreditation.
2. Distinguish between private and BIE schools in 6.19.4.6 (BIE schools are not private schools), and between federally and tribally operated BIE schools.
3. Clarify that there is no State authority to mandate any BIE schools to seek accreditation (6.19.4.9.(A)). This is an option for BIE schools, not a mandate (replace "shall" with "may").
4. Narrow 6.19.4.9.(B)) to BIE schools seeking accreditation.
5. Make State authority to "observe" conditional on tribal consultation and narrow this authority to BIE schools seeking accreditation (6.19.4.9. (D)).

In addition, we strongly recommend and request that the (NMPED) hold formal tribal consultation with New Mexico's twenty-three tribes. This ensures that Tribal Nations have the opportunity to provide feedback and input on administrative rules that impact Tribal Nations and should be held according to the State-Tribal Collaboration Act.

The NMPED does not have the authority to mandate that BIE schools be accredited by the state. As reflected in 6.81.2 NMAC, NMPED must, however, provide the option for BIE schools to be accredited by the state if they elect to seek this accreditation. If 6.81.2 NMAC is to be repealed and the framework and procedures from that rule are to be included in the new rule, 6.19.4 NMAC, then all language in the new rule must reflect the repealed rule's objective: "to provide a comprehensive framework within which nonpublic and BIE schools that desire department accreditation status can attain it."



All Pueblo Council of Governors

Officers:
Mark Mitchell, Chairman
Jerome Lucero, Vice-Chairman
Governor Arden Kucate, Secretary

Under no circumstances should the new rule include any mandates for BIE schools and any steps to impose such mandates would be an infringement on the right to educational sovereignty held by BIE-funded, Tribally Controlled Schools.

Thank you for the opportunity to hear our concerns. Our children are the most important to our culture as they are our future leaders and as such their education is also most important. Should you have any questions, please reach out to the All Pueblo Council of Governors' Executive Director Teran Villa, tvilla@indianpubelo.org.

Sincerely,

Mark Mitchell, Chairman
All Pueblo Council of Governors

Enclosure: Revision Recommendations for Proposed New Rule, 6.19.4 NMAC

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta del Sur

Zia

Zuni

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY PART 4 ACCREDITATION PROCEDURES

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 1/16/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 1/16/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2.2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.
[6.19.4.3 NMAC - N, 1/16/2024]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 1/16/2024]

6.19.4.5 EFFECTIVE DATE: January 16, 2024 unless a later date is cited at the end of a section.
[6.19.4.5 NMAC - N, 1/16/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools and BIE schools [that desire seeking state accreditation and establishes requirements for reporting to the department by private schools and BIE schools not seeking state accreditation](#). This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 1/16/2024]

6.19.4.7 DEFINITIONS:

A. "Accreditation status" means either approval or disapproval by the secretary of the adequacy and functionality of an educational program. Public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the secretary.

B. "Accrediting entity" means an organization capable of evaluating the quality of an educational program pursuant to this rule.

C. "Attendance improvement plan" means a tiered, data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions, as defined in Section 22-12A-2 NMSA 1978.

D. "Bureau of Indian education school" or "BIE school" means a school that is funded by the bureau of Indian education [and includes both tribally controlled and bureau operated schools](#), located in New Mexico, provides instruction for first through twelfth grades, and is not [private or](#) sectarian or denominational.

E. "Days" means, unless otherwise specified in a provision in this rule or applicable statute, business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more. In computing the amount of days, exclude the day of the event that triggers the period, and include the last day of the period. If the last day is a day when the department is closed, the period continues to run until the end of the next business day that the department is not closed. Whenever a person or entity shall act under this rule within a prescribed period after service of a notice or paper upon the person or entity, and the notice or paper is served by mail or courier service, three calendar days are added to the prescribed period.

F. "Digital citizenship" means the safe, ethical, responsible, and informed use of technology and encompasses a range of skills and literacies, including:

- (1) internet safety, privacy, and security;
- (2) recognition and reporting of cyberbullying;
- (3) online reputation management;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (4) communication skills; information literacy; and
- (5) creative credit and copyright.

G. **“Educational program”** means a program that provides for the education of school-age persons in state institutions, public, nonpublic, or BIE schools.

H. **“Evidence-based practices”** means activities, strategies, and interventions informed and supported by rigorous research that demonstrate consistent, positive impacts on student outcomes, and may include practices that are supported by strong, moderate, promising, or rationale-demonstrating evidence.

I. **“Historically defined Indian-impacted”** means a school district or a charter school that:

- (1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;
- (2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
- (3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

J. **“Local Education Agency” or “LEA”** means a school district or state-chartered charter school.

K. **“Nonpublic school or private school”** means a school, other than a home school, that offers programs of instruction and is not under the control, supervision, or management of a local school board or a charter school governing body.

L. **“School index score”** means the total score a school earns on all required measures as defined by the department according to the state’s system for annual meaningful differentiation detailed in the state’s ESSA plan.

M. **“Secretary”** means the secretary of the department.

N. **“State accreditation”** means approval by the secretary of an educational program’s adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters, as determined by the department. State accreditation of a nonpublic or BIE school [that elects to seek state accreditation](#) means recognition by the department that the school meets standards set by an accrediting entity recognized by the department and has submitted required reports to the department.

O. **“State institution”** means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.

[6.19.4.7 NMAC - N, 1/16/2024]

6.19.4.8 PUBLIC SCHOOL ANNUAL ACCREDITATION REVIEW: Public school districts, public schools, and educational programs of state institutions shall report information to the department pursuant to Subsection I of Section 22-2-2 NMSA 1978. The quality and content of required reports and of the educational programs represented by the reports will be evaluated by the department for approval or disapproval accreditation status. Pursuant to Subsection F of Section 22-2-2 NMSA 1978, the secretary’s accreditation decision is contingent upon evidence of the adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters such as factors contributing to school index scores. Local school districts and charter schools shall follow department guidance in submitting satisfactory reports.

A. Annual accreditation review requirements. Local school districts, charter schools, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method prescribed by the department, of the following requirements:

(1) Board training. Local school districts and charter schools shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 or by each member of the charter school governing body as required by Section 22-8B-5.1 NMSA 1978, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

(2) Financial audit. Local school districts, charter schools, and state institutions shall submit a report of the previous fiscal year’s financial audit. The report shall include the date the audit was submitted as established in Paragraph (1) of Subsection A of 2.2.2.9 NMAC.

(3) Program plans, budget, and actual expenditures. Local school districts and charter schools shall:

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

(b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process;

(c) budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units;

(d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures; and

(d) report actual expenditures for each school.

(4) School enrollment. Via the statewide data system, local school districts and charter schools shall submit reports of student membership for each school pursuant to Section 22-8-13 NMSA 1978.

(5) School accountability data. Local school districts and charter schools shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978. For student assessment data, a minimum ninety-five-percent participation rate is required by Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.

(6) Attendance improvement. Local school districts and charter schools shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans pursuant to Section 22-12A-7 NMSA 1978 (attendance for success act) submitted to the department no later than 45 days after the beginning of the school year.

(7) School safety plans. Local school districts and charter schools shall submit approvable school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.

(8) Postsecondary plans. Local school districts, charter schools, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.

(9) Class loads, caseloads, and subjects of instruction. Local school districts, charter schools, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.

(a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.

(b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted individualized education programs (GIEPs), categorized by level of service pursuant to Subsection J of 6.29.1.9 NMAC.

(c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.

(d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

Table 1 Required instructional subject areas in grades K-8	
Grades	Subjects

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

K-3	daily instruction in mathematics, reading, and language arts skills, including phonemic awareness, phonics, and comprehension
1-3	art music a language other than English science mathematics reading and language arts, including structured literacy instruction social studies physical education health education
4-8	reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year mathematics reading and language arts, including structured literacy instruction language other than English communication skills science art music social studies New Mexico history United States history geography physical education health education electives that contribute to academic growth and skill development and that provide career and technical education.
8	algebra 1 shall be offered in general education classroom settings, online, or by agreement with high schools
6-8	media literacy may be offered as an elective

(10) Tribal consultation, tribal education status reports, student needs assessments.

(a) Local school districts with tribal lands in their boundaries shall include in the report the districtwide tribal education status report provided to tribes and evidence of tribal consultation pursuant to Section 22-23A-7 NMSA 1978 and 6.35.2.13 NMAC;

(b) Historically defined Indian-impacted local school districts and charter schools shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

(c) Local school districts contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of consultation with tribal leaders and members and families of students who will be eligible to attend the public school pursuant to Section 22-5-4.13 NMSA 1978.

(d) Charter schools contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of negotiation with the tribal government and consultation with leaders, and members and families of students who will be eligible to attend the public school pursuant to Section 22-8-12.2 NMSA 1978.

(e) A school district or charter school that is required under federal law to consult with tribal entities as a condition of receiving impact aid funds shall include in its report the detailed narrative of its consultations with tribal entities and the results of those consultations as reported in the education plan pursuant to Section 22-8-6 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.
[6.19.4.8 NMAC - N, 1/16/2024]

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.9 PROCEDURES FOR THE ACCREDITATION OF PRIVATE SCHOOLS AND BIE SCHOOLS THAT DESIRE STATE ACCREDITATION

A. Nonpublic and BIE schools may elect to shall obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. All nonpublic and BIE schools electing to seek state accreditation shall submit an annual report whether seeking state accreditation or not seeking state accreditation. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools electing to seek state accreditation shall update and submit the following information to the department:

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools electing to seek state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. The department may obtain shall have the authority to observe the operation of a nonpublic or BIE school that elects to seek or hold state accreditation.

E. 6.19.4 NMAC does not obligate or require nonpublic or BIE schools to seek or obtain state accreditation.

F. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
- (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
- (3) success outside the state of New Mexico, if any, as an accrediting agency;
- (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 1/16/2024]

6.19.4.10 **ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools that elect to seek accreditation by the state shall submit all required reports for accreditation.

A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools that elect to seek state accreditation.

B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary.

Commented [KS1]: For BIE Schools, the reason for changing the wording to "may obtain" is so that the state secures authority from Tribes, or other entities as determined by the BIE School's Governing Body, prior to observing BIE Schools.

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Commented [KS2]: This should be a separate section since it's about the accrediting agencies not the nonpublic or BIE schools.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.11 ADMINISTRATIVE APPEAL HEARING PROCEDURES: A school district or charter school may request a hearing with regard to the determination of its accreditation status within 30 days of its issuance.

A. A hearing shall be held within 30 days of the date the secretary receives the request to convene the hearing.

B. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation, subject to disapproval accreditation status may submit to the secretary along with the request for hearing a written statement explaining why the school should receive approval accreditation status.

(1) The written statement shall address only the cause or causes for disapproval specified in the notice and the reasons for opposing the decision, which, for public schools, shall address the factors outlined in Section 8 of this rule, and for nonpublic or BIE schools that elect to seek state accreditation, shall address the factors outlined in Section 9 of this rule.

(2) The written statement shall be submitted to the department's office of general counsel.

C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE School that elects to seek state accreditation required by this section may be raised at the hearing.

D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.

E. The rules of evidence and rules of civil procedure shall not apply to the hearing.

F. The hearing shall be presided over by the secretary, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.

G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.

H. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.

I. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's, ~~or~~ charter school governing body's, governing body's of nonpublic or BIE schools that elect to seek state accreditation presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.

J. The secretary or hearing officer may question department staff or the local school board, ~~or~~ charter school governing body, or governing body of nonpublic or BIE schools electing to seek state accreditation subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.

K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.

(1) The secretary's decision shall be in writing and delivered to the local school board, charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation subject to the accreditation decision.

(2) The secretary's written decision shall provide reasons for the decision.

(3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.

M. The local school board, charter school governing body, or governing body of a nonpublic or ~~private~~ BIE school electing to seek state accreditation subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.

Commented [KS3]: In this section, it is important to be clear that BIE schools electing to seek state accreditation have the same rights to appeal and hearing procedures as all other schools accredited by the state.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. Payment may be required for receipt of the administrative record.

O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. Any such agreement shall address the timelines provided in this rule.

[6.19.4.10 NMAC - N, 1/16/2024]

6.19.4.12 CONSEQUENCES OF PUBLIC SCHOOL DISAPPROVAL ACCREDITATION STATUS:

A. A local school district or public school that has received disapproval accreditation status shall not operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.

B. In addition to conferring disapproval accreditation status upon a local school district, public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) notify a charter school's authorizer for purposes of suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

(5) the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(6) close the school; or

(7) execute other remedies in the public school code that may be appropriate.

[6.19.4.11 NMAC - N, 1/16/2024]

HISTORY OF 6.19.4 NMAC: [RESERVED]

From: [Charles m Wagner](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for: 6.19.4 NMAC, Accreditation Procedures
Date: Monday, December 18, 2023 4:56:36 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good Evening,

I am writing to express concerns regarding the rule changes that will affect non-public schools in the State of New Mexico.

Namely the following:

1. 6.19.4.9 A: Mandated Accreditation of all private schools.
2. 6.19.4.9 B: Annual Report to the NMPED
3. 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school. ”
4. And the proposed repeal of the current list of department-approved accrediting entities in 6.81.2 NMAC.6.19.4.9 E (2) NMAC states that the accreditation standards of an entity must prove to show reliance on “evidence-based educational practices that facilitate student academic achievement.”

Rightly so, all accrediting entities should. However, when viewing the Proposed New Rules in Title 6, Chapter 19, Part 4, Subsection 9, I ponder, if the NewMexico Department of Education cares more about practices that have been proven successful or if it cares more about control?

Consider these concerning facts about New Mexico’s Education System:

- New Mexico has consistently been ranked as 50th in the Nation in education in both US News and World Report and Forbes rankings.
- According to the Public Department of Education, in 2022 only 13% of students in New Mexico scored at or above proficient in Mathematics, and only 18% of students scored at or above proficient in Reading.
- In 2022 the overall four-year graduation rate was 76% according to the NMPED.
- Public schools housed approximately 331,000 students in 2022.

In contrast, nonpublic schools consistently have higher test scores (ACT and SAT included), higher graduation rates, lower student to teacher ratios, and have students who are better prepared for college. Please see the Good Soil Report conducted by Notre Dame which compares multiple methods of education that are both private and public.

So, I must ask, if evidence proves nonpublic schools consistently outperform public schools run by the NMPED, why would the NMPED want more control over nonpublic and BIE schools? Because they can help improve them, or for other reasons?

Nonpublic schools should have the choice to choose if and when to be accredited, moreover, whom they wish to be accredited by. An accrediting entity should hold a school to high standards, yet also be in line with the school’s mission, vision, and educational methodology.

Concerning 6.19.4.9 D: The departments authority to “observe the operation of a nonpublic...school. ”:

The word “observe” is ambiguous and needs clarification. One could take this term and interpret it in many ways that could be harmful to the operations of private schools. This needs to be omitted, or at the least, defined.

Thank you for your consideration,

Morgan & Érica Wagner

From: [Brandon Pinon](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed School Education Bill
Date: Monday, December 18, 2023 4:57:22 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Policy and Legislative Affairs Division

NM Public Education Department

300 Don Gaspar Ave, Room 121

Santa Fe NM 87501

I am opposing the language and scope of 6.19.4 NMAC, Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have the authority to observe and determine the status of schools accredited by State approval agencies. As a citizen of New Mexico, I went to private school from kindergarten to the 7th grade. Based on statistics, I believe these years that I was in private school I excelled academically. New Mexico is ranked 49th/50th in the United States, private school students are placing much higher in the rankings. More recently I graduated from college with a degree in mechanical engineering and was in the top percentage of the graduating class. I am dissatisfied with my tax dollars being spent on the radical agenda in the State standards and curriculum. The State Public Education Department is trying to undermine my rights as a taxpayer and future parent. I plan on sending my children to private school in the future. I have a relative that is a teacher, and he is constantly having to jump through hoops for the curriculum that is expected for the students. The curriculum that is currently used in public schools is not good for the students of New Mexico. Changes in public schools should be a priority with the NM Public Education Department before you start messing up the private schools. I feel the parents should be able to observe their children and legislation should create a committee of parents from all across the schools of New Mexico with input from the taxpayers as well on how the schools should be run. There should be a committee that is elected to oversee the Public Education Board. This would ensure agendas and curriculum would be given equally to all public-school students across New Mexico that are in the best interest of the children, with the parents having the ultimate decision in their children's lives.

Thank you for your assistance in this matter, I would greatly appreciate a response in the form of an email when a decision is made and how that decision came about.

Sincerely,

Brandon Pinon

From: [Kristina \(Nina\) Smith](#)
To: [FeedBack, Rule, PED](#)
Cc: [Abeyta, Christie](#); [sbecenti](#); [Sena, Claudia](#); r.torrez@haakuca.org; pswentzell@khapoeducation.org
Subject: [EXTERNAL] Public Comment: Opposing Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC
Date: Monday, December 18, 2023 4:57:49 PM
Attachments: [Joint TCS Public Comment to NMPED Proposed New Rule 6-19-4 NMAC 12.18.23.pdf](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good Afternoon,

On behalf of the leaders of the following P.L. 100-297, BIE-funded, tribally controlled schools, please accept the attachment as a jointly submitted public comment opposing NMPED's proposed new rule 6.19.4, NMAC: Haak'u Community Academy, Kha'p'o Community School, Navajo Preparatory School, Ohkay Owingeh Community School, and Santa Fe Indian School.

Best,

Nina Smith
Continuous School Improvement Director
Santa Fe Indian School
nsmith@sfis.k12.nm.us
505-870-5658

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December 18, 2023

Re: Opposing Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC

To Whom it May Concern:

As P.L. 100-297, Bureau of Indian Education (BIE)-funded, Tribally Controlled Schools, we strongly oppose the proposed new rule, 6.19.4 NMAC, Accreditation Procedures, as it currently stands, as well as the repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

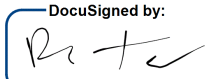
If the new rule moves forward, we strongly recommend adoption of the revisions in the Enclosure: "Revision Recommendations for Proposed New Rule, 6.19.4 NMAC". The revisions in the Enclosure make clear that BIE schools have the right to elect to seek accreditation from the state and that the state does not have the right to impose any mandates on BIE schools.

In addition, we strongly recommend and request that the New Mexico Public Education Department (NMPED) hold formal tribal consultation with New Mexico's twenty-three tribes. This ensures that Tribal Nations have the opportunity to provide feedback and input on administrative rules that impact Tribal Nations and should be held according to the State-Tribal Collaboration Act.

The NMPED does not have the authority to mandate that BIE schools be accredited by the state. As reflected in 6.81.2 NMAC, NMPED must, however, provide the option for BIE schools to be accredited by the state if they elect to seek this accreditation. If 6.81.2 NMAC is to be repealed and the framework and procedures from that rule are to be included in the new rule, 6.19.4 NMAC, then all language in the new rule must reflect the repealed rule's objective: "to provide a comprehensive framework within which nonpublic and BIE schools that desire department accreditation status can attain it." Under no circumstances should the new rule include any mandates for BIE schools and any steps to impose such mandates would be an infringement on the right to educational sovereignty held by BIE-funded, Tribally Controlled Schools.

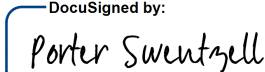
Sincerely,

DocuSigned by:



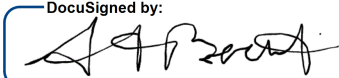
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Robert Torrez, Principal
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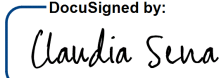
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Christie L. Abeyta, Superintendent
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Enclosure: Revision Recommendations for Proposed New Rule, 6.19.4 NMAC

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

TITLE 6 PRIMARY AND SECONDARY EDUCATION **CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY** **PART 4 ACCREDITATION PROCEDURES**

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 1/16/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 1/16/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.
[6.19.4.3 NMAC - N, 1/16/2024]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 1/16/2024]

6.19.4.5 EFFECTIVE DATE: January 16, 2024 unless a later date is cited at the end of a section.
[6.19.4.5 NMAC - N, 1/16/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools and BIE schools [that desire seeking state accreditation and establishes requirements for reporting to the department by private schools and BIE schools not seeking state accreditation](#). This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 1/16/2024]

6.19.4.7 DEFINITIONS:

A. "Accreditation status" means either approval or disapproval by the secretary of the adequacy and functionality of an educational program. Public schools shall be designated with the annual accreditation status of their LEA unless otherwise determined by the secretary.

B. "Accrediting entity" means an organization capable of evaluating the quality of an educational program pursuant to this rule.

C. "Attendance improvement plan" means a tiered, data-informed system for public schools and school districts to identify students who are chronically or excessively absent and to aid public schools in developing whole-school prevention strategies and targeted interventions, as defined in Section 22-12A-2 NMSA 1978.

D. "Bureau of Indian education school" or "BIE school" means a school that is funded by the bureau of Indian education [and includes both tribally controlled and bureau operated schools](#), located in New Mexico, provides instruction for first through twelfth grades, and is not [private or](#) sectarian or denominational.

E. "Days" means, unless otherwise specified in a provision in this rule or applicable statute, business days when the period referenced is 10 days or less, and calendar days when the period referenced is 11 days or more. In computing the amount of days, exclude the day of the event that triggers the period, and include the last day of the period. If the last day is a day when the department is closed, the period continues to run until the end of the next business day that the department is not closed. Whenever a person or entity shall act under this rule within a prescribed period after service of a notice or paper upon the person or entity, and the notice or paper is served by mail or courier service, three calendar days are added to the prescribed period.

F. "Digital citizenship" means the safe, ethical, responsible, and informed use of technology and encompasses a range of skills and literacies, including:

- (1) internet safety, privacy, and security;
- (2) recognition and reporting of cyberbullying;
- (3) online reputation management;

6.19.4 NMAC

1

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (4) communication skills; information literacy; and
- (5) creative credit and copyright.

G. “Educational program” means a program that provides for the education of school-age persons in state institutions, public, nonpublic, or BIE schools.

H. “Evidence-based practices” means activities, strategies, and interventions informed and supported by rigorous research that demonstrate consistent, positive impacts on student outcomes, and may include practices that are supported by strong, moderate, promising, or rationale-demonstrating evidence.

I. “Historically defined Indian-impacted” means a school district or a charter school that:

- (1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;
- (2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or
- (3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

J. “Local Education Agency” or “LEA” means a school district or state-chartered charter school.

K. “Nonpublic school or private school” means a school, other than a home school, that offers programs of instruction and is not under the control, supervision, or management of a local school board or a charter school governing body.

L. “School index score” means the total score a school earns on all required measures as defined by the department according to the state’s system for annual meaningful differentiation detailed in the state’s ESSA plan.

M. “Secretary” means the secretary of the department.

N. “State accreditation” means approval by the secretary of an educational program’s adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters, as determined by the department. State accreditation of a nonpublic or BIE school [that elects to seek state accreditation](#) means recognition by the department that the school meets standards set by an accrediting entity recognized by the department and has submitted required reports to the department.

O. “State institution” means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.

[6.19.4.7 NMAC - N, 1/16/2024]

6.19.4.8 PUBLIC SCHOOL ANNUAL ACCREDITATION REVIEW: Public school districts, public schools, and educational programs of state institutions shall report information to the department pursuant to Subsection I of Section 22-2-2 NMSA 1978. The quality and content of required reports and of the educational programs represented by the reports will be evaluated by the department for approval or disapproval accreditation status. Pursuant to Subsection F of Section 22-2-2 NMSA 1978, the secretary’s accreditation decision is contingent upon evidence of the adequacy of student outcomes and activities, organizational effectiveness, staff preparation, and other educational matters such as factors contributing to school index scores. Local school districts and charter schools shall follow department guidance in submitting satisfactory reports.

A. Annual accreditation review requirements. Local school districts, charter schools, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method prescribed by the department, of the following requirements:

(1) Board training. Local school districts and charter schools shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 or by each member of the charter school governing body as required by Section 22-8B-5.1 NMSA 1978, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

(2) Financial audit. Local school districts, charter schools, and state institutions shall submit a report of the previous fiscal year’s financial audit. The report shall include the date the audit was submitted as established in Paragraph (1) of Subsection A of 2.2.2.9 NMAC.

(3) Program plans, budget, and actual expenditures. Local school districts and charter schools shall:

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans;

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

- (b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to improved student achievement and demonstrate parental involvement in the budgeting process;
- (c) budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units;
- (d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures; and
- (d) report actual expenditures for each school.
- (4) School enrollment. Via the statewide data system, local school districts and charter schools shall submit reports of student membership for each school pursuant to Section 22-8-13 NMSA 1978.
- (5) School accountability data. Local school districts and charter schools shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978. For student assessment data, a minimum ninety-five-percent participation rate is required by Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.
- (6) Attendance improvement. Local school districts and charter schools shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans pursuant to Section 22-12A-7 NMSA 1978 (attendance for success act) submitted to the department no later than 45 days after the beginning of the school year.
- (7) School safety plans. Local school districts and charter schools shall submit approvable school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.
- (8) Postsecondary plans. Local school districts, charter schools, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.
- (9) Class loads, caseloads, and subjects of instruction. Local school districts, charter schools, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.
 - (a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.
 - (b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted individualized education programs (GIEPs), categorized by level of service pursuant to Subsection J of 6.29.1.9 NMAC.
 - (c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.
 - (d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

Table 1 Required instructional subject areas in grades K-8	
Grades	Subjects

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

K-3	daily instruction in mathematics, reading, and language arts skills, including phonemic awareness, phonics, and comprehension
1-3	art music a language other than English science mathematics reading and language arts, including structured literacy instruction social studies physical education health education
4-8	reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year mathematics reading and language arts, including structured literacy instruction language other than English communication skills science art music social studies New Mexico history United States history geography physical education health education electives that contribute to academic growth and skill development and that provide career and technical education.
8	algebra 1 shall be offered in general education classroom settings, online, or by agreement with high schools
6-8	media literacy may be offered as an elective

(10) Tribal consultation, tribal education status reports, student needs assessments.

(a) Local school districts with tribal lands in their boundaries shall include in the report the districtwide tribal education status report provided to tribes and evidence of tribal consultation pursuant to Section 22-23A-7 NMSA 1978 and 6.35.2.13 NMAC;

(b) Historically defined Indian-impacted local school districts and charter schools shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

(c) Local school districts contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of consultation with tribal leaders and members and families of students who will be eligible to attend the public school pursuant to Section 22-5-4.13 NMSA 1978.

(d) Charter schools contemplating opening or closing a school on tribal land for any reason shall include in the report evidence of negotiation with the tribal government and consultation with leaders, and members and families of students who will be eligible to attend the public school pursuant to Section 22-8-12.2 NMSA 1978.

(e) A school district or charter school that is required under federal law to consult with tribal entities as a condition of receiving impact aid funds shall include in its report the detailed narrative of its consultations with tribal entities and the results of those consultations as reported in the education plan pursuant to Section 22-8-6 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.
[6.19.4.8 NMAC - N, 1/16/2024]

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.9 PROCEDURES FOR THE ACCREDITATION OF PRIVATE SCHOOLS AND BIE SCHOOLS THAT DESIRE STATE ACCREDITATION~~ACCREDITATION OF NONPUBLIC AND BIE SCHOOLS:~~

A. Nonpublic and BIE schools ~~may elect to~~shall obtain and maintain accreditation from one of the accrediting entities approved by the department. The school's accreditation status conferred by the approved accrediting entity shall satisfy the requirement of Paragraph (1) of Subsection B of this section unless the entity's approval is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

B. Annual report. All nonpublic and BIE schools electing to seek state accreditation shall submit an annual report ~~whether seeking state accreditation or not seeking state accreditation~~. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools electing to seek state accreditation shall update and submit the following information to the department:

- (1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;
- (2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;
- (3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;
- (4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978;
- (5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the attendance for success act, pursuant to Subsection D of Section 22-12A-4 NMSA 1978; and
- (6) for high schools, current graduation requirements that substantially comply with graduation requirements defined in Subsection J of 6.29.1.9 NMAC and pursuant to Section 22-13-1.1, NMSA 1978.

C. For nonpublic and BIE schools electing to seek~~ing~~ state accreditation, approval accreditation status shall be based on review of the completeness and sufficiency of the annual report described in Subsection B of this section.

D. The department ~~may obtain~~shall have the authority to observe the operation of a nonpublic or BIE school that elects to seek or hold state accreditation.

~~E. 6.19.4 NMAC does not obligate or require nonpublic or BIE schools to seek or obtain state accreditation.~~

E. Any accrediting entity seeking approval by the department shall contact the department by written inquiry and provide information requested by the department demonstrating the accrediting entity's:

- (1) capacity to evaluate a school under set, rigorous standards;
- (2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;
- (3) success outside the state of New Mexico, if any, as an accrediting agency;
- (4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 1/16/2024]

6.19.4.10 **ANNUAL ACCREDITATION CYCLE:** Before the end of each fiscal year, school districts, charter schools, state institutions, and those nonpublic schools and BIE schools that elect to seek~~ing~~ accreditation by the state shall submit all required reports for accreditation.

A. The secretary shall determine the accreditation status of school districts, public schools, educational programs of state institutions, and any nonpublic schools or BIE schools that elect to seek~~ing~~ state accreditation.

B. A school district's or school's accreditation status will remain in effect until the next determination has been made by the secretary.

Commented [KS1]: For BIE Schools, the reason for changing the wording to "may obtain" is so that the state secures authority from Tribes, or other entities as determined by the BIE School's Governing Body, prior to observing BIE Schools.

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Commented [KS2]: This should be a separate section since it's about the accrediting agencies not the nonpublic or BIE schools.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

6.19.4.11 ADMINISTRATIVE APPEAL HEARING PROCEDURES: A school district or charter school may request a hearing with regard to the determination of its accreditation status within 30 days of its issuance.

A. A hearing shall be held within 30 days of the date the secretary receives the request to convene the hearing.

B. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation, subject to disapproval accreditation status may submit to the secretary along with the request for hearing a written statement explaining why the school should receive approval accreditation status.

(1) The written statement shall address only the cause or causes for disapproval specified in the notice and the reasons for opposing the decision, which, for public schools, shall address the factors outlined in Section 8 of this rule, and for nonpublic or BIE schools that elect to seek state accreditation, shall address the factors outlined in Section 9 of this rule.

(2) The written statement shall be submitted to the department's office of general counsel.
C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE School that elects to seek state accreditation required by this section may be raised at the hearing.

D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.

E. The rules of evidence and rules of civil procedure shall not apply to the hearing.

F. The hearing shall be presided over by the secretary, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.

G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.

H. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.

I. The local school board, ~~or~~ charter school governing body, or governing body of a nonpublic or BIE school that elects to seek state accreditation may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's, ~~or~~ charter school governing body's, governing body's of nonpublic or BIE schools that elect to seek state accreditation presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.

J. The secretary or hearing officer may question department staff or the local school board, ~~or~~ charter school governing body, or governing body of nonpublic or BIE schools electing to seek state accreditation subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.

K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.

(1) The secretary's decision shall be in writing and delivered to the local school board, charter school governing body, or governing body of a nonpublic or BIE school electing to seek state accreditation subject to the accreditation decision.

(2) The secretary's written decision shall provide reasons for the decision.

(3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.

M. The local school board, charter school governing body, or governing body of a nonpublic or ~~private~~ BIE school electing to seek state accreditation subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.

Commented [KS3]: In this section, it is important to be clear that BIE schools electing to seek state accreditation have the same rights to appeal and hearing procedures as all other schools accredited by the state.

PROPOSED NEW RULE

This draft reflects what the rule would look like if it is adopted as proposed.

N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. Payment may be required for receipt of the administrative record.

O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. Any such agreement shall address the timelines provided in this rule.

[6.19.4.10 NMAC - N, 1/16/2024]

6.19.4.12 CONSEQUENCES OF PUBLIC SCHOOL DISAPPROVAL ACCREDITATION STATUS:

A. A local school district or public school that has received disapproval accreditation status shall not operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.

B. In addition to conferring disapproval accreditation status upon a local school district, public school or educational program of a state institution, the department may:

(1) require a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval;

(2) direct the organizational and educational program planning of the local school district or public school;

(3) suspend from authority and responsibility the school board, superintendent, or school principal pursuant to Section 22-2-14 NMSA 1978;

(4) notify a charter school's authorizer for purposes of suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978;

(5) the department may bring action in the district court for an order of consolidation of school districts, pursuant to Section 22-4-3 NMSA 1978;

(6) close the school; or

(7) execute other remedies in the public school code that may be appropriate.

[6.19.4.11 NMAC - N, 1/16/2024]

HISTORY OF 6.19.4 NMAC: [RESERVED]

From: thomboy1993@gmail.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] opposition to repealing and replacing 6.81.2
Date: Monday, December 18, 2023 5:00:14 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

To whom it may concern,

I oppose the language and scope of 6.19.4NMAC Accreditation Procedures. I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accreditation by state approved agencies. As a citizen of New Mexico, I have chosen private education for my children because I am extremely dissatisfied with the state run education system my tax dollars were spent on. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child.

Justin Thomas

Sent from [Mail](#) for Windows

From: [Romero, Arsenio, PED](#)
To: [FeedBack, Rule, PED](#)
Subject: FW: [EXTERNAL] Fwd: Comments on Proposed Rule: 6.19.4 NMAC, Accreditation Procedures
Date: Tuesday, December 19, 2023 8:25:40 AM
Attachments: [image001.png](#)

Arsenio Romero, PhD | Secretary of Education
Public Education Department
300 Don Gaspar Ave. | Santa Fe, NM 87501
Appointments: Consuelo Constantine (505-309-2801, Consuelo.Constantine@ped.nm.gov)
O: (505) 827-6452 | Help Desk: (505) 827-5800 |
Anti-Racism/Anti-Oppression Portal: bit.ly/ARAOHotline



EQUITY • EXCELLENCE • RELEVANCE

From: Bethany Pendergrass <bethany.pendergrass@rrps.net>
Sent: Monday, December 18, 2023 2:49 PM
To: Romero, Arsenio, PED <arsenio.romero@ped.nm.gov>
Subject: [EXTERNAL] Fwd: Comments on Proposed Rule: 6.19.4 NMAC, Accreditation Procedures

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good afternoon Secretary Romero,

Dr. Cleveland asked that I share her comments with you. Please see below.

Thank you,

Beth Pendergrass
Chief Communications, Strategy and Engagement Officer

Rio Rancho Public Schools
500 Laser Rd. NE
Rio Rancho, NM 87124
Office: 505.896.0667



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----- Forwarded message -----

From: **Bethany Pendergrass** <bethany.pendergrass@rrps.net>

Date: Mon, Dec 18, 2023 at 7:23 AM

Subject: Comments on Proposed Rule: 6.19.4 NMAC, Accreditation Procedures

To: <Rule.Feedback@ped.nm.gov>

Please see the following comments on behalf of Dr. Sue Cleveland, Rio Rancho Public School District Superintendent

December 18, 2023

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Subject: Comments on Proposed Rule: 6.19.4 NMAC, Accreditation Procedures

Dear NMPED Policy and Legislative Affairs Division,

I am writing to express my concerns regarding the proposed rule 6.19.4 NMAC, Accreditation Procedures. As the Superintendent of Rio Rancho Public Schools, I believe it is crucial to provide feedback to ensure that the rule adequately addresses the needs and concerns of the education community.

I would like to express my appreciation for the New Mexico Public Education Department's ongoing efforts to enhance the quality of education in the state. However, I have reservations about the direction proposed in the recent rule changes. My concerns revolve around the delicate balance between state and local authority, both of which are crucial for delivering a quality education.

The proposed rule, while commendable in its intent, exhibits vagueness in certain aspects and unwarranted complexity in others. It seems to have been generated from a template and does not align with the Governor's Executive Order from May 23, 2022, which aimed to reduce administrative burdens on educators and administrators by 25%.

Specifically, I would like to address a few concerns that I believe could significantly impact our district:

1. **Evaluation of Educational Programs and Required Reports:** The lack of specificity in the evaluation criteria raises questions and contributes to opposition. Clarity is essential regarding the standards, evaluative processes, and whether the requirements are evidence-based.
2. **Top-Down Nature of the Rule:** The absence of input from school districts during the rule development process has resulted in opposition. Inclusion of district input could have facilitated a more positive response and a sense of shared responsibility.
3. **Ability of PED Staff to Manage the Program:** While applauding the initiatives to improve PED personnel recruitment and retention, concerns persist regarding the PED's ability to implement these changes fairly and effectively given recent staffing shortages and turnover. It is also important that highly experienced educators who have a long history of school improvement manage the program.
4. **Incorporating District-Based Knowledge:** Ensuring district-based knowledge and experience are incorporated into the decision-making process is crucial for a well-rounded perspective and effective policy implementation.
5. **Accreditation Considerations:** Accreditation should be flexible enough to consider the unique challenges faced by districts, with waivers available to address shortages of staff or facilities beyond our control.
6. **Inclusive Approach to Native American Students:** The term "historically defined Indian-impacted" warrants reconsideration. A more inclusive approach, supporting all Native American students, irrespective of their chosen district, would align better with the Yazzie-Martinez Lawsuit.
7. **Hearing Officer for Administrative Appeals:** A qualified and independent hearing officer would be more suitable for reviewing administrative appeals, ensuring fairness and impartiality in the process.
8. **Collaboration with Cognia:** Exploring collaboration with Cognia could bring about a national and international framework for accreditation, aligning with the business community's expectations and promoting community recognition.

In conclusion, I hope that the New Mexico Public Education Department will carefully consider this feedback and work collaboratively to develop a rule that best meets the educational needs of school districts across the state.

Thank you for considering our comments and for your dedication to receiving and reviewing public input. Please feel free to reach out with any questions. My email is sue.cleveland@rrps.net.

Thank you,

V. Sue Cleveland, Ed.D.

Superintendent of Schools

Rio Rancho Public Schools

Rio Rancho, NM 87124

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Contact the Governor: Education (solved)

Requested by Deborah Potter

Assigned to Vanessa Kennedy (Constituent Services)

Created at Dec 18, 2023 12:44 PM

Last updated at Dec 18, 2023 10:55 PM

Deborah Potter

Dec 18, 2023 12:44 PM

I am also opposed to this proposed rule change by the NM Public Education Department: 6.19.4 NMAC, Accreditation Procedures. That is in addition to opposing 6.10.5 NMAC, School Calendar Requirements and 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation as previously expressed. These changes are largely opposed by NM teachers and will not benefit NM teachers, students or communities. I have asked that the NM PED withdraw these proposals.

Would You Like A Response: Yes, please contact me

Name: Channel

Value: Web

Prefix: Dr.

First Name: Deborah

Last Name: Potter

Email Address: ulinski@unm.edu

Phone Number: 5058978621

Address1: 1019 Guadalupe Ct. NW

City: Albuquerque

State: NM

Zip Code: 87114

Type: Correspondence

Subject: Contact the Governor: Education

Trace Id: -z9mnLRUoo

Office: newmexicogovernor

Form Id: e8157390-ee98-4a62-a4d6-edaeea9b7628

Vanessa Kennedy

Dec 18, 2023 10:55 PM

Thank you for reaching out. We are doing all that we can to improve student academic achievement in New Mexico. One part of the plan is to increase instructional time for students. We are also looking to address chronic absenteeism, improved instruction and materials, and increasing graduation rates. To have your comments added to the public record, please email NMPED at rule.feedback@ped.nm.gov.



NAVAJO PREPARATORY SCHOOL

Yideeskáágóó Naat'áanii: Leaders Now and into the Future

December 18, 2023

Re: Opposing Proposed Rule 6.19.4 and Repeal of 6.81.2 NMAC

To Whom It May Concern:

Navajo Preparatory School is designated as a Tribally Controlled School (Public Law 100-297) authorized by the Navajo Nation and funded by the Bureau of Indian Education (Title 25 Code of Federal Regulations Part 44). As a BIE-funded school, we would be impacted by the proposed new rule 6.19.4 NMAC.

I strongly oppose the proposed new rule, 6.19.4 NMAC, Accreditation Procedures, as it currently stands, as well as the repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

If the new rule moves forward, I strongly recommend adoption of the revisions in the Enclosure: "Revision Recommendations for Proposed New Rule, 6.19.4 NMAC". The revisions in the Enclosure make clear that Bureau of Indian Education (BIE) schools have the right to elect to seek accreditation from the state and that the state does not have the right to impose any mandates on BIE schools.

In addition, we strongly recommend and request that the New Mexico Public Education Department (NMPED) hold formal tribal consultation with New Mexico's twenty-three tribes. This ensures that Tribal Nations have the opportunity to provide feedback and input on administrative rules that impact Tribal Nations and should be held according to the State-Tribal Collaboration Act.

The NMPED does not have the authority to mandate that BIE schools be accredited by the state. As reflected in 6.81.2 NMAC, NMPED must, however, provide the option for BIE schools to be accredited by the state if they elect to seek this accreditation. If 6.81.2 NMAC is to be repealed and the framework and procedures from that rule are to be included in the new rule, 6.19.4 NMAC, then all language in the new rule must reflect the repealed rule's objective: "to provide a comprehensive framework within which nonpublic and BIE schools that desire department accreditation status can attain it." Under no circumstances should the new rule include any mandates for BIE schools and any steps to impose such mandates would be an infringement on the right to educational sovereignty held by BIE-funded, Tribally Controlled Schools.

Sincerely,

Shawna Allison Becenti, Head of School

Navajo Preparatory School, Inc. • 1220 West Apache Street • Farmington, NM 87401

Phone: (505) 326-6571 • Fax (505) 326-2155 • navajoprep.com



Draft of Public Comment

Public Comment

Proposed New Rule: Title 6, Chapter 19, Part 4

As the representative of an accrediting entity recognized under current Title 6, Chapter 81, Part 2, I write to call attention to some language in the proposed rule that either grants new authority to the NMPED and places new requirements on nonpublic schools or at least creates ambiguity regarding that authority and requirements. The proposal has been reviewed by our New Mexico affiliate leadership and our legal counsel. While there may be nuances in New Mexico code we are not aware of, the proposed new rule appears to grant new authority to the department and place new requirements on nonpublic schools.

6.19.4.9 Accreditation of Nonpublic and BIE Schools

A. Nonpublic and BIE schools shall obtain and maintain accreditation from one of the accrediting entities approved by the department.

B. Annual report: All nonpublic and BIE schools shall submit an annual report...shall update and submit the following information to the department.

(1) the current accreditation status and schedule for reaccreditation by a department-approved accrediting entity;

The language in 6.19.4.9 appears to create a new requirement that all nonpublic schools become accredited schools, or at least creates some ambiguity about the expectation. If the intent is to require accreditation by an approved entity for all nonpublic schools, that is a burdensome and unfair expectation that we believe exceeds the statutory authority of the department. If mandating accreditation on all nonpublic schools is not the intent, current language should be amended to remove ambiguity and express intent.

We propose retaining the language currently in 6.81.2.8.E: *Nonpublic or BIE schools seeking accreditation in New Mexico shall obtain and maintain accreditation from one of the 11 accrediting agencies listed in the definition section of this rule or any other entity approved by the department as an accrediting entity.* We believe *from one of the 11 accrediting agencies listed in the definition section of this rule* could be removed without damaging the intent of the rule or creating a new mandate for nonaccredited schools.

Additionally, 6.19.4.9.D appears to grant a new authority to the department to observe any nonpublic school school.

6.19.4.9.D: The department shall have the authority to observe the operation of a nonpublic or BIE school.

While there is no definition of “observe” in the proposed rule, if the intent is to expand the department’s authority to monitor nonpublic schools, that is an expansion that we believe exceeds the statutory authority of the department.

Definition of "state accreditation?"

Have had responses that intent is not oversight or control, but why the wording "shall"?

I am strongly opposed to proposed rule changes 6.19.4.9 and 6.19.4.10

Regarding 6.19.4.9 Accreditation of Nonpublic and BIE Schools:

The wording of this changes appears to put New Mexico's nonpublic schools under the oversight of NM PED and places an undue burden on many smaller schools. While I am not opposed to accreditation by a recognized agency as demonstrated by my leading Grace Baptist Academy, Farmington, through our initial accreditation process and subsequent renewals, a straightforward reading of this rule appears to place a requirement on all nonpublic schools that they MUST obtain accreditation. For many smaller private schools, doing so would be an increased financial burden; and for many faith-based schools, requiring accreditation would violate their religious convictions and freedom of religious practice as guaranteed by both the United States Constitution and the Constitution of the State of New Mexico. Early in the onset of the Covid pandemic here in New Mexico, Governor Michelle Lujan Grisham made it clear that private, nonpublic schools in New Mexico do not fall under PED guidelines and requirements; yet this proposed change would clearly place these schools under at least the oversight, if not the outright control of NM PED.

Section B of this proposed change indicates that State accreditation would be reviewed annually by the NM Secretary of Education and would be at the approval of the Secretary. There is no exemption for the religious beliefs of faith-based schools of any kind, and there is also no exemption for private schools operating under their own conscience and guidelines. There is no reasonable expectation that nonpublic schools should be State accredited or not based on the "whims" of one individual.

Section D of this proposed change requires nonpublic schools to accept the requirement that NM PED "...shall have the authority to observe the operation of a nonpublic or BIE school," again a violation of the rights of the individual schools, particularly for faith-based schools operating under their convictions and guidelines of an autonomous, local church or group of like-minded individuals. This is a clear violation of the Separation of Church and State and must not be allowed to stand.

Section 6.19.4.10 clearly places the accreditation of nonpublic schools under the discretion of the NM Secretary of Education, who many or many not have a

proper understanding of the goals and mission of individual nonpublic schools. Again, this provision must not be allowed to stand – our schools are not intended to be, nor should they be, allowed to retain accreditation or engage in daily practices at the approval of the NM Secretary of Education.

The nonpublic schools of New Mexico did an excellent job of navigating through the Covid pandemic of the past few years, and our students have continued to excel in spite of many regulations placed upon us during that time under the guise of a “public health emergency.”

These rule changes as pertaining to nonpublic schools appear to us as “power grab” by the State, putting the accreditation status of our nonpublic schools into the hands of one individual or a small handful of ~~bureaucrats who hold their positions – often unelected -at the pleasure of our governor.~~ By what authority or purpose should our State have control of private entities and institutions who are successfully providing excellence in education to their students and their students’ families?

Respectfully submitted,

Brian Gottschall

Administrator, Grace Baptist Academy, Farmington, NM

Executive Director, New Mexico Association of Christian Schools (NMACS)

Member, New Mexico Association of Nonpublic Schools (NMANS)

Commissioner, New Mexico Christian Athletic Association (NMCAA)

12/15/2023

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Avenue, Room 121
Santa Fe, NM 87501

To Whom It May Concern:

I am writing in opposition to the proposed language and scope of 6.19.4 NMAC, Accreditation Procedures. My first opposition is that NM Public Education has placed 49th and 50th in the nation in education as long as we have been watching the numbers. This is why we made the decision to remove our student from Public Education.

I do not believe the Secretary of Education has any justification or should have authority to observe and determine the status of schools accredited by State approved agencies. As a citizen of New Mexico, I have chosen private education for my child because I am dissatisfied with the State-run educational system my tax dollars have paid for and I disagree with the radical agenda in State standards and curriculum. I will continue to oppose with full prejudice any efforts by the New Mexico Public Education Department to undermine my unalienable right to parent my child the way I see best for her and our family.

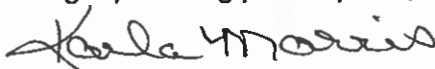
It is my opinion legislation would better serve our children if it required public schools be open to observation by parents and have the status of the school determined by a formalized process involving the parents of the students who attend said school and the publicly elected school board who oversees it.

As an ex-employee in the public school system, I feel the current school boards of the public schools are puppets for PED. I saw first hand how the public schools do not have the best interest of my child in their decisions nor does PED of NM. This is why I removed my child from this system and am very pleased with the education my child is receiving now and the boards that are in place to govern her school.

You are extremely overreaching your authority here. News stories of student sexual abuse, degrading performance and criminal activity are happening in government run schools. These need the extra oversight, not the private schools! Private schools routinely outperform public education and we do not need your oversight from a non-elected Governor appointee.

I request a written response from the New Mexico Public Education Department of their justification and explanation of all actions taken.

Eagerly awaiting your response,



Karla Morris
1605 Ben Hogan Loop
Rio Communities, NM 87002
karlamorris@hotmail.com

New Mexico School Boards Association

Joe Guillen, Executive Director

Email: jguillen@nmsba.org

Carolyn Mole, Finance Director

Email: cmole@nmsba.org

Lorraine Vigil, Program Director

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300 Galisteo Street, Suite 204

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December 14, 2023

Dr. Arsenio Romero, Secretary of Education
c/o Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Ave., Room 121
Santa Fe, New Mexico 87501

Subject: Comments on 6.10.5 NMAC, School Calendar Requirements
and 6.19.4 NMAC, Accreditation Procedures

Dear Secretary Romero,

The New Mexico School Boards Association has served as a leader in New Mexico's public education system for over six decades. The Association was born out of a simple premise of visionary school board members, to advocate for local control of public education and to offer programs and assistance to local boards of education.

The Association serves as the statewide voice of 89 boards of education. The collective influence of close to 450 school board members enables the Association to work toward the benefit of the elementary and secondary public school system in New Mexico. The Association provides current information and advice on matters affecting school boards and cooperates with other educational and related organizations including the New Mexico Public Education Department (NMPED) in promoting excellence in education.

School boards are not an accidental creation. Elected school board members serve their communities in several important ways.

- First and foremost, school boards look out for students. Education is not a line item on the school board's agenda—it is the only item.
- When making decisions about school programs, school boards incorporate their community's view of what students should know and be able to do.
- School boards are accessible to the public and accountable for the performance of their schools.
- School boards are the education watchdog for their communities, ensuring that students get the best education for the tax dollars spent.

Christine Ludi
President

Pauline Jaramillo
President-Elect

Marvyn Jaramillo
Vice-President

Kevin Mitchell
Secretary-Treasurer

Dymorie Maker
Past-President

NMSBA Comments on Proposed Rule 6.10.5 NMAC, School Calendar Requirements

Lack of Partnership/Consultation

Governance must be a balanced partnership between state and local officials responsible for public education in New Mexico. There should be no surprises in public education. NMPED, school superintendents and school board members should be constantly communicating and sharing ideas and concepts, problems and solutions. The proposed rules were brought upon local public schools with no warning by the NMPED or input from any of our education stakeholders. This lack of consultation with local school leaders is a direct violation of this balanced partnership.

Timing of Release

The timing and release of the proposed rule in the middle of the school year, not even five months into the new school year, fails to consider the existing workload of our school superintendents, administrators, principals, teachers and students. Nor does it consider the tremendous time and energy and funding resources expended this year to implement school hours legislation passed by the 2023 State Legislature. School officials should be allowed to determine the effectiveness and results of existing mandates before being forced to go through the calendar revision process again.

Regulatory Overreach/Legislative Intent

While NMPED has broad authority to promulgate administrative code, some of the provisions of the proposed rules appear to be directly in contradiction of statutory learning time provisions and legislative intent. The proposed rule requires over 50% of school weeks to consist of five days, thereby directly disregarding the legislature's intended flexibility in implementing the required 1,140 instructional hours annually, as mandated by House Bill 130. This requirement fundamentally alters the established educational structure and undermines the legislative intent focused on increased instructional hours rather than mandating the structure of the school week. These changes threaten to disrupt successfully established school calendars in 43 of our 89 school districts in New Mexico.

Local Decision Making

School boards and superintendents in 43 school districts have listened to their constituents and effectively established and operated a full-time 4-day per week schedule for many years. There is a profound concern that changes in these rules may lead to a loss of local control over educational decisions and undermine the unique needs and successful practices of our school

districts, especially in rural areas. We urge you to consider the significant impact of these changes on local communities, the importance of maintaining local control over educational practices, and the need to preserve the unique and successful educational models that have been established in our school districts.

K-12 Plus Funding

The Legislature created the K-12 plus program during the 2023 legislative session. The statute provides thresholds for instructional days above which school districts and charter schools are eligible for additional funding. The law specifically calls out thresholds for four-day school weeks, signaling intent that there is no requirement for a five-day week to be eligible for funding, as long as school districts and charter schools are meeting statutory instructional hour requirements. NMPED's proposal that requires a minimum of 180 days to be eligible for funding appears contradictory to statutory provisions and legislative intent.

NMPED's proposal requires secondary students to attend a minimum of four class periods per instructional day, unless a secondary student provides evidence of participating for an equivalent amount of time in an apprenticeship, work study program, or employment. The requirement exists regardless of a school's schedule or the number of credits a student is lacking for graduation.

NMSBA Comments on Proposed Rule 6.19.4 NMAC, Accreditation Procedures

Statutory Authorization

NMPED accreditation proposal consolidates many statutory and regulatory requirements into one process by which the department uses its statutory authority to review whether school districts meet those requirements and would now tie these requirements for a new purpose, accreditation, without statutory amendment or review.

Directing Use of Discretionary Funding

The proposed rule also directs school districts to budget at least as much money on specific programs – those aimed at special education, gifted education, and at-risk services – as is generated by corresponding units in the funding formula. As with the department's proposed instructional time, this proposal is contradictory to current statute, which specifically designates funds generated by the Public School Finance Act as "discretionary" to school boards and governing bodies of charter schools.

Consequences of Public School Disapproval Accreditation Status

The proposal rule specifies that a local school district or public school that is not accredited by the department would subject to several punitive actions including the suspension of the school board, superintendent and principal. We are concerned that there is no process outlined or included in the rule that would ensure this is a last step in a graduated collaborative process. Suspending local elected school board members, superintendents and principals for a purpose (accreditation) not included in statute is concerning.

Conclusion

In light of these serious concerns, school board members from across New Mexico stand united with school superintendents in opposition to the rules as published and request that we have collaborative dialogue on the proposed changes, considering the importance of local control over educational practices and the preservation of educational models that have been effective in our districts.

Thank you for your consideration of our comments and for your continued support of education in New Mexico.

Sincerely,



Christine Ludi
State President



Joe Guillen
Executive Director

From: blight.quick.0m@icloud.com
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Feedback on New Rule proposal 6.19.4
Date: Monday, December 18, 2023 5:26:01 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I am writing to express my grave concern and opposition to the language and scope stated in the “new rule” being proposed in Accreditation procedures under the Public Education Department of New Mexico new rule, 6.19.4.

“Private,” or non-public schools, exist because parents have A RIGHT to choose where and how our children are educated. It is a means of preserving the blessings of civil and religious liberty through a proper education. In 1925, a U.S. Supreme Court decision in *Pierce v. Society of Sisters* struck down laws requiring children to attend public school as unconstitutional, affirming the rights of parents to choose where they want to educate their children. We choose, pay and sacrifice to provide an INDEPENDENT education for our children. This independence that many of us claim in this choice is of freedom from the influence of ideology and values that we may disapprove of, as well as the intolerance of academic freedom and freedom of speech. Private schools, such as the one I pay for my children to attend, does not accept funds from the government in order to avoid governmental manipulation, coercion, or influence.

This proposed new “rule” is a window that would allow our state government and well-meaning Board of Education to turn their attention where it is not needed, nor justifiably directed. It has the potential to push our non-public, or “private,” schools in the direction of our public school system, negating the distinct and critical differences that have caused us to pursue alternatives to public school education, as is our constitutional right.

The stated mission of the NMBoE is “Equity, Excellence and Relevance: The New Mexico Public Education Department partners with educators, communities, and families to ensure that ALL students are healthy, secure in their identity, and holistically prepared for college, career, and life.” It is we, the parents of these children that get to determine, evaluate, and judge our chosen school’s performance. See the Supreme Court reference above; we exercise our liberty to take them out from under your purview with good reason. We, the parents of non-public school children, disagree with what we observe in your public schools and exercise our freedom by CHOSING an educational institution that serves OUR personally held goals and values, while rejecting your ideology, as well as “activities, strategies, and interventions.” NO ONE has the authority to subject another’s child(ren) to these agendas and methods without consent. If we approved or consented to your NM Board of Education influence over our children, we would send them to public school.

As a STATE BOARD, you answer to us, the taxpayers and citizens of the state. You are accountable to us, not the other way around. We do not need to justify our dissenting choice and disapproval of your agenda or judgement of methods and outcomes. NM ranks in the bottom 10% of states on education year after year. We have chosen to take purposeful action on behalf of our most precious commodity, our children, to remove them from your failed system of academics and social agendas.

We have a RIGHT to this and you have no justification to observe, evaluate, or influence how our children are educated, so long as they are meeting ACADEMIC standards. I suspect that the academic standards and accomplishments of the private schools are far superior to those in the current NM public-school system.

Our New Mexico Board of Education is clearly not adequately meeting the needs of our children and families. Your board is failing to appropriately determine the adequacy and functionality of our current PUBLIC education system, yet now wants to force their evaluations and "judgement of adequacy and functionality" beyond the public schools and into the INDEPENDENT school systems outside their current influence.

We all have biases, personal standards, beliefs, and agendas. It's human nature, normal, and a God-given right. In these United States of America, our freedoms and respect/honor of one another's unique perspective, goals, and lifestyles are what make us unique and are WHY our nation was founded and independence declared from a government who refused to respect their citizens' rights and individuality. It is arrogance and bias that allows the color of the glasses through which we view the world to dictate our "claim of authority" over the educational system, and the mission and means of how SOMEONE else's children are educated.

The "observation" of operations purposed violates the independence and freedom from governmental influence that we, citizens of the most free country in the world, embrace and stand for. Our private schools are accountable to the parents who send their children there. We can observe at will, discuss with the school's board or headmaster, and freely decide if, when, and how to guide our children's education. Please remember, THIS IS OUR RIGHT. State School Board "observation" will likely result in biased evaluation, manipulation, and undo exercise of influence on ideology, methods, and agendas. This is a violation of the freedom that my husband and I have served our nation for. We have a right to and own the oversight of our children's education and we have freely chosen to place them under the care of an excellent, Christian, private educational institution where they are receiving a better education than they ever could in our region of NM or maybe at any public school in NM. This is evidenced by the outstanding performance of their standardized testing and national ranking, and is all that SHOULD be evaluated by the NM Board of Education of proof of educational quality and justification for accreditation.

I believe that this "NEW RULE" could be the "foot in the door" that allows our (naturally) partisan state government and boards to justify and promote their social agendas and chosen methods to unconstitutionally judge, coerce, and potentially eliminate private educational institutions from our state that desperately need and have a right to. Please do not pass nor promote unwarranted government involvement in our private educational institutions.

Lifelong NM resident, voter, and parent.

From: [Mike Deans](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Proposed rules for private schools
Date: Tuesday, December 19, 2023 9:25:16 AM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Here is our take on your proposed rules for private schools:

What does this all mean and what are the implications?

1. Currently nonpublic schools do not have to be accredited, and if they choose to be, they each have the option to choose who their accrediting entity will be.
 - a. Artesia Classical Academy plans to be accredited by the Association of Classical Christian School (ACCS) who is recognized by other states and most, if not all, universities.
 - b. Our choice of our accreditation organization is important because this organization's standards will become a part of the school standards. We must be accredited by an entity who aligns with our mission, beliefs, and mode of education choice.
2. Concerning the State's intent to repeal its current approved accreditation entities: Simply put, this leaves them a fresh slate to approve or disapprove whom they want and see fit. This is concerning when coupled with #1 which makes all NM private schools be accredited by a NMPED approved entity).
3. Concerning the State's authority to observe: The way this has been written is very ambiguous and gives them an open control that is close to if not unconstitutional.

Obviously we are against all your attempts to impose more government controls on our private schools!

Mike Deans, Board of Directors Member
Artesia Classical Academy

From: [Pamela](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] Rule Feedback for:
Date: Saturday, December 23, 2023 3:52:30 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

As a tutor for a private school, I strongly reject to the to repealing of 6.81.2 NMAC and replacing it with 6.19.4 NMAC. Look at the immense difference in the scores of Public Schools vs Private Schools. Private School scores far exceed that of Public Schools. NM Public Schools rate 50 in comparison to all 50 states. Why in the world would you want the State to have any say regarding accreditation. Private Schools are far superior to Public Schools. In addition Private Christian Schools shouldn't be forced to teach LBGQT indoctrination of our children. We are to be RESPECTFUL AND LOVE THEM AS CHRIST LOVES US. We aren't to accept it because our LORD and SAVIOR calls it an ABOMINATION to GOD. Anyone that reads their Bible should know that. Anyone that accepts and supports LBGQT can't be a Christian. The Church is separate from government. Christian schools are the church. We are to obey the government as long as it doesn't force us to disobey God's Word.

The State is aggressively trying to influence our children towards evil.

I don't believe the Secretary of Education has any justification or should have any authority to observe and determine the status of schools accredited by State approved agencies.

I would love to get a written response from the New Mexico Public Education with their justification and explanation of all actions taken.

People choose Private Schools over Public Schools at a great expense because they aren't satisfied with the Public School System. Their scores simply don't compare to the higher scores of Private Schools or Home Schooling.

We need to think about our kids education rather than the State control.

Sincerely,

Pamela S. Sly

From: [Jane Mouttet](#)
To: [FeedBack, Rule, PED](#)
Subject: Re: [EXTERNAL] Proposed rule changes for Private schools
Date: Monday, January 1, 2024 11:01:48 AM
Attachments: [image001.png](#)

This is the information I received about the proposed rule changes

The State Sec of Ed via rule changes, is proposing the following –

- a. All agencies that accredit private schools come under the authority of PED
- b. All private schools must be accredited
- c. All private schools must submit an annual report to PED
- d. PED would have the authority to “observe the operations of non-public /private schools in New Mexico.

I am opposed to these as well as to the proposed changes to mandate the school calendar rather than allowing school districts to do what is best for their community when it comes to scheduling.

Jane



Virus-free. www.avast.com

On Fri, Dec 29, 2023 at 1:01 PM FeedBack, Rule, PED <Rule.FeedBack@ped.nm.gov> wrote:

Jane Mouttet,

Can you please clarify which rule you're referring to?

Thanks

Emily Senteney | Business Operations Specialist

New Mexico Public Education Department

300 Don Gaspar Ave. | Santa Fe, NM 87501

C: (505) 412-5572 | Help Desk: (505) 827-5800

Check us out here: [Policy and Legislative Affairs](#)



EQUITY • EXCELLENCE • RELEVANCE

From: Jane Mouttet <jmouttet@mvcsonline.com>
Sent: Thursday, December 14, 2023 3:40 PM
To: FeedBack, Rule, PED <Rule.FeedBack@ped.nm.gov>
Subject: [EXTERNAL] Proposed rule changes for Private schools

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I recently became aware of rules regarding private schools that are proposed to be changed in the state of New Mexico.

Many parents send their children to private schools because they want to avoid the public schools which regularly place our children in the lowest ranking nationally.

These same parents choose private schools because they do not like the direction public schools are headed. These schools need to remain private - there is no need for PED to oversee them. PED does not share the values of many of the people who live in New Mexico and it is morally wrong to force that ideology on people who have made a conscious choice to send their children to private/religious schools.

I have been in private school education in New Mexico for forty years and have consistently seen private school students do better on standardized tests than their public school counterparts. I have seen parents appreciate that the private school they chose for their children shares their values - public schools don't necessarily share their values. Let's not change the rules that allow this to happen.

Parents should continue to have a choice to send their children to schools of their choice. Schools that are free from government interference.

Respectfully submitted

Jane Mouttet