

Proposed Rule Abstract

1. **Agency:** Public Education Department
2. **Rule Citation:** 6.65.3 NMAC, Educator Preparation Program Accountability
3. **Rulemaking Action:** Repeal and Replace
4. **Register Issue and Date of Notice of Proposed Rulemaking:** Volume 30, Issue 12, June 25, 2019
5. **Effective Date:** August 13, 2019
6. **Citation to Specific Legal Authority:** Sections 22-2-1 through 22-2-2, 22-10A-19.2, and 21-22E-3 NMSA 1978
7. **Short Explanation of the Rule's Purpose:** To clarify reporting and approval requirements for educator preparation programs.
8. **Link to Full Text of the Rule:** https://webnew.ped.state.nm.us/wp-content/uploads/2019/06/6.65.3_EPP-proposed-strikethrough_web-1.docx
9. **How Information on the Rule Can Be Obtained:** <https://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>
10. **Comment Period and Deadlines:** June 25, 2019 to July 26, 2019 at 5:00 p.m. Written comments may be submitted to John Sena, Policy Division, New Mexico Public Education Department, 300 Don Gaspar Avenue, Room 101, Santa Fe, NM 87501, rule.feedback@state.nm.us, or by fax to (505) 827-6520.
11. **Rule Hearing:** July 26, 2019 from 1:00 p.m. to 4:00 p.m. at 300 Don Gaspar Avenue in Mabry Hall, Santa Fe, NM 87501
12. **Link to Permanent Agency Rulemaking Record:** http://statenm.force.com/public/SSP_RuleHearingSearchPublic

Summary of Proposed Rule

The June 25, 2019 issue of the *New Mexico Register* contained a Notice of Proposed Rulemaking to repeal and replace 6.65.3 NMAC, which establishes reporting and approval requirements for educator preparation programs. The proposed rule represents the vision of the current Public Education Department (PED) for holding educator preparation programs accountable, which includes the elimination of the scorecard that was in place under the previous administration. See **Attachment 1, 6.65.3 NMAC, Educator Preparation Program Accountability Proposed Strikethrough.**

Analysis

Background Information

PED began working with the New Mexico Association of Colleges for Teacher Education, commonly referred to as the Deans and Directors, in the fall of 2014 to develop a comprehensive scorecard to evaluate teacher preparation programs in the state.

PED has the statutory authority to approve teacher preparation programs and is required to report annually on specific metrics through the educator accountability reporting system (EARS) report, which is designed to provide a portrait of effective preparation of teachers, counselors, and administrators in New Mexico pursuant to Subsection D of Section 22-10A-19.2 NMSA 1978. See **Attachment 2, Educator Accountability Report Statute**. PED is required to include an evaluation plan for teacher preparation programs in the annual EARS report, including data related to improving student achievement, retaining teachers and administrators, placing teachers in classes and subjects they are certified to teach, and increasing the number of teachers trained in science, technology, and math. However, it is important to note PED was not complying with the statutory requirements of the EARS report as the teacher preparation program scorecard metrics did not include the required indicators and performance objectives from the EARS report.

In 2014, PED began considering revising its teacher preparation program approval process and discussing potential changes with the Deans and Directors. The program approval process did not officially get started until the fall of 2016, when PED contracted with Columbia University's Center for Public Research and Leadership (CPRL) to create and develop a revised teacher preparation program approval process. CPRL staff created a revised framework based on analysis, including a comprehensive review of academic and policy research across the country; interviews with PED leaders and key stakeholders; and interviews with practitioners across the country. CPRL indicated the framework was designed to prepare day-one ready teachers for which teacher preparation programs would be assessed based on the research and feedback CPRL collected. CPRL developed a teacher preparation program review manual, which included timelines for program review, on-site visits, quality review rubrics, review indicators, NMTEACH rubrics, and Interstate Teacher Assessment and Support Consortium (InTASC) standards.

In the spring of 2018, PED proposed and adopted Part 3 of 6.65 NMAC, Educator Preparation Program Accountability, which established procedures for evaluation, review, and approval of educator preparation programs in New Mexico. PED adopted the rule without implementing changes proposed by LESC and the Deans and Directors. The rule itself was difficult to follow, in that educator preparation program Deans and Directors required continuous clarification to meet PED requirements concerning the new rule. The Deans and Directors shared concerns over being evaluated with measures that an institution cannot control, such as applicant pool diversity, and whether a teacher chooses to teach in New Mexico after completion of licensure requirements.

At LESC's July 2018 meeting, the committee approved a letter to PED which noted the rule exceeds PED's statutory authority over New Mexico's educator preparation programs. See **Attachment 3, LESC Letter to PED Regarding Educator Preparation Program Accountability**. The department does not have the authority to revoke the approval of an educator preparation program on probation. Section 21-3-7 NMSA 1978 gives the boards of regents of Eastern New Mexico University, New Mexico Highlands University, and Western New Mexico University, "full and complete power and control over their respective normal schools [universities]," which means PED cannot place those institutions' educator preparation programs on probation or revoke their programs without raising constitutional issues. Additionally, PED's reliance on Section 21-22E-3 NMSA 1978 as authority for 6.65.3 NMAC is not appropriate. Section 21-22E-3 NMSA 1978 is the definitions section of the Teacher Loan for Service Act and the definition of teacher preparation program included in this section only pertains to the Teacher Loan for Service Act. Further, this section of law does not grant PED any authority to place an educator preparation program on probation or revoke an educator preparation program's approval for performance PED deems to be insufficient.

Proposed Repeal and Replace of 6.65.3 NMAC

For the proposed rule, PED cites Sections 22-2-1 through 22-2-2 NMSA 1978, which give the department their general rulemaking power. The department also cites Section 22-10A-19.2 NMSA 1978, Educator Accountability Report, which outlines the uniform statewide educator accountability reporting system for measuring and tracking teacher and administrator candidates from pre-entry to post graduation for the purpose of benchmarking the productivity and accountability of the local educator workforce. Finally, the department cites Section 21-22E-3 NMSA 1978. As previously noted, this section of statute defines "teacher preparation program" solely for the purposes of the Teacher Loan for Service Act, therefore this citation of statutory authority remains inappropriate.

The proposed rule takes into consideration many of the concerns the Deans and Directors voiced in their conversations with current PED leadership, including eliminating the Educator Preparation Program Scorecard, changing the definition of a cooperating teacher, using the educator accountability report as a framework for reporting, and removing grade point average (GPA) and assessment requirements for potential educator preparation program candidates to enter a program. Additionally, the rule strikes all references to the "NMTEACH educator effectiveness system" and replaces them with the "department-approved educator effectiveness system."

Sections of the Proposed Rule

Definitions. The proposed rule generally maintains the definitions established in current regulation. The proposed rule changes the definition of "cooperating teacher" by removing the requirement that the individual must have earned a rating of highly effective or exemplary on the NMTEACH educator effectiveness system. The proposed definition would require the individual to meet the necessary performance level as defined by the department on their educator effectiveness report.

PED is currently working to adopt a new educator effectiveness system. After engaging with stakeholders across the state, the department will create a taskforce that will make recommendations to PED on a framework for a "re-envisioned summative educator effectiveness report."

Application Process for Approval. Consistent with current rule, educator preparation program providers seeking a program revision for an existing program or approval of an initial program would be required to submit an application to the department.

Educator Preparation Program General Requirements. Consistent with the feedback from the Deans and Directors, the proposed rule would no longer require educator preparation programs to have a minimum GPA requirement for a candidate to be admitted into an educator preparation program. The current regulation requires a minimum GPA of 2.75 on a 4.0 scale. Additionally, candidates would not be required to have passed all of the New Mexico Teacher Assessment essential academic skills tests prior to program admission, although candidates would be required to pass all required licensure tests before obtaining a license.

The current and proposed rules require educator preparation programs to provide a written recommendation stating a candidate demonstrates the dispositions necessary for success in the classroom upon their exit from an educator preparation program. The Deans and Directors, after consulting with the legal departments at their respective universities, have noted a letter of this nature could have negative legal implications for the institutions of higher education.

In alignment with current regulation, the general requirements section would require educator preparation programs to establish rigorous entry and exit requirements, ensure opportunities for clinical experiences are provided to candidates, ensure candidates develop the capacity for family engagement, establish partnerships with stakeholder groups to fulfill requirements related to clinical experiences, and conduct at least three formally documented observations of a candidate's practice.

The general requirements section includes two additional requirements that are not currently in rule. These proposed additions would require educator preparation programs to provide detail in their approval application on how the program will support candidates who struggle to meet all teaching licensure requirements and also require educator preparation programs to annually submit to PED candidate level data required by the educator accountability report.

Educator Accountability Report. The proposed rule would require educator preparation programs to submit data pursuant to the educator accountability report framework established in statute. Individual programs would be required to submit data such as indicators of program success and an evaluation plan that includes measures for improvement of key performance objectives as outlined in statute.

Pursuant to the proposed rule, educator preparation programs would also be required to administer a survey to all students who complete an educator preparation program that measures the completer's perception of their own readiness and individual effectiveness in the classroom. It is unclear if this survey is to be created by PED or individual educator preparation programs. Additionally, the rule does not specify when the survey is to be administered making it unclear if PED intends for the survey to be completed during the candidate's educator preparation or during the first years of teaching.

Comprehensive State Approval Visits. In alignment with current regulation, PED would be required to develop a manual outlining the comprehensive site visit process that details components necessary for the site visit review, which would occur every three years as determined by the department. Current rule denotes the process occurs every four years. Educator preparation programs would be assessed on four

components of the quality review rubric, including curriculum design and delivery, clinical experience, candidate quality, and continuous improvement.

Additionally, consistent with current rule, the comprehensive site review process would be required to include a self-evaluation conducted by the educator preparation program within four weeks prior to the site visit; the site visit itself — conducted by a certified review team; and a summative conference where the review team will present their initial findings. Educator preparation programs would receive a final written report from PED no later than 90 calendar days after the site visit review. Educator preparation programs would be required to submit a written response, along with supporting documentation, within 14 calendar days if there are any alleged factual errors in the final written report. If PED determines the error is valid, the department would be required to amend the final report within 20 calendar days. It is unclear if each educator preparation program would be required to have a site visit every three years or if the site visit would include individual programs (also known as “units” to college of education staff).

Educator preparation programs would be assessed on overall performance and would receive one of the following classifications: industry leader, well-developed, proficient, developing, or underdeveloped.

Comprehensive State Approval Process. Pursuant to the proposed rule and similar to current rule, the comprehensive state approval process would determine if an educator preparation program earns approval for continued operation, is placed on probation, or has its approval revoked. PED would be required to notify all educator preparation programs of their status no later than November 30 of each year. As noted earlier in this brief, PED does not have the authority to place an educator preparation program on probation or revoke an educator preparation program’s approval. PED only has authority to approve educator preparation programs as it relates to licensure.

The proposed rule indicates there would be multiple levels of probation before PED could revoke an educator preparation program’s approval. However, it is unclear how many levels of probation will be enforced as the proposed rule notes three levels of probation but only provides a description for probation levels one and two (See “Technical Issues”).

Pursuant to Subsection A of 6.65.3.12 NMAC, an educator preparation program would be placed on level one probation if the educator preparation program fails to demonstrate progress toward meeting objectives outlined in the individual educator preparation program’s educator accountability report or if the certified review team identifies an issue during the comprehensive site visit. Educator preparation programs would be able to exit level one probation status after one academic year and upon fulfillment of the following: participation in PED-prescribed professional development, development of an improvement plan, participation in PED-monitoring of the implementation of the improvement plan, and demonstration of progress toward objectives outlined in the educator accountability report.

Pursuant to Subsection B of 6.65.3.12 NMAC, an educator preparation program would be placed on level two probation if the program fails to demonstrate progress outlined in the level one improvement plan. The educator preparation program would be able to exit level two probation — and move to level one probation — after one academic

year and upon participating in PED-prescribed professional development, developing or amending the existing improvement plan, participating in PED-monitoring of improvement plan implementation, and demonstrating progress toward objectives outlined in the educator accountability report.

Upon receipt of a notice of revocation, the current and proposed rule would require an educator preparation program to cease recruitment and acceptance of new candidates and allow currently enrolled candidates to complete the program within three semesters of the notice of revocation.

Pursuant to 6.65.3.12 (C) NMAC, PED would revoke an educator preparation program's approval for not exiting probation status or failing to meet reporting requirements. The proposed rule, however, does not outline the maximum number of years a program can be placed at either probationary level making it unclear when PED can revoke an educator preparation program's approval. Further, the proposed rule would require an educator preparation program to wait two years following the date of revocation before reapplying for program approval.

Technical Issues

As statutory authority for the proposed rule, PED cites Section 21-22E-3 NMSA 1978, this section of statute defines "teacher preparation program" solely for the purposes of the Teacher Loan for Service Act, therefore this citation of statutory authority is inappropriate.

Section 6.65.3.11 NMAC includes a reference to 6.65.3.13 NMAC although this section does not exist.

Subsection A of 6.65.3.12 NMAC incorrectly cites that the designation of "underdeveloped" is outlined in Subsection C of 6.65.3.12 NMAC, the correct citation is Subsection C of 6.65.3.11 NMAC.

Subsection A of 6.65.3.12 NMAC lists responsibilities of educator preparation programs on level two probation although the section is titled "level one probation." Similarly, Subsection B of 6.65.3.12 NMAC lists responsibilities of educator preparation programs on level three probation although that section is titled "level two probation" and "level three probation" is not outlined in the proposed rule.

Subsection headings should be bolded in Sections 6.65.3.11 NMAC and 6.65.3.12 NMAC.

Other technical issues identified include grammatical and syntactical errors. The department may wish to make the necessary changes to avoid rule misinterpretation.

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 65 SCHOOL PERSONNEL EDUCATOR PREPARATION
PART 3 EDUCATOR PREPARATION PROGRAM ACCOUNTABILITY

~~**6.65.3.1** **ISSUING AGENCY:** Public Education Department, herein after the department.
[6.65.3.1 NMAC – N, 7/1/2018]~~

~~**6.65.3.2** **SCOPE:** This rule applies to all educator preparation programs serving candidates in New Mexico. If any part or application of this rule is held invalid, its remainder or application to other situations, shall not be affected.
[6.65.3.2 NMAC – N, 7/1/2018]~~

~~**6.65.3.3** **STATUTORY AUTHORITY:** Section 22-10A-19.2 NMSA 1978, Section 22-2-1 NMSA 1978, and Section 21-22E-3 NMSA 1978
[6.65.3.3 NMAC – N, 7/1/2018]~~

~~**6.65.3.4** **DURATION:** Permanent.
[6.65.3.4 NMAC – N, 7/1/2018]~~

~~**6.65.3.5** **EFFECTIVE DATE:** July 1, 2018, unless a later date is cited at the end of a section.
[6.65.3.5 NMAC – N, 7/1/2018]~~

~~**6.65.3.6** **OBJECTIVE:** To improve and strengthen the preparation of day one ready New Mexico educators through streamlined evaluation, review, and approval of educator preparation programs in the state.
[6.65.3.6 NMAC – N, 7/1/2018]~~

~~**6.65.3.7** **DEFINITIONS:**~~

~~**A.** **“Candidate”** means an individual enrolled in an educator preparation program for licensure offered through a department approved educator preparation program provider.~~

~~**B.** **“Certified review team”** means the team trained by the department to conduct comprehensive site visit reviews. Members of the certified review team may serve in multiple roles. The following shall be represented:~~

- ~~(1) a representative of the department;~~
~~(2) a dean from another department approved educator preparation program;~~
~~(3) a director from another department approved educator preparation program;~~
~~(4) a faculty member from another department approved educator preparation program approved in New Mexico;~~
~~(5) a member of a local education agency administrative team; and~~
~~(6) a principal or eligible cooperating teacher from a local school.~~

~~**C.** **“Clinical experience”** means the guided, hands on application of knowledge and theory to actual practice through collaborative and facilitated learning activities taking place in field based assignments.~~

~~**D.** **“Clinical supervisor”** means the employee of the educator preparation program who works with and provides feedback to candidates during their clinical experience that is both trained and certified in NMTEACH and trained or experienced in the field in which they are supervising.~~

~~**E.** **“Cohort”** means a set of individuals who enter an educator preparation program or exit an educator preparation program in the same year, or both.~~

~~**F.** **“Completer”** means a candidate who earns a certificate or diploma from an educator preparation program approved by the department.~~

~~**G.** **“Cooperating teacher”** means an educator who has earned a rating of highly effective or exemplary on the NMTEACH educator effectiveness system, is employed by a local education agency, is collaboratively selected by the local education agency and the educator preparation program, has at least three years of experience under the appropriate license, and is the primary evaluator of the candidate during their clinical experience. The department may allow an educator who recently relocated to New Mexico and does not yet have an NMTEACH evaluation to serve as a cooperating teacher if:~~

- ~~(1) the teacher has taught for at least three years; and~~

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

~~_____ (2) _____ the teacher is either nationally board certified or has an effectiveness rating on their out-of-state evaluation equivalent to highly effective or exemplary.~~

~~_____ H. _____ “Comprehensive site visit review” means the visit conducted by a certified review team to evaluate educator preparation program performance.~~

~~_____ I. _____ “Day one ready educator” means a teacher who positively impacts measurable student achievement from the first day the educator begins teaching by demonstrating deep content knowledge, the ability to motivate and actively engage students, the ability to personalize learning based on students’ needs, and a willingness to engage in continuous efforts to improve teaching abilities.~~

~~_____ J. _____ “Disposition” means the level of professionalism demonstrated by a candidate indicating capacity to be a day one ready educator.~~

~~_____ K. _____ “Educator preparation program advisory board” means the group of individuals appointed by the EPP who have unique knowledge regarding the educational needs of the local community.~~

~~_____ L. _____ “Educator preparation program” or “EPP” means an educational program offered by an educational preparation provider that is intended to lead to teacher licensure upon candidates’ successful completion of the program.~~

~~_____ M. _____ “EPP provider” means any individual, private or public education association, corporation, or institution of higher education offering an educator preparation program.~~

~~_____ N. _____ “High-needs areas” shall include one or more of the following:~~

~~_____ (1) _____ schools earning a “D” or “F” on the school grading system pursuant to 6.19.8 NMAC;~~

~~_____ (2) _____ schools with a high percentage of students qualifying as economically disadvantaged;~~

~~_____ (3) _____ schools with a high percentage of students qualifying for special education services;~~

~~_____ (4) _____ schools with a high percentage of students qualifying as English learners; or~~

~~_____ (5) _____ other schools determined by the department.~~

~~_____ O. _____ “Initial approval” means the first time an educator preparation program provider seeks and is granted approval from the professional practices and standards council to create a new educator preparation program in the state of New Mexico.~~

~~_____ P. _____ “Local education agency” or “LEA” means a school district or a state chartered charter school.~~

~~_____ Q. _____ “New Mexico teacher assessments” or “NMTA” means the tests required for individuals seeking initial New Mexico licensure.~~

~~_____ R. _____ “NMTEACH educator effectiveness system” or “NMTEACH” means the department-approved educator evaluation system defined in 6.69.8 NMAC that measures teacher performance on five components:~~

~~_____ (1) _____ improved student achievement;~~

~~_____ (2) _____ classroom observation;~~

~~_____ (3) _____ planning, preparation, and professionalism;~~

~~_____ (4) _____ student or parent surveys; and~~

~~_____ (5) _____ teacher attendance.~~

~~_____ S. _____ “Professional practices and standards council” or “PPSC” means the body that approves new educator preparation programs as defined in 6.2.8 NMAC.~~

~~_____ T. _____ “Program revision” means the addition of new licensure programming or modifications made to an existing department approved educator preparation program including changes to standards.~~

~~_____ U. _____ “Quality review rubric” means the tool used by the certified review team during a comprehensive site visit review to determine an EPP’s status according to a series of aligned indicators and subcomponents that contribute to an overall rating on a five-level performance scale.~~

~~_____ V. _____ “Revocation” means the department decision to no longer recognize an educator preparation program as approved nor to license candidates completing coursework at the revoked educator preparation program within three semesters of revocation.~~

~~_____ W. _____ “Scorecard” means the annual report prepared and released by the department to rate educator preparation program performance on an A through F scale.~~

~~_____ X. _____ “Theory of action” means the collection of cause and effect relationships developed by the educator preparation program to guide and achieve demonstrable outcomes.~~

~~[6.65.3.7 NMAC – N, 7/1/2018]~~

6.65.3.8 APPLICATION PROCESS FOR APPROVAL:

~~_____ A. _____ EPP providers existing at the time of the enactment of 6.65.3 NMAC shall be required to reapply through the PPSC no later than the end of the 2018 – 2019 school year.~~

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

~~_____ B. _____ EPP providers seeking a program revision for an existing department approved EPP and EPP providers seeking initial approval shall submit an application to the department to be reviewed by the PPSC.~~

~~_____ C. _____ Applications shall provide the information outlined in the PPSC manual and meet the general requirements of 6.65.3.9 NMAC.~~

~~{6.65.3.8 NMAC – N, 7/1/2018}~~

~~**6.65.3.9 _____ EDUCATOR PREPARATION PROGRAM GENERAL REQUIREMENTS:** EPPs shall meet requirements as stated in state statute, regulation, and the following additional requirements.~~

~~_____ A. _____ EPPs shall establish rigorous entry requirements including:~~

- ~~_____ (1) _____ passage of all NMTA essential academic skills tests prior to admission;~~
~~_____ (2) _____ candidate undergraduate grade point average of at least 2.75 on a 4.0 scale; and~~
~~_____ (3) _____ successful completion of the department’s required background check and approval process.~~

~~_____ B. _____ EPPs shall ensure that opportunities for clinical experiences are provided to candidates continuously throughout their enrollment.~~

- ~~_____ (1) _____ Clinical experiences shall begin upon the candidate’s entrance into an EPP.~~
~~_____ (2) _____ The majority of clinical experiences shall align with the area, subject, or category of certification or license being sought by the candidate.~~
~~_____ (3) _____ During at least one of candidates’ multiple clinical experiences, candidates shall serve as a teacher in a school under the supervision of a cooperating teacher and plan and deliver independent instruction to students on a regularly scheduled basis.~~

~~_____ C. _____ EPPs shall ensure that candidates embrace and execute upon their responsibility as educators to develop the skills and capacities to implement meaningful practices for parent and family engagement, notably keeping families fully informed of their child’s progress towards college and career readiness, on a regular basis, using objective measures in all subject areas.~~

~~_____ D. _____ EPPs shall establish partnerships with stakeholder groups to fulfill requirements related to clinical experiences and meet the needs of LEAs. At a minimum, partners shall include:~~

- ~~_____ (1) _____ classroom teachers;~~
~~_____ (2) _____ principals;~~
~~_____ (3) _____ superintendents;~~
~~_____ (4) _____ human resource directors;~~
~~_____ (5) _____ curriculum directors; and~~
~~_____ (6) _____ the EPP advisory board.~~

~~_____ E. _____ Programs for all teachers shall include instruction in pedagogy that is aligned with department standards pursuant to 6.61.2 NMAC through 6.61.12 NMAC.~~

~~_____ F. _____ EPPs shall conduct a minimum of three formally documented observations that include verbal and written feedback on the candidate’s practice.~~

~~_____ (1) _____ Observations and evaluations of candidates shall be aligned with the four domains of NMTEACH:~~

- ~~_____ (a) _____ planning and preparation;~~
~~_____ (b) _____ creating an environment for learning;~~
~~_____ (c) _____ teaching for learning; and~~
~~_____ (d) _____ professionalism.~~

~~_____ (2) _____ Results of evaluations shall inform program interaction with the candidate including feedback, placement, remediation, and support.~~

~~_____ (3) _____ Documentation of observations shall be stored by the EPP for a minimum of five years after candidate completion and shall be available to the completer and the department upon request.~~

~~_____ G. _____ EPPs shall establish rigorous exit requirements in alignment with those required to seek licensure from the department including:~~

- ~~_____ (1) _____ successful demonstration of competency in all relevant areas, subjects, or categories of NMTA; and~~
~~_____ (2) _____ a written recommendation from the EPP that the candidate demonstrates the dispositions necessary for success in the classroom and other learning environments.~~

~~_____ H. _____ In a form approved by the department, all EPPs shall annually submit candidate level data as agreed to in memoranda of understanding or associated amendments between the department and EPP providers. Failure to comply with data reporting and collection requests may result in revocation of the EPP’s approval.~~

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

~~I. EPPs shall fully comply, in a timely manner, with all requirements that allow the department to generate a scorecard and conduct the comprehensive site visit review in accordance with 6.65.3.11 NMAC and 6.65.3.12 NMAC.~~

~~[6.65.3.9 NMAC – N, 7/1/2018]~~

~~**6.65.3.10 ENTRY REQUIREMENTS THAT MAY BE WAIVED BY EDUCATOR PREPARATION PROGRAMS:** EPPs may waive entrance requirements outlined in Paragraphs (1) and (2) of Subsection A of 6.65.3.9 NMAC for certain candidates.~~

~~A. Candidates admitted under a waiver specific to Paragraph (1) of Subsection A of 6.65.3.9 shall be provided remedial services designed to support the candidate to pass all NMTA tests. Documentation of the remedial support provided to the candidate and documentation that the candidate passes all NMTA tests within one year of admittance under a waiver shall be available to the department upon request. For each cohort, waivers for candidates who do not pass the NMTA essential academic skills tests or for candidates not meeting the required minimum GPA shall not exceed ten percent in each category.~~

~~B. EPPs shall provide support, as needed, to candidates admitted under a waiver.~~

~~C. Candidates admitted under waivers who do not meet the entry requirements outlined in Subsection A of 6.65.3.9 NMAC within one year of enrollment shall be exited from the EPP. EPPs shall not readmit said candidates until they meet all requirements of Subsection A of 6.65.3.9 NMAC.~~

~~[6.65.3.10 NMAC – N, 7/1/2018]~~

~~**6.65.3.11 EDUCATOR PREPARATION PROGRAM SCORECARDS:** The department shall issue an annual scorecard to each department approved EPP in the state of New Mexico. EPPs earning initial approval after the enactment of 6.65.3 NMAC shall be issued their first scorecard after the completion of their first two years of operation.~~

~~A. The EPP scorecard shall:~~

- ~~(1) evaluate the effectiveness of the EPP;~~
- ~~(2) rate EPP performance on an A through F scale;~~
- ~~(3) be issued annually by the department for all EPPs with at least 10 candidates; and~~
- ~~(4) be publicly released by the department.~~

~~B. The scorecard shall be organized into four domains:~~

- ~~(1) admissions;~~
- ~~(2) candidate promise;~~
- ~~(3) hiring and retention; and~~
- ~~(4) graduate performance.~~

~~C. The department shall, in the technical manual, state which specific indicators shall be included in the calculations for the domains defined in Subsection B of 6.65.3.11 NMAC. The technical manual shall be published annually on the department website prior to the release of the scorecards and in accordance with memoranda of understanding between the EPPs and the department.~~

~~D. The indicators measured by the department shall include the following:~~

- ~~(1) acceptance rate;~~
- ~~(2) candidate aptitude based on department approved assessments;~~
- ~~(3) diversity of cohort;~~
- ~~(4) candidate performance on licensure tests;~~
- ~~(5) hiring and retention rates for completers teaching in New Mexico;~~
- ~~(6) multiple measures of effectiveness of completers, as measured by NMTEACH;~~
- ~~(7) student growth based on department approved assessments;~~
- ~~(8) student achievement based on department approved assessments;~~
- ~~(9) completers serving in high needs areas;~~
- ~~(10) candidate perception surveys; or~~
- ~~(11) employer perception surveys.~~

~~[6.65.3.11 NMAC – N, 7/1/2018]~~

~~**6.65.3.12 COMPREHENSIVE SITE VISIT REVIEW PROCESS:** EPPs shall fully cooperate with the comprehensive site visit review process. The department shall develop an EPP manual outlining the comprehensive site visit process that shall include all documents necessary for the site visit review. Site visits shall occur every four years on a calendar determined by the department unless the status of a program, as outlined in 6.65.3.13 NMAC;~~

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

~~changes in a way that merits more frequent visits. EPPs receiving initial approval after the enactment of 6.65.3 NMAC shall participate in their first comprehensive site visit review after the completion of their first two years of operation.~~

~~A. The comprehensive site visit review process shall assess the performance of the EPP on the four components of the quality review rubric.~~

- ~~(1) curriculum design and delivery;~~
- ~~(2) clinical experience;~~
- ~~(3) candidate quality; and~~
- ~~(4) continuous improvement.~~

~~B. The comprehensive site visit review process shall include the following three elements:~~

~~(1) **Self-evaluation.** EPPs shall complete the self-evaluation documents in the EPP manual prior to the site visit. Documents shall be submitted to the department at least 12 weeks prior to the site visit. Documents shall include:~~

- ~~(a) quality review rubric;~~
- ~~(b) quality review worksheets for each of the four key components on the quality review rubric; and~~
- ~~(c) data and artifacts listed as supplemental evidence in the EPP manual accompanied by any releases for such information, if necessary.~~

~~(2) **Site visit.** The certified review team shall conduct the site visit and review the EPP using the quality review rubric.~~

~~(3) **Summative conference.** The certified review team shall debrief the site visit with the EPP and present their initial findings.~~

~~C. At the end of the comprehensive site visit review process, the EPP shall be assessed on its overall performance and shall be rated with one of following site visit classifications defined in the EPP manual:~~

- ~~(1) industry leader;~~
- ~~(2) well-developed;~~
- ~~(3) proficient;~~
- ~~(4) developing; or~~
- ~~(5) underdeveloped.~~

~~D. The certified review team shall release a final written report to the EPP containing the EPP's scores on each component of the quality review rubric and their overall performance no later than 90 calendar days after the comprehensive site visit review.~~

~~E. EPPs shall have 14 calendar days after receiving the report to submit a response, in writing, to the department to indicate any alleged factual errors and to provide any documentation deemed necessary to support the allegations. If, after review of the EPP's response, the department determines the error to be valid, the report shall be amended within 20 calendar days.~~

~~{6.65.3.12 NMAC N, 7/1/2018}~~

~~**6.65.3.13 DETERMINATION OF EPP STATUS:** The scorecard grade and the site visit classification shall determine whether an EPP earns approval for continued operation, is placed on probation, or has its approval revoked. The EPP status shall determine the frequency of comprehensive site visit reviews and the scope of EPP responsibilities. EPPs shall be notified of their status by the department no later than November 30 annually.~~

~~A. **Approval for continued operation.** Approval for continued operation shall be granted to EPPs earning a C or better on the department scorecard and proficient or better on the comprehensive site visit review. Approval for continued operation shall last four years unless the EPP scorecard grade falls below a C during the four year approval period. Any approved EPP falling below a C during their approval period shall have their status changed to probation.~~

~~B. **Probation.** EPPs shall be placed on probation if they earn less than a C on the department scorecard or below proficient on the comprehensive site visit review. During the two year probation period, EPPs shall not be eligible to seek approval for new programs from the PPSC. EPPs may continue to accept candidates for entry while on probation.~~

~~(1) Responsibilities of EPPs on probation shall include:~~

- ~~(a) development of an improvement plan that addresses program deficiencies that shall be submitted to the department for approval within 90 calendar days of notification of probation status;~~
- ~~(b) annual submittal of a report to the department detailing progress made on the improvement plan;~~

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

- ~~_____ (c) _____ participation in a comprehensive site visit review at the end of the two year probation period;~~
- ~~_____ (d) _____ participation in professional development and technical assistance prescribed by the department; and~~
- ~~_____ (e) _____ individual, written notification informing current candidates of the EPP's probation status within 30 calendar days of department notification.~~
- ~~_____ (2) _____ Probation shall last two years unless the EPP scorecard grade improves to a C or above after the first year of probation.~~
- ~~_____ (3) _____ The department shall monitor the EPP's progress toward improving the areas noted in the comprehensive site review process throughout the probationary period by reviewing the required data reports and conducting monitoring visits as deemed necessary by the department.~~
- ~~_____ (4) _____ Any EPP not exiting probation after the conclusion of the two year probation period may be moved to a status of revocation or may be granted an additional year of probation. EPPs on a third year of probation shall:~~
- ~~_____ (a) _____ participate in an additional comprehensive site visit review at the end of the third year of probation;~~
- ~~_____ (b) _____ provide documentation of candidate notification of continued probation to the department; and~~
- ~~_____ (c) _____ cease acceptance of new candidates.~~
- ~~_____ (5) _____ EPPs not making necessary improvements to exit probation after three years on probation shall have their status changed to revocation.~~
- ~~**C. Revocation.**~~
- ~~_____ (1) _____ The department may revoke an EPP's approval for any of the following reasons:~~
- ~~_____ (a) _____ earning a grade of F on the scorecard or underdeveloped on the comprehensive site visit review;~~
- ~~_____ (b) _____ not exiting probation status;~~
- ~~_____ (c) _____ failing to meet reporting or compliance requirements as set forth by statute, department regulation, or guidance provided in department manuals; or~~
- ~~_____ (d) _____ having 10 or fewer completers for at least two consecutive years.~~
- ~~_____ (2) _____ The department shall notify EPPs of revocation in writing. Immediately upon receipt of a notice of revocation, the EPP shall:~~
- ~~_____ (a) _____ cease recruitment and acceptance of new candidates;~~
- ~~_____ (b) _____ allow candidates currently enrolled in the EPP to complete the licensure program, provided they complete the program within three semesters of the notice of revocation; and~~
- ~~_____ (c) _____ work with candidates unable to complete the licensure program within three semesters by providing options for transfer to another EPP.~~
- ~~_____ (3) _____ An EPP provider that has received a notice of revocation may file a request for reconsideration by the department no later than 30 calendar days after the notice of revocation has been received.~~
- ~~_____ (a) _____ The department shall review the materials submitted by the EPP provider including written statements of position, documents, and comments supporting the claim.~~
- ~~_____ (b) _____ The department, after considering the request, shall make a decision and inform the EPP provider in writing of its decision within 60 calendar days of receipt of the request for reconsideration.~~
- ~~_____ (c) _____ The decision of the department shall be final.~~
- ~~_____ (4) _____ An EPP with revoked approval shall wait two years following the date of revocation before reapplying via the application process defined in 6.65.3.8 NMAC.~~
- ~~[6.65.3.13 NMAC - N, 7/1/2018]~~

History of 6.65.3 NMAC: [RESERVED]

6.65.3.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.65.3.1 NMAC - Rp, 8/13/2019]

6.65.3.2 SCOPE: All educator preparation programs serving candidates in New Mexico.
[6.65.3.2 NMAC - Rp, 8/13/2019]

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

6.65.3.3 STATUTORY AUTHORITY: Section 22-2-1 NMSA 1978, Section 22-2-2 NMSA 1978, Section 22-10A-19.2 NMSA 1978, and Section 21-22E-3 NMSA 1978.
[6.65.3.3 NMAC - Rp, 8/13/2019]

6.65.3.4 DURATION: Permanent.
[6.65.3.4 NMAC - Rp, 8/13/2019]

6.65.3.5 EFFECTIVE DATE: August 13, 2019, unless a later date is cited at the end of a section.
[6.65.3.5 NMAC - Rp, 8/13/2019]

6.65.3.6 OBJECTIVE: To improve the preparation of day-one ready New Mexico educators through streamlined evaluation, review, and approval of educator preparation programs in the state.
[6.65.3.6 NMAC - Rp, 8/13/2019]

6.65.3.7 DEFINITIONS:

A. “Candidate” means an individual enrolled in an EPP for licensure offered through a department-approved EPP provider.

B. “Certified review team” means the team trained by the department to conduct comprehensive state EPP approvals. Members of the certified review team may serve in multiple roles. The following shall be represented:

- (1) a representative of the department;
- (2) a dean or director from another department-approved educator preparation program;
- (3) a faculty member from another department-approved educator preparation program approved in New Mexico;

- (4) a member of a local education agency administrative team; and
- (5) a principal or eligible cooperating teacher from a local public school.

C. “Clinical experience” means the guided, hands-on application of knowledge and theory to actual practice through collaborative and facilitated learning activities taking place in field-based assignments.

D. “Clinical supervisor” means the employee of the EPP who works with and provides feedback to candidates during their clinical experience who is both trained and certified in the department-approved educator effectiveness system and trained or experienced in the field in which they are supervising.

E. “Completer” means a candidate who earns a certificate or diploma from an EPP approved by the department.

F. “Cooperating teacher” means an educator who meets the following qualifications:

- (1) is employed by a LEA;
- (2) is mutually selected by the LEA and the EPP;
- (3) has at least three years of experience under the appropriate license;
- (4) is the primary evaluator of the candidate during their clinical experience; and
- (5) either meets the necessary performance level as defined by the department on their educator effectiveness report or for an educator who recently relocated to New Mexico and does not yet have an educator effectiveness report to have met one of the following requirements:

(a) the teacher is a level three teacher with a minimum of six years teaching experience; or

(b) the teacher is a nationally board certified teacher.

G. “Comprehensive state approval” means the process conducted by the certified review team to evaluate and approve educator preparation programs.

H. “Comprehensive state approval site visit” means the visit conducted by a certified review team to evaluate educator preparation program performance for certification.

I. “Day-one ready educator” means a teacher who positively impacts measurable student success from the first day the educator begins teaching by demonstrating deep content knowledge, the ability to motivate and actively engage students, the ability to personalize learning based on students’ needs, and a willingness to engage in continuous efforts to improve teaching abilities.

J. “Disposition” means the professionalism demonstrated by a candidate indicating capacity to be a day-one ready educator.

K. “EAR” means educator accountability report required annually and designed to create a uniform statewide educator accountability reporting system to measure and track teacher and administrator education

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

candidates from pre-entry to post-graduation in order to benchmark the productivity and accountability of New Mexico's educator workforce.

L. “Educator preparation program advisory board” means the group of individuals appointed by the EPP who have unique knowledge regarding the educational needs of the local community.

M. “EPP” means an educational preparation program offered by an educational preparation provider that is intended to lead to teacher licensure upon candidates’ successful completion of the program.

N. “EPP application” mean a written request on a department approved form, to the PPSC to be a department approved EPP.

O. “EPP provider” means any individual, private or public education association, corporation, or institution of higher education offering an EPP.

P. “EES” means the department-approved educator evaluation system.

Q. “Initial approval” means the first time an educator preparation program provider seeks and is granted approval from the professional practices and standards council to create a new educator preparation program in the state of New Mexico.

R. “LEA” means a local educational agency. An LEA may be a public school district, a state-chartered charter school, or a state-educational agency.

S. “New Mexico teacher assessments” means the tests required for individuals seeking initial New Mexico licensure.

T. “PPSC” means the professional practices and standards council, which approves EPP programs as defined in 6.2.8 NMAC.

U. “Program revision” means the addition of new licensure programming or modifications made to an existing department-approved educator preparation program including changes to standards.

V. “Quality review rubric” means the department-approved tool used by the certified review team during a comprehensive state approval site visit.

W. “Revocation” for the purposes of this rule, means a department decision to no longer recognize an EPP as approved by the department nor to license candidates completing coursework at the revoked EPP provider within three semesters of revocation.

X. “Theory of action” means the collection of cause and effect relationships developed by the educator preparation program to guide and achieve demonstrable outcomes.

[6.65.3.7 NMAC - Rp, 8/13/2019]

6.65.3.8 APPLICATION PROCESS FOR APPROVAL:

A. EPP providers seeking a program revision for an existing department-approved EPP and EPP providers seeking initial approval of an EPP shall submit an EPP application to the department.

B. Applications shall provide the information outlined in the PPSC manual and meet the general requirements of rule 6.65.3.9 NMAC.

6.65.3.9 EDUCATOR PREPARATION PROGRAM GENERAL REQUIREMENTS: EPPs shall meet requirements as stated in state statute, regulation, and the following additional requirements.

A. EPPs shall establish rigorous entry requirements including a successful completion of the department’s required background check and approval process.

B. EPPs shall ensure that opportunities for clinical experiences are provided to candidates continuously throughout their enrollment.

(1) Clinical experiences shall begin upon the candidate’s entrance into an EPP.

(2) The majority of clinical experiences shall align with the area, subject, or category of certification or license being sought by the candidate.

(3) During at least one of the candidate’s multiple clinical experiences, candidates shall serve as a teacher in a school under the supervision of a cooperating teacher and plan and deliver independent instruction to students on a regularly scheduled basis.

C. EPPs shall ensure that candidates embrace and execute upon their responsibility as educators to develop the skills and capacities to implement meaningful practices for parent and family engagement, notably keeping families fully informed of their child’s progress towards college-and-career readiness, on a regular basis, using objective measures in all subject areas.

D. EPPs shall establish partnerships with stakeholder groups to fulfill requirements related to clinical experiences and meet the needs of LEAs. At a minimum, partners shall include:

(1) classroom teachers;

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

- (2) principals;
- (3) superintendents;
- (4) human resource directors;
- (5) curriculum directors; and
- (6) the EPP advisory board.

E. Programs for all teachers shall include instruction in pedagogy that is aligned with department standards pursuant to 6.61.2 NMAC through 6.61.12 NMAC.

F. EPPs shall conduct a minimum of three formally documented observations that include verbal and written feedback on the candidate's practice.

(1) Observations and evaluations of candidates shall be aligned with the four domains of EES:

- (a) planning and preparation;
- (b) creating an environment for learning;
- (c) teaching for learning; and
- (d) professionalism.

(2) Results of evaluations and observations shall inform program interaction with the candidate including feedback, placement, remediation, and support.

(3) Documentation of observations shall be stored by the EPP for a minimum of five years after candidate completion and shall be available to the completer and the department upon request.

G. EPP providers shall establish rigorous exit requirements in alignment with those required to seek licensure from the department. These exit requirements must, at a minimum, include:

- (1) successful demonstration of competency in all relevant areas, subjects, or categories of New Mexico teacher assessments; and
- (2) a written recommendation from the EPP that the candidate demonstrates the dispositions necessary for success in the classroom and other learning environments.

H. EPP providers shall detail in the EPP application how the EPP provider plans to provide support to the candidates regarding the passage of all teaching licensure requirements, department processes, and assessments.

I. In a form approved by the department and no later than September 1, all EPPs shall annually submit candidate level data required by the EAR. Failure to comply with data reporting and collection requests may result in revocation of the EPP's approval.

J. EPPs shall fully comply, in a timely manner, with all requirements that allow the department to generate the EAR and the comprehensive state approval.
[6.65.3.9 NMAC - Rp, 8/13/2019]

6.65.3.10 EDUCATOR ACCOUNTABILITY REPORT:

A. Each educator preparation program's annual EAR shall include the following information and indicators of program success:

- (1) the standards for entering and exiting the program;
- (2) the number of hours required for clinical experience;
- (3) the number and percentage of candidates needing developmental course work upon entering the program;
- (4) the number and percentage of completers for each program;
- (5) the number and types of degrees received by completers;
- (6) the number and percentage of completers who pass the New Mexico teacher assessments for initial licensure on the first attempt;
- (7) a description of each program's placement practices;
- (8) the number and percentage of completers hired by New Mexico school districts; and
- (9) the demographics of an EPP's candidates and completers.

B. The educator accountability report shall include an evaluation plan that includes high performance objectives. The plan shall include objectives and measures for increasing the following:

- (1) student achievement for all students;
- (2) teacher and administrator retention, particularly in the first three years of a teacher's or administrator's career;
- (3) the percentage of students who pass the New Mexico teacher assessments for initial licensure on the first attempt;

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

(4) the percentage of secondary school classes taught in core academic subject areas by teachers who demonstrate by means of rigorous content area assessments a high level of subject area mastery and a thorough knowledge of the state's academic content and performance standards;

(5) the percentage of elementary school classes taught by teachers who demonstrate by means of a high level of performance in core academic subject areas their mastery of the state academic content and performance standards;

(6) the number of teachers trained in math, science and technology;

(7) the number of teachers trained in special education;

(8) the number of teachers teaching in low socioeconomic schools; and

(9) the number of teachers retained in teaching in New Mexico.

C. EPPs shall administer a completer survey that measures the completer's perception of their own readiness and individual effectiveness in the classroom.

D. EPPs shall initiate all necessary data requests to fill EAR requirements and shall be responsible for collecting, analyzing, and reporting data.

[6.65.3.11 NMAC - Rp, 8/13/2019]

6.65.3.11 COMPREHENSIVE STATE APPROVAL VISITS: EPPs shall fully cooperate with the comprehensive state approval process. The department shall develop and publish on the department website an EPP manual outlining the comprehensive site visit process that shall include all documents necessary for the state approval. Site visits shall occur every three years on a calendar determined by the department unless the status of a program, as outlined in 6.65.3.13 NMAC, changes in a way that merits more frequent visits.

A. The comprehensive state approval process shall assess the performance of the EPP on the four components of the quality review rubric:

(1) curriculum design and delivery;

(2) clinical experience;

(3) candidate quality; and

(4) continuous improvement.

B. The comprehensive state approval site visit shall include the following three elements:

(1) Self-evaluation. EPPs shall complete the self-evaluation documents in the EPP manual prior to the site visit. Documents shall be submitted to the department at least 4 weeks prior to the site visit.

Documents shall include:

(a) quality review rubric;

(b) quality review worksheets for each of the four key components on the quality

review rubric; and

(c) data and other documentation listed as supplemental evidence in the EPP manual accompanied by any releases for such information, if necessary.

(2) Comprehensive state approval site visit. The certified review team shall conduct the site visit and review the EPP using the quality review rubric.

(3) Summative conference. The certified review team shall debrief the site visit with the EPP and present their initial findings.

C. At the end of the comprehensive state approval site visit, the EPP shall be assessed on its overall performance and shall be rated with one of following site visit classifications defined in the EPP manual:

(1) industry leader;

(2) well-developed;

(3) proficient;

(4) developing; or

(5) underdeveloped.

D. The certified review team shall release a final written report to the EPP containing the EPP's scores on each component of the quality review rubric and their overall performance no later than 90 calendar days after the comprehensive state approval site visit.

E. EPPs shall have 14 calendar days after receiving the report to submit a response, in writing, to the department to indicate any alleged factual errors and to provide any documentation deemed necessary to support the allegations. If, after review of the EPP's response, the department determines the error to be valid, the report shall be amended within 20 calendar days.

[6.65.3.12 NMAC - Rp, 8/13/2019]

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

6.65.3.12 COMPREHENSIVE STATE APPROVAL PROCESS: The comprehensive state approval process shall determine whether an EPP earns approval for continued operation, is placed on probation, or has its approval revoked. The EPP status shall determine the frequency of comprehensive state approval site visits and the scope of EPP responsibilities. EPPs shall be notified of their status by the department no later than November 30 annually.

A. Level one probation. EPPs shall be placed on level one probation if the EPP fails to demonstrate progress toward meeting objectives included in its EAR or if the certified review team identifies an issue during the comprehensive state approval site visit resulting in an underdeveloped designation outlined in Subsection C of 6.65.3.12 NMAC. The secretary shall notify the EPP of level one probation status in writing. Responsibilities of EPPs on level two probation shall include the following:

- (1) participation in professional development and technical assistance prescribed by the department;
- (2) development of an improvement plan that addresses program deficiencies that shall be submitted to the certified review team for approval within 90 calendar days of notification of level one probation status; and
- (3) participation in department monitoring to ensure implementation and progress as outlined in the approved improvement plan.
- (4) An EPP may exit level one probation after one academic year and upon fulfillment of its probationary responsibilities and demonstration of progress toward EAR objectives.

B. Level two probation. EPPs shall be placed on level two probation if the EPP fails to demonstrate substantial progress outlined in the improvement plan. The secretary shall notify the EPP of level two probation status in writing. Responsibilities of EPPs on level three probation shall include the following:

- (1) participation in professional development and technical assistance prescribed by the department;
- (2) development or amendment of an improvement plan that addresses program deficiencies that shall be submitted to the certified review team for approval within 90 calendar days of notification of level two probation status;
- (3) participation in department monitoring to ensure implementation and progress as outlined in the approved improvement plan; and
- (4) participation in an annual state approval site visit until EPP exits level two probation.
- (5) An EPP may exit level two probation to level one probation after one academic year and upon fulfillment of its probationary responsibilities and demonstration of progress toward EAR objectives.

C. Revocation.

- (1) The department may revoke an EPP's approval for any of the following reasons:
 - (a) not exiting probation status; or
 - (b) failing to meet reporting or compliance requirements as set forth by statute, department regulation, or guidance provided in department manuals.
- (2) The department shall notify EPP providers of revocation in writing. Immediately upon receipt of a notice of revocation, the EPP provider shall:
 - (a) cease recruitment and acceptance of new candidates;
 - (b) allow candidates currently enrolled in the EPP to complete the licensure program, provided they complete the program within three semesters of the notice of revocation; and
 - (c) work with candidates unable to complete the licensure program within three semesters by providing options for transfer to another EPP.
- (3) An EPP provider that has received a notice of revocation may file a request for reconsideration by the department no later than 30 calendar days after the notice of revocation has been received.
 - (a) The department shall review the materials submitted by the EPP provider for reconsideration including written statements of position, documents, and comments supporting the claim.
 - (b) The department, after considering the request, shall make a decision and inform the EPP provider in writing of its decision within 60 calendar days of receipt of the request for reconsideration.
 - (c) The decision of the department shall be final.
- (4) An EPP with revoked approval shall wait two years following the date of revocation before reapplying via the application process defined in 6.65.3.8 NMAC.

[6.65.3.13 NMAC - Rp, 8/13/2019]

History of 6.65.3 NMAC: [RESERVED]

PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

6.65.3 NMAC, Educator Preparation Program Accountability, filed 7/1/2018 - was repealed and replaced by 6.65.3 NMAC, Educator Preparation Program Accountability, effective 8/13/2019.

DRAFT

22-10A-19.2. Educator accountability report.**A. The department shall:**

(1) design a uniform statewide educator accountability reporting system to measure and track teacher and administrator education candidates from pre-entry to post-graduation in order to benchmark the productivity and accountability of New Mexico's educator work force; provided that the system shall be designed in collaboration with:

(a) all public post-secondary teacher and administrator preparation programs in New Mexico, including those programs that issue alternative or provisional licenses;

(b) the teacher and administrator preparation programs' respective public post-secondary educational institutions; and

(c) the higher education department;

(2) require all public post-secondary teacher and administrator preparation programs to submit the data required for the uniform statewide educator accountability reporting system through the department's student teacher accountability reporting system;

(3) use the uniform statewide educator accountability reporting system, in conjunction with the department's student teacher education accountability reporting system, to assess the status of the state's efforts to establish and maintain a seamless pre-kindergarten through post-graduate system of education;

(4) adopt the format for reporting the outcome measures of each teacher and administrator preparation program in the state; and

(5) issue an annual statewide educator accountability report.

B. The annual educator accountability report format shall be clear, concise and understandable to the legislature and the general public. All annual program and statewide accountability reports shall ensure that the privacy of individual students is protected.

C. Each teacher and administrator preparation program's annual educator accountability report shall include the demographic characteristics of the students and the following indicators of program success:

(1) the standards for entering and exiting the program;

(2) the number of hours required for field experience and for student teaching or administrator internship;

(3) the number and percentage of students needing developmental course work upon entering the program;

(4) the number and percentage of students completing each program;

(5) the number and types of degrees received by students who complete each

program;

- (6) the number and percentage of students who pass the New Mexico teacher or administrator assessments for initial licensure on the first attempt;
- (7) a description of each program's placement practices; and
- (8) the number and percentage of students hired by New Mexico school districts.

D. The educator accountability report shall include an evaluation plan that includes high performance objectives. The plan shall include objectives and measures for:

- (1) increasing student achievement for all students;
- (2) increasing teacher and administrator retention, particularly in the first three years of a teacher's or administrator's career;
- (3) increasing the percentage of students who pass the New Mexico teacher or administrator assessments for initial licensure on the first attempt;
- (4) increasing the percentage of secondary school classes taught in core academic subject areas by teachers who demonstrate by means of rigorous content area assessments a high level of subject area mastery and a thorough knowledge of the state's academic content and performance standards;
- (5) increasing the percentage of elementary school classes taught by teachers who demonstrate by means of a high level of performance in core academic subject areas their mastery of the state academic content and performance standards; and
- (6) increasing the number of teachers trained in math, science and technology.

E. In addition to the specifications in Subsections C and D of this section, the annual educator accountability report shall also include itemized information on program revenues and expenditures, including staff salaries and benefits and the operational cost per credit hour.

F. The annual educator accountability report shall be adopted by each public post-secondary educational institution, reported in accordance with guidelines established by the department to ensure effective communication with the public and disseminated to the governor, legislators and other policymakers and business and economic development organizations by November 1 of each year.

History: Laws 2007, ch. 264, § 2; 2009, ch. 20, § 1.

The 2009 amendment, effective June 19, 2009, changed the name of the uniform statewide teacher education accountability reporting system to the uniform statewide educator accountability reporting system and included administrators in the uniform statewide educator accountability reporting system.

State of New Mexico
LEGISLATIVE EDUCATION STUDY COMMITTEE

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August 29, 2018

Christopher Ruskowski
 Secretary-Designate
 New Mexico Public Education Department
 300 Don Gaspar
 Santa Fe, NM 87501

Dear Secretary-Designate Ruskowski,

For the first time in the history of the state, educator preparation programs will have access to more comprehensive information about their graduates, and that should be commended. Without this access, it is much more difficult for our postsecondary institutions to make data-informed decisions related to improving their programs. The Legislative Education Study Committee commends PED for this laudable undertaking.

However, the LESC is submitting this letter to express concern over PED's recently adopted rule, 6.65.3 NMAC: Educator Preparation Program Accountability. Section 22-10A-19.2 NMSA 1978 establishes the educator accountability reporting system to measure and track teacher and administrator education candidates from pre-entry to post-graduation to benchmark the productivity and accountability of New Mexico's educator work force. 6.65.3 NMAC attempts to implement the requirements of Section 22-10A-19.2 NMSA 1978; however, the rule exceeds PED's statutory authority over New Mexico's educator preparation programs.

- PED does not have the authority to revoke an educator preparation program nor does the department have the authority to place an educator preparation program on probation.
- Section 21-3-7 NMSA 1978, gives the boards of regents of Eastern New Mexico University, New Mexico Highlands University, and Western New Mexico University, "full and complete power and control over their respective normal schools [universities]," which again means PED cannot place

those institutions' educator preparation programs on probation or revoke their programs for performance PED deems to be insufficient without raising constitutional issues.

- PED's reliance on Section 21-22E-3 NMSA 1978 as authority for 6.65.3 NMAC is not appropriate. Section 21-22E-3 NMSA 1978 is the definitions section of the Teacher Loan for Service Act (TLFSA) and the definition of teacher preparation program included in this section only pertains to the TLFSA. Additionally, this section of law does not grant PED any authority to place an educator preparation program on probation or revoke an educator preparation program for performance PED deems to be insufficient.
- Sections 9-24-8 and 22-2-1 NMSA 1978 give PED broad rulemaking authority so long as the rules are "reasonable and procedural rules as may be necessary to carry out the duties of the department and its divisions," and "to exercise its authority and the authority of the secretary" which is stated in law to be the "control, management, and direction of all public schools, except as otherwise provided by law." The proposed rule is an attempt to control, manage, and direct higher education institutions, which is both unreasonable and substantive and arguably not within the scope of the duties of the department or the authority of the secretary.

Additionally, the committee is concerned with some of the metrics included in the scorecard that clearly fall outside of the control of educator preparation programs. For example, the scorecard gives programs points for the number of graduates teaching in high needs areas defined as schools earning a "D" or "F" or schools with a high percentage of economically disadvantaged students, students with disabilities, or English learners. It is the local superintendent's responsibility to make hiring and job-placement decisions based on what will be best for their school district and individual schools. In addition, incentivizing the placement of new teachers in difficult settings may exacerbate the recruitment and retention problems the state already faces. Another example of utilizing a metric outside of an educator preparation program's control is assigning a portion of each program's score based on whether their graduates choose to stay and work in New Mexico for the three years directly after graduation. There are many factors that impact a recent college graduate's living and employment, many of which are outside of the control of the institution that prepared that teacher candidate. Concerns also exist about the many targets and weights for the metrics, which do not appear to be evidence-based. For example, with respect to the diversity metrics, it is admirable to pursue a diverse teacher workforce. However, an alternative licensure program, which solely admits students already possessing a bachelor's degree, will have a more difficult time obtaining points than traditional programs on the diversity metrics. Alternative programs have a smaller pool of non-white candidates to consider given the demographics of college completers in New Mexico.

The committee, respectfully, asks PED to reconsider the adopted rule in light of the department's overreach and the concerns that have been voiced by the committee and stakeholders.

Sincerely,



Senator Mimi Stewart, Chair



Representative G. Andrés Romero, Vice Chair