

From: [Paul Gessing](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.10.5 NMAC, School Calendar Requirements and 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.
Date: Friday, December 15, 2023 1:03:26 PM
Attachments: [12-15-23 PED comments.docx](#)

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Comment below and attached:

I write today on behalf of the Rio Grande Foundation, New Mexico's free market think tank, to express opposition to proposed rule changes being considered by the Public Education Department in two major areas: 6.10.5 NMAC, School Calendar Requirements and 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

On the issues of School calendar requirements, PED has proposed a requirement of 180 days of school. Simply put, there is no research supporting the idea that increasing the number of school days improves student outcomes. [According to a 2018 report](#) both Missouri and Kansas have had 4-day work weeks in place for dozens of rural communities.

A move (to four-day weeks) that originally began as a cost-saving measure has resulted in students having have 25 more instructional hours than before, and that's brought a couple added bonuses.

"Our ACT scores have really shown some improvement. If there was anything, that's one area we're up. The first four years, up every year, and five out of the last seven, they've been increased," said Lathrop School District superintendent Chris Fine.

Attendance has also improved for students and staff. According to one parent, "Mondays, we get all our doctor appointments in, orthodontist, so we don't have to miss school ever. That's my favorite thing."

I shouldn't have to remind you that New Mexico struggles badly with student absenteeism. The four-day week may not work for all districts, but it may work for some. There is no reason to eliminate it.

Secondly, I write in opposition to changes proposed for 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation

Requirements for Nonpublic Schools and for Public Education Department Accreditation. I am concerned about the dramatic changes to accreditation, annual reporting to PED, and to PED assuming authority to "observe the operations" of non-public schools. Considering the impact

of these potential changes it is hard to understand why neither non-public schools, nor their accrediting bodies were notified about these changes. This alone raises serious questions about the fairness and transparency of the process.

Per 6.81.2.8 (D) NMAC, the only authority given to PED regarding nonpublic schools reads; “The Public Education Department maintains a list of all nonpublic schools in the state and the list must include the school’s name, mailing and email addresses, name of the Head Administrator, phone number, and accrediting entity. Nonpublic schools accredited by educational accrediting agencies identified in 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.

Currently, nonpublic schools are not regulated by the PED, which makes it unfair to impose rules and regulations through a rule making process that has not been well-publicized and was not done at the behest of the Legislature itself. In attempting to acquire authority to “observe the operations of non-public schools,” PED is overstepping its boundaries without any statutory oversight.

If PED were to allow tax dollars to follow students to the school of their choice, PED’s case for this significant increase in its own power would be more justifiable.

Paul Gessing
President
Rio Grande Foundation

--

Paul J. Gessing
President
Rio Grande Foundation
P.O. Box 40336
Albuquerque, N.M., 87196
www.riograndefoundation.org
505-264-6090

From: [Charisse Collins](#)
To: [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation
Date: Friday, December 15, 2023 2:26:16 PM

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

To whom is voting on this legislation,

Please do not repeal 6.81.2 NMAC.

As a parent of a student in a private Christian school, it would not benefit our school nor our students to be overseen by an entity that has already failed so many families.

The New Mexico public school systems is one of the worst in our nation's where as private schools in New Mexico are not. Repealing this legislation would only damage non-public schools. The department that has only proven to have failed so many already, should not be given any oversight of non-public schools.

I am a registered voter in NM and believe my opinion should be considered.

Thank you
Charisse Huffman
7505 Window Peak Rd NW
Albuquerque, NM 87114

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

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

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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"



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

From: dcs505@comcast.net
To: [Rehm, William R.](#)
Cc: [HelpDesk, PED, PED](#); [FeedBack, Rule, PED](#); paulgessing@riograndefoundation.org
Subject: [EXTERNAL] Proposed Public Education Department Rules Changes
Date: Saturday, December 16, 2023 9:22:41 AM
Attachments: [errorsofenchantment.com-Comment NOW on Proposed Public Education Department Rules Changes.pdf](#)

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Representative Rehm,

Attached is Paul Gessing's post from yesterday regarding two rule changes that the PED will be making at the governor's direction. The public has until **Monday**, December 18 at 5pm to make written comment. The two major areas: 6.10.5 NMAC, School Calendar Requirements and 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

Why is PED and not the state legislature considering these proposals? We share Gessing's concerns as stated in the last two paragraphs of his post. Given New Mexico's standing of last place in public education, why would the governor try to hamstring non-public schools? We agree with Milton Friedman's comment in *Free To Choose*, "The strong American tradition of voluntary action has provided many excellent examples that demonstrate what can be done when parents have greater choice." (p. 159).

Respectfully,

Duane and Cathy Sorenson

Comment NOW on Proposed Public Education Department Rules Changes

 errorsofenchancement.com/comment-now-on-proposed-public-education-department-rules-changes/

Paul Gessing

December 15, 2023

In what seems to be yet another power grab by the Lujan Grisham Administration (this time through the Public Education Department), regulations have been quietly put forth (with a public hearing scheduled for Monday, December 18 and a written comment deadline of 5pm that day).

RGF has two major concerns with the proposal that we addressed in our comments below: 1) a requirement of 180 days of school (as opposed to setting the number of hours in the classroom as is done now). This appears to be a direct attack on rural districts with four day school weeks.

The other is a seizure of power by the PED over accreditation of non-public schools in New Mexico. Information on the public hearing can be found at the link above (as well as the regulations themselves). You can submit comments by Monday at 5pm here:

Rule.Feedback@ped.nm.gov

Our comments are below (please note the relevant code in your comments as per PED's instructions).

I write today on behalf of the Rio Grande Foundation, New Mexico's free market think tank, to express opposition to proposed rule changes being considered by the Public Education Department in two major areas: 6.10.5 NMAC, School Calendar Requirements and 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

On the issues of School calendar requirements, PED has proposed a requirement of 180 days of school. Simply put, there is no research supporting the idea that increasing the number of school days improves student outcomes. According to a 2018 report both Missouri and Kansas have had 4-day work weeks in place for dozens of rural communities.

A move (to four-day weeks) that originally began as a cost-saving measure has resulted in students having have 25 more instructional hours than before, and that's brought a couple added bonuses.

"Our ACT scores have really shown some improvement. If there was anything, that's one area we're up. The first four years, up every year, and five out of the last seven, they've been increased," said Lathrop School District superintendent Chris Fine.

Attendance has also improved for students and staff. According to one parent, “Mondays, we get all our doctor appointments in, orthodontist, so we don’t have to miss school ever. That’s my favorite thing.”

I shouldn’t have to remind you that New Mexico struggles badly with student absenteeism. The four-day week may not work for all districts, but it may work for some. There is no reason to eliminate it.

Secondly, I write in opposition to changes proposed for 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation

Requirements for Nonpublic Schools and for Public Education Department Accreditation. I am concerned about the dramatic changes to accreditation, annual reporting to PED, and to PED assuming authority to “observe the operations” of non-public schools. Considering the impact of these potential changes it is hard to understand why neither non-public schools, nor their accrediting bodies were notified about these changes. This alone raises serious questions about the fairness and transparency of the process.

Per 6.81.2.8 (D) NMAC, the only authority given to PED regarding nonpublic schools reads; “The Public Education Department maintains a list of all nonpublic schools in the state and the list must include the school’s name, mailing and email addresses, name of the Head Administrator, phone number, and accrediting entity. Nonpublic schools accredited by educational accrediting agencies identified in 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.

Currently, nonpublic schools are not regulated by the PED, which makes it unfair to impose rules and regulations through a rule making process that has not been well-publicized and was not done at the behest of the Legislature itself. In attempting to acquire authority to “observe the operations of non-public schools,” PED is overstepping its boundaries without any statutory oversight.

If PED were to allow tax dollars to follow students to the school of their choice, PED’s case for this significant increase in its own power would be more justifiable.

Paul Gessing
President
Rio Grande Foundation



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

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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: [hank huffman](#)
To: [Martinez, Javier](#); [FeedBack, Rule, PED](#)
Subject: [EXTERNAL] 6.81.2 NMAC
Date: Sunday, December 17, 2023 11:03:15 PM

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Sir or whom may be voting on legislation,

If you are voting on 6.81.2 NMAC legislation tomorrow, please do not vote to repeal. As a parent of a student in a non-public school, I believe this would not benefit our school nor our students.

The New Mexico public school system is one of the worst in our nation, whereas private schools are not. They've been able to be successful in their operations, teaching students what they need and helping them succeed all without oversight.

I am also concerned with the use of the word "shall" - indicating there's 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 statements 6.19.4.9 & 6.19.4.10 in sections that would give PED the authority to approve or suspend accreditation.

With our non-public school being successful already, this would only create a negative impact on our school.

Thank you,
NM voter
Charisse Huffman

From: [Charisse Collins](#)
To: [FeedBack, Rule, PED](#); [Martinez, Javier](#)
Subject: [EXTERNAL] 6.81.2 NMAC legislation
Date: Sunday, December 17, 2023 11:10:22 PM

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Sir or whom may be voting on legislation,

If you are voting on 6.81.2 NMAC legislation, please do not vote to repeal. Do not vote to inact or approve 6.19.4 NMAC.

As a parent of a student in a non-public school, I believe this would not benefit our school nor our students.

I am also concerned with the use of the word "shall" - indicating there's 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 statements 6.19.4.9 & 6.19.4.10 in sections that would give PED the authority to approve or suspend accreditation.

The New Mexico public school system is one of the worst in our nation, whereas private schools are not. They've been able to be successful in their operations, teaching students what they need and helping them succeed all without oversight.

With our non-public school being successful already, this would only create a negative impact on our school and student, and specifically my child.

Thank you,

NM voter
Charisse Huffman

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

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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



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**BOSQUE
SCHOOL**



December 18, 2023

As members of the New Mexico Association for Independent Schools (NMAIS) we are writing to voice our disagreement to the PED proposed rule changes 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

As a group we very collaboratively worked under the PED guidelines and emergency order for schools during the COVID-19 pandemic restrictions, but these current proposed rule changes feel like a gross overstep that are neither justified, nor necessary and act as a direct contradiction to the inherent nature of our role as independent (non-public) schools.

As independent (non-public) schools we provide an important element of school choice to the parents and students of New Mexico and safeguarding the autonomy and independence of nonpublic schools is a critical responsibility of our organization and of the state's responsibility to educational quality and access.

We appreciate your consideration of this request.

Sincerely,

Jessie Barrie, PhD

Chair of the New Mexico Association of Independent Schools, on behalf of all member schools

The New Mexico Independent Schools Association Heads of School

- Jessie Barrie, PhD, Head of School, Bosque School (Albuquerque, New Mexico)
- Cathy Hubbard, Head of School, Manzano Day School (Albuquerque, New Mexico)
- Heather Mock, Head of School, Sandia Preparatory School (Albuquerque, New Mexico)
- Victoria Mora, Head of School, United World College (Las Vegas, New Mexico)
- Julianne Punte, Head of School, Albuquerque Academy (Albuquerque, New Mexico)
- Ahlum Scarola, Head of School, Rio Grande School (Santa Fe, New Mexico)
- Aaron Schubach, Head of School, Santa Fe Preparatory School (Santa Fe, New Mexico)

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: [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: [Scott Griggs](#)
To: [FeedBack, Rule, PED](#)
Cc: [Julianne Puente](#); [Jessie Barrie](#); [Cathy Hubbard](#); [Ahlum Scarola](#); [Heather Mock](#); [Aaron Schubach](#); [Victoria Mora](#)
Subject: [EXTERNAL] Disagreement with proposed change to 6.81.2 NMAC
Date: Monday, December 18, 2023 12:51:04 PM
Attachments: [image001.png](#)

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I am writing as Executive Director of the Independent Schools Association of the Southwest (ISAS) to voice disagreement to the PED proposed rule change 6.81.2 NMAC, Requirements for Nonpublic Schools for Public Education Department Accreditation.

ISAS currently accredits seven outstanding independent schools in New Mexico: Albuquerque Academy, Bosque School, Manzano Day School, Rio Grande School, Sandia Preparatory School, Santa Fe Preparatory School, and United World College-USA. The earliest accreditation occurred in 1962 with Albuquerque Academy and we have accredited these schools for a total of 304 years collectively. ISAS reports annually to the PED and provides updates on each of our accredited schools. The ISAS accreditation process is rigorous and requires its own annual report, a five-year interim report, and a ten-year reaccreditation visit by a team of peer educators. The visit lasts over three days and assesses every facet of the school culminating in a multi-page visiting committee report inspiring continued growth for the school. In order to be accredited by ISAS, schools must meet a set of standards in 1) Organization and Governance; 2) Program; 3) Administration, Faculty, and Staff; 4) Ethical Conduct and Disclosure; and 5) Financial and Facilities Management. These standards are continuously evolving to best meet the needs of our students and schools.

The ISAS independent schools provide an important school choice option for New Mexico students and parents. We value the autonomy and independence as our schools strive to provide an exceptional education for our students.

We hope you will consider our concerns regarding the proposed legislation.

SCOTT GRIGGS
Executive Director

Office | 432-684-9550 x 5

Mobile | 214-683-0146

sgriggs@isasw.org



Independent Schools
Association of the Southwest

MISSION STATEMENT

By promoting the highest standards of educational excellence and a spirit of continuous growth, ISAS challenges and inspires our member schools as they prepare students for purposeful and constructive lives.

Service | Collegiality | Courage | Community

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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](#)

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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
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"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.

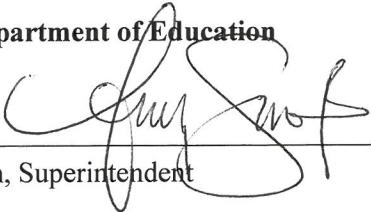
In addition, we strongly recommend and request that the New Mexico Public Education Department (NMPED) hold formal tribal consultation with New Mexico's twenty-three tribes. This ensures that Tribal Nations have the opportunity to provide feedback and input on administrative rules that impact Tribal 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 25 of 82

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, 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~~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 ~~whether seeking state accreditation or not seeking state accreditation~~ electing to seek state accreditation shall submit an annual report ~~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: [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: [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](#)

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

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, 22-2-2.2, 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;

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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.

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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: [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: [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

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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: [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: 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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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

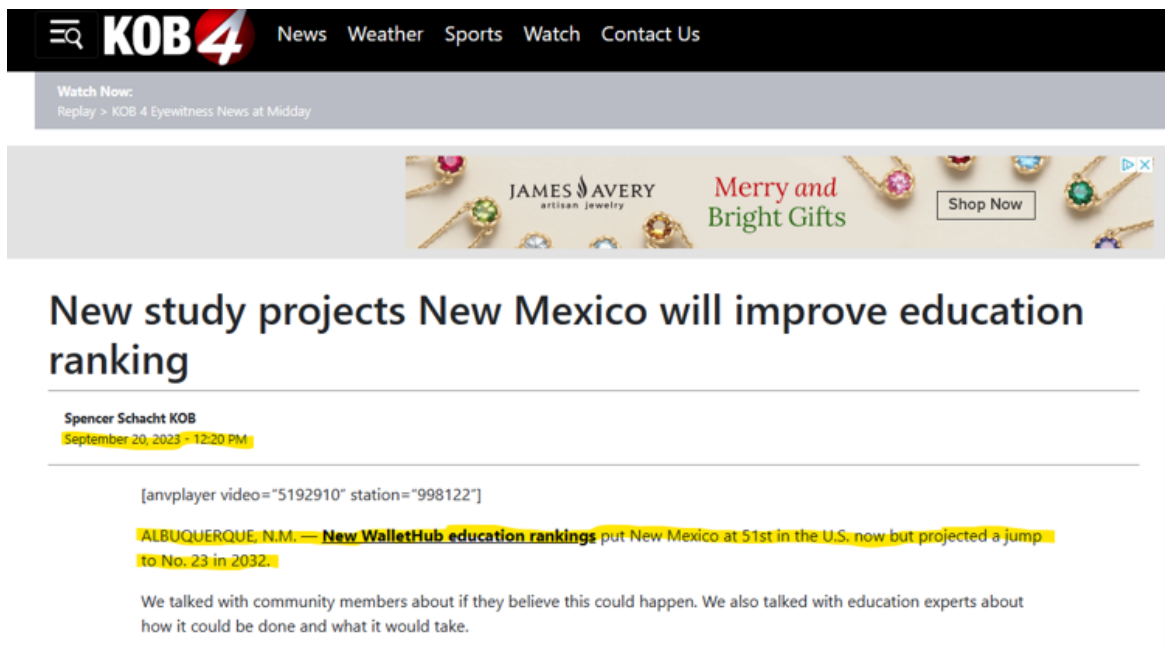
Explanation: The purpose of the proposed repeal of the rule is to place the accreditation procedures and requirements for all types of schools in one new rule with significantly greater scope, 6.19.4 NMAC, Accreditation Procedures.

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.



The screenshot shows the KOB4 News website header with navigation links: News, Weather, Sports, Watch, Contact Us. Below the header is a "Watch Now" section for "KOB 4 Eyewitness News at Midday". A banner for "JAMES AVERY artisan jewelry" with the text "Merry and Bright Gifts" and a "Shop Now" button is displayed. The main headline reads "New study projects New Mexico will improve education ranking". Below the headline, it says "Spencer Schacht KOB" and "September 20, 2023 - 12:20 PM". A video player is embedded with the code "[anvplayer video='5192910' station='998122']". Below the video player, a yellow highlight contains the text: "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." Below this, a paragraph states: "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: [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: [R E Romero](#)
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 4:13:37 PM

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Policy and Legislative Affairs Division
New Mexico Public Education Department

To Whom It May Concern:

It has been brought to my attention that there is legislation being considered regarding State and Private schools relationships.

I have reviewed 6.81.2 NMAC as well as some of the 6.19.4 NMAC. I have not seen anywhere, however, any information as to why anyone believes there needs to be this change. Of course, in my jaded opinion, I believe this is a way for the state to possibly get income from the private schools to bolster the loss of income to public schools subsequent to the covid closings--as students left public schools, either dropped out or were enrolled in private schools.

Private schools are already required to meet certain standards, and the majority of those schools often have students who are much more successful than they were in the public schools.

Why the need to make these changes on current requirements? Or to make the requirements so redundant?

I have grandchildren enrolled in private schools and Christian schools (including in Albuquerque). Not all the children enrolled are perfect students; some parents send their children to private schools as a last resort when they believe the public schools have failed their children. Others cannot afford private schools, but that is another issue. Some parents simply like the smaller classes, the regular music and art classes, and the ability to say prayers. among other things.

What is the end goal with the proposed legislation, not only academically for

the children who attend these non-public schools but also professionally for the staff who work there? How will this improve their learning environments?

It appears to me this legislation is a means to "lower the drawbridge rather than raise the level of the water" --in other words, double down on dumbing down the students in New Mexico rather than create positive learning environments, such as are generally the case in the private schools.

(Granted, there are private schools that have issues. Why not address those individually?)

In the fall, I heard NM ranked 53rd in the country (DC and US territories were included in the study) in education. Does anyone actually believe this legislative change would address this?

As an educator in public schools for almost 40 years, now retired, I certainly hope efforts to improve public education for our state's children will focus on public schools and leave the current 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation stand as it is.

Respectfully,

Ruth Romero

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: [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](#)

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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.

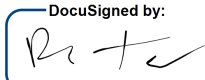
If the new rule moves forward, we strongly recommend adoption of the revisions in the Enclosure: "Revision Recommendations for Proposed New Rule, 6.19.4 NMAC". The revisions in the Enclosure make clear that BIE schools have the right to elect to seek accreditation from the state and that the state does 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.

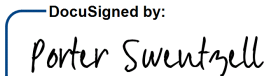
Sincerely,

DocuSigned by:



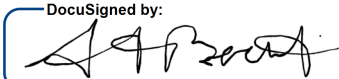
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Robert Torrez, Principal
Haak'u Community Academy
r.torrez@haakuca.org

DocuSigned by:



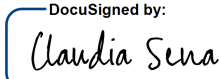
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Christie L. Abeyta, Superintendent
Santa Fe Indian School
cabeyta@sfis.k12.nm.us

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, 22-2-2.2, 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

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: 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

Contact the Governor: Education (solved)

Requested by Deborah Potter

Assigned to Vanessa Kennedy (Constituent Services)

Created at Dec 18, 2023 12:26 PM

Last updated at Dec 18, 2023 10:55 PM

Deborah Potter

Dec 18, 2023 12:26 PM

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

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: 1pK2ki1R3w

Office: newmexicogovernor

Form Id: e8157390-ee98-4a62-a4d6-edaeaa9b7628

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.

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.



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ACADEMY**

SANDIA  **PREP**



**BOSQUE
SCHOOL**



December 18, 2023

As members of the New Mexico Association for Independent Schools (NMAIS) we are writing to voice our disagreement to the PED proposed rule changes 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

As a group we very collaboratively worked under the PED guidelines and emergency order for schools during the COVID-19 pandemic restrictions, but these current proposed rule changes feel like a gross overstep that are neither justified, nor necessary and act as a direct contradiction to the inherent nature of our role as independent (non-public) schools.

As independent (non-public) schools we provide an important element of school choice to the parents and students of New Mexico and safeguarding the autonomy and independence of nonpublic schools is a critical responsibility of our organization and of the state's responsibility to educational quality and access.

We appreciate your consideration of this request.

Sincerely,



Jessie Barrie, PhD

Chair of the New Mexico Association of Independent Schools, on behalf of all member schools

The New Mexico Independent Schools Association Heads of School

- Jessie Barrie, PhD, Head of School, Bosque School (Albuquerque, New Mexico)
- Cathy Hubbard, Head of School, Manzano Day School (Albuquerque, New Mexico)
- Heather Mock, Head of School, Sandia Preparatory School (Albuquerque, New Mexico)
- Victoria Mora, Head of School, United World College (Las Vegas, New Mexico)
- Julianne Punte, Head of School, Albuquerque Academy (Albuquerque, New Mexico)
- Ahlum Scarola, Head of School, Rio Grande School (Santa Fe, New Mexico)
- Aaron Schubach, Head of School, Santa Fe Preparatory School (Santa Fe, New Mexico)



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.

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: [Tim Kienitz](#)
To: [Notification, Rule, PED](#)
Subject: Re: [EXTERNAL] Fwd: Proposed Rule Change Comment
Date: Tuesday, January 16, 2024 3:44:25 PM
Attachments: [image001.png](#)
[image002.png](#)

Emily Senteney,
Thank you for your response. Yes, if you wouldn't mind including it in the 6.81.2 NMAC comments as well, that would be great.

Tim Kienitz

On Tue, Jan 16, 2024 at 11:19 AM Notification, Rule, PED <Rule.Notification@ped.nm.gov> wrote:

Tim Kienitz,

Your public comment was included in the 6.19.4 NMAC comments. If you like it included in the 6.81.2 NMAC comments as well, we are happy to add it. Please let us know.

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: Tim Kienitz <tkienitz@pinonhillsacademy.com>
Sent: Monday, January 15, 2024 2:26 PM
To: Notification, Rule, PED <Rule.Notification@ped.nm.gov>; FeedBack, Rule, PED <Rule.FeedBack@ped.nm.gov>; HelpDesk, PED, PED <PED.HelpDesk@ped.nm.gov>
Subject: [EXTERNAL] Fwd: Proposed Rule Change Comment

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

In reviewing comments received regarding the proposed rule feedback for **6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation**, I noticed that my comments were not included as of the last update Jan. 12, 2024 (which coincidentally I believe is incorrectly labeled on the web page as last update 1/12/23 rather than 1/12/2024).

https://webnew.ped.state.nm.us/wp-content/uploads/2024/01/6.81.2-NMAC_ALLEXHIBITS_011224.pdf

6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation

Type of Rule Change: Repeal

- Rule with proposed changes tracked **PDF** | **Word**
- **Public Comment** Updated 01/12/2023

The following was submitted during the open window period (sent on Mon, Dec 18, 2023 at 12:29 PM; Open Window for Public Comment was stated as open until to Monday, December 18, 2023, at 5:00 p.m. (MDT), so I believe should be included in the review. Perhaps it was an oversight or placed in a different location.

Please let me know what I can do to help rectify this and insure that my comments are included and reviewed in the public comments regarding this important matter.

Sincerely,

Tim Kienitz

PHA Head of School

----- Forwarded message -----

From: **Tim Kienitz** <tkienitz@pinonhillsacademy.com>

Date: Mon, Dec 18, 2023 at 12:29 PM

Subject: Proposed Rule Change Comment

To: <Rule.Feedback@ped.nm.gov>

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:5053272395)
■ tkienitz@pinonhillsacademy.com
■ pinonhillsacademy.com
■ 5101 N Dustin Ave #3923
Farmington, NM 87401



Tim Kienitz
Head of School

- [\(505\) 327-2395](tel:5053272395)
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- 5101 N Dustin Ave #3923
Farmington, NM 87401



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Tim Kienitz

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Head of School



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5101 N Dustin Ave #3923
Farmington, NM 87401



From: [Cathy Hubbard](#)
To: [Scott Griggs](#)
Cc: [FeedBack, Rule, PED](#); [Julianne Puente](#); [Jessie Barrie](#); [Ahlum Scarola](#); [Heather Mock](#); [Aaron Schubach](#); [Victoria Mora](#)
Subject: [EXTERNAL] Re: Disagreement with proposed change to 6.81.2 NMAC
Date: Tuesday, December 19, 2023 1:34:44 PM
Attachments: [image001.png](#)

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Hi all,

I wanted to give you all a quick update on yesterday's hearing. There was a large turn out in Santa Fe of educators, parents, Board members, charter schools, BIE and Tribal Schools, and Superintendents who came out to object to the current rules changes from NMPED. As our local news chose to highlight, many of the speakers were sharing feedback against changing the number of school days and school schedules. However, there were many schools that spoke out against the proposed changes to accreditation procedures and requirements for nonpublic schools. The hearing started at 1:30 and still had another group of 50 speakers waiting to share feedback in opposition to the changes when I left the hearing after 5 pm. While there were many calls for collaboration with the PED there were no questions or comments from PED. Each speaker had two minutes to share feedback and then the next speaker began. This continued for hours with many articulate voices sharing passionate pleas for the state to reconsider these changes.

The general feeling from the speakers providing feedback was one of talking to a wall and that no change would come from the hours spent sharing their thoughts. PED is set to make a decision within the next thirty days. to be notified of the decision you can sign up here <https://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rulemaking/rule-notification/> .

Happy Holidays everyone,
Cathy

On Mon, Dec 18, 2023 at 12:50 PM Scott Griggs <sgriggs@isasw.org> wrote:

I am writing as Executive Director of the Independent Schools Association of the Southwest (ISAS) to voice disagreement to the PED proposed rule change 6.81.2 NMAC, Requirements for Nonpublic Schools for Public Education Department Accreditation.

ISAS currently accredits seven outstanding independent schools in New Mexico: Albuquerque Academy, Bosque School, Manzano Day School, Rio Grande School, Sandia Preparatory School, Santa Fe Preparatory School, and United World College-

USA. The earliest accreditation occurred in 1962 with Albuquerque Academy and we have accredited these schools for a total of 304 years collectively. ISAS reports annually to the PED and provides updates on each of our accredited schools. The ISAS accreditation process is rigorous and requires its own annual report, a five-year interim report, and a ten-year reaccreditation visit by a team of peer educators. The visit lasts over three days and assesses every facet of the school culminating in a multi-page visiting committee report inspiring continued growth for the school. In order to be accredited by ISAS, schools must meet a set of standards in 1) Organization and Governance; 2) Program; 3) Administration, Faculty, and Staff; 4) Ethical Conduct and Disclosure; and 5) Financial and Facilities Management. These standards are continuously evolving to best meet the needs of our students and schools.

The ISAS independent schools provide an important school choice option for New Mexico students and parents. We value the autonomy and independence as our schools strive to provide an exceptional education for our students.

We hope you will consider our concerns regarding the proposed legislation.

SCOTT GRIGGS

Executive Director

Office | 432-684-9550 x 5

Mobile | 214-683-0146

sgriggs@isasw.org



MISSION STATEMENT

By promoting the highest standards of educational excellence and a spirit of continuous growth, ISAS challenges and inspires our member schools as they prepare students for purposeful and constructive lives.

Service | Collegiality | Courage | Community

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From: [Scott Griggs](#)
To: [Cathy Hubbard](#)
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Subject: [EXTERNAL] Re: Disagreement with proposed change to 6.81.2 NMAC
Date: Tuesday, December 19, 2023 2:04:41 PM
Attachments: [image001.png](#)

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Thanks, Cathy. Just when I thought there was one state in our region where the government was not going to get into our business!

Sent from my iPhone
Scott Griggs
Executive Director, ISAS

On Dec 19, 2023, at 2:34 PM, Cathy Hubbard
<chubbard@manzanodayschool.org> wrote:

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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