

### 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-striketrough\\_web-1.docx](https://webnew.ped.state.nm.us/wp-content/uploads/2019/06/6.65.3_EPP-proposed-striketrough_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](mailto: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](http://statenm.force.com/public/SSP_RuleHearingSearchPublic)

### Adopted Rule Update

1. **Register Issue and Date of Adopted Rule:** Volume 30, Issue 20, October 29, 2019
2. **Date Notice of Proposed Rulemaking Was Reported to the Committee:** July 25, 2019
3. **Link to Proposed Rule Report:** <https://www.nmlegis.gov/handouts/ALESC%20072419%20Item%207%20A.1%20-%20PROPOSED%20RULE%20-%20Educator%20Prep%20Accountability.pdf>
4. **Minor, Non-Substantive Changes from the Rule as Proposed:** The department addressed many of the issues, substantive and technical, that were identified by LESC when the rule was proposed. The definitions for “clinical supervisor” and “theory of action” were eliminated. Clarity is provided indicating the educator preparation program completer survey should be administered six months after program completion. Additionally, 6.65.3 NMAC indicates educator preparation programs will only be allotted two academic years to exit level one or level two probationary status before having their approval revoked. Finally, the department removed 21-22E-3 NMSA 1978 as statutory authority for 6.65.3 NMAC. LESC analysis indicated this citation was inappropriate. See **Attachment, 6.65.3 NMAC, Educator Preparation Program Accountability Adopted Rule.**

## 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.

## 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. 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. 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

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.”

**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.

**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.

## New Mexico Register / Volume XXX, Issue 20 / October 29, 2019

**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, hereinafter the department.  
 [6.65.3.1 NMAC - Rp, 6.65.3.1 NMAC, 10/29/2019]

**6.65.3.2            SCOPE:** All EPPs serving candidates in New Mexico.  
 [6.65.3.2 NMAC - Rp, 6.65.3.2 NMAC, 10/29/2019]

**6.65.3.3            STATUTORY AUTHORITY:** Sections 22-2-1, 22-2-2, and 22-10A-19.2 NMSA 1978.  
 [6.65.3.3 NMAC - Rp, 6.65.3.3 NMAC, 10/29/2019]

**6.65.3.4            DURATION:** Permanent.  
 [6.65.3.4 NMAC - Rp, 6.65.3.4 NMAC, 10/29/2019]

**6.65.3.5            EFFECTIVE DATE:** October 29, 2019, unless a later date is cited at the end of a section.  
 [6.65.3.5 NMAC - Rp, 6.65.3.5 NMAC, 10/29/2019]

**6.65.3.6            OBJECTIVE:** To improve the preparation of day-one ready educators through streamlined evaluation, review, and approval of educator preparation programs in the state.  
 [6.65.3.6 NMAC - Rp, 6.65.3.6 NMAC, 10/29/2019]

**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 EPP;
- (3) a faculty member from another department-approved EPP;
- (4) a member of a LEA 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.            “Completer”** means a candidate who earns a certificate or diploma from an EPP approved by the department.

**E.            “Comprehensive state approval”** means the process conducted by the certified review team to evaluate and approve EPPs.

**F.            “Comprehensive state approval site visit”** means the visit conducted by a certified review team to evaluate EPP performance for certification.

**G.            “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-A teacher with a minimum of six years teaching experience; or

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

**H. “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.

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

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

**K. “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.

**L. “EPP 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 application”** means a written request on a department-approved form, to the PPSC to be a department-approved EPP.

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

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

**P. “Initial approval”** means the first time an EPP provider seeks and is granted approval from the PPSC to create a new EPP in the state of New Mexico.

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

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

**S. “PPSC”** means the professional practices and standards council, which approves EPPs 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 EPP, including changes to standards.

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

**V. “Revocation”** 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.

[6.65.3.7 NMAC - Rp, 6.65.3.7 NMAC, 10/29/2019]

#### **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 6.65.3.9 NMAC.

[6.65.3.8 NMAC - Rp, 6.65.3.8 NMAC, 10/29/2019]

**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 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 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 shall, at a minimum, include:

- (1) successful demonstration of competency in all relevant areas, subjects, or categories of the 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' completion of all teaching licensure requirements and department processes, including passage of all necessary 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, 6.65.3.9 NMAC, 10/29/2019]

#### **6.65.3.10 EDUCATOR ACCOUNTABILITY REPORT:**

**A.** Each EPP's annual EAR shall include the following information on teacher and administrator education candidates and indicators of program success:

- (1) the standards for entering and exiting the program;
- (2) the number of hours required for clinical experience, including student teaching and administrator internship;
- (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 or administrator 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 EAR 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 candidates who pass the New Mexico teacher assessments for initial licensure on the first attempt;
  - (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 within six months of completion 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.  
[6.65.3.10 NMAC - Rp, 6.65.3.10 NMAC, 10/29/2019]

**6.65.3.11 COMPREHENSIVE STATE APPROVAL SITE 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 6.65.3.12 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 four 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 30 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.

[6.65.3.11 NMAC - Rp, 6.65.3.11 NMAC, 10/29/2019]

**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 classification outlined in Subsection C of 6.65.3.11 NMAC. The secretary shall notify the EPP of level one probation status in writing no later than 30 calendar days after the EPP is placed on level one probation. Responsibilities of EPPs on level one 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.

(5) Within two academic years, an EPP shall fulfill its level one probationary responsibilities and demonstration of progress toward EAR objectives. An EPP shall not be allowed to remain on level one probation for more than two academic years after initial level one probation status placement.

**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 no later than 30 calendar days after the EPP is placed on level two probation. 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 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 the 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.

(6) Within two academic years, an EPP shall fulfill its level two probationary responsibilities and demonstration of progress toward EAR objectives. An EPP shall not be allowed to remain on level two probation for more than two academic years after initial level two probation status placement.

**C. Revocation.**

(1) The department may revoke an EPP's approval for any of the following reasons:

(a) not exiting level one or level two probation status within two academic years; 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 no later than 30 calendar days after the EPP's approval is revoked. 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.  
[6.65.3.12 NMAC - Rp, 6.65.3.12 NMAC, 10/29/2019]

**History of 6.65.3 NMAC:**

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 10/29/2019.