Rule Overview

Date: November 18, 2026
Prepared By: Daniel Estupiñan, Senior Fiscal Analyst II
Rule Citation: NMAC 6.19.4, Accreditation Procedures

Overview of Proposed Rule

Agency: Public Education Department
Rulemaking Action: Amendment
Date of Notice: October 20, 2026
Public Comment Period: October 20, 2026, through November 20, 2026,
Rule's Purpose: The proposed rule would revise accreditation procedures for all school districts and charter schools.

Summary of Proposed Rule NMAC 6.19.4: Accreditation Procedures

The Public Education Department (PED) gave notice of a proposed amendment of New Mexico Administrative Code (NMAC) 6.19.4 to revise accreditation procedures for all school districts and charter schools. The proposed rule is largely limited to budgeting procedures for operational funds and clarifications around compliance with specific state and federal statutes.

Accreditation Status for Public Schools

The proposed amendment would strike existing language in the rule specifying that public schools other than locally chartered charter schools are designated with the annual accreditation status of their local education agency.

Budgeting and Expenditure Requirements for Operational Funds

The proposed amendment would require school districts and charter schools to budget expenditures in program codes that align with the revenue generated by each related factor in the state equalization guarantee (SEG), the state's public school funding formula. Actual expenditures reported to PED would also be required to reasonably align with the revenue generated by each related factor in the SEG. This requirement would include, but would not be limited to, the SEG's factors for special education, gifted education, at-risk, English learners, fine arts, bilingual, and regular education.

Budgeting and Expenditure Requirements for Operational Funds

The proposed amendment would require school district and charter school budgets to demonstrate prioritization of expenditures in areas most likely to improve student outcomes, including instruction, student support services, and instructional support services.

Emergency Supplemental Funding

The proposed rule would require school districts and charter schools to demonstrate their ability to meet current financial obligations without reliance on emergency supplemental funding and sustained negative cash balances in general funds.

Compliance with State and Federal Statutes

The proposed rule would require school districts and charter schools to comply with the provisions of the Distance Learning Act, Chapter 22, Article 30 NMSA 1978, the federal Individuals with Disabilities Education Act, and instructional time requirements established in state statute.

Disapproval of Accreditation Status

The proposed rule would specify that a public school that implements a material organizational change requiring approval under NMAC 6.30.20 without prior written approval of the secretary may not receive accreditation status approval.

Revision to Accreditation Documents

The proposed amendment would revise the mandated accreditation documentation by striking language requiring school districts and charter schools to submit student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Section 22-1-11 NMSA 1978. In place of this language, the amendment would require school districts and charter schools to submit reports of teacher effectiveness evaluations conducted pursuant to Section 22-10A-19 NMSA 1978.

Severability

The proposed rule also adds a severability clause, which would preserve the validity, legality, and enforceability of the remaining provisions if any section of the rule is found to be invalid or unenforceable.

If adopted, the rule has two proposed effective dates, with the proposed effective date for the severability clause being December 22, 2026, and all other provisions being effective July 1, 2027.

Impact

This proposed rule would expand department oversight of budgeting procedures related to operational funds, particularly in its expansion of budgeting and expenditure requirements for operational funds. Anticipated impacts to the operations of PED, school districts, and charter schools may be significant, depending on how the department chooses to operationalize the proposed amendments in this rule.

Section 22-8-18 NMSA 1978 states, “Except as otherwise provided in this section, funds generated under the Public School Finance Act are discretionary to local school boards and governing bodies of charter schools; provided that the special program needs as enumerated in this section are met.” In the last several years, this statutory flexibility in how operational funds may be used has eroded, as the department created and subsequently expanded requirements that specific SEG formula funds be budgeted and expended in particular program codes. The proposed rule would further erode the statutory flexibility of the SEG by expanding these budgeting and expenditure requirements to additional factors in the SEG, potentially conflicting with the statutory intent of Section 22-8-18 NMSA 1978.

Amending the documents required for annual accreditation procedures also adds uncertainty for school districts and charter schools and creates additional administrative burden for public schools.

The proposed rule seeks to clarify the department’s expectations that school districts and charter schools comply with specific existing statutes related to distance learning, special education, and instructional time, but it does not create new reporting or compliance requirements in these areas.

This is an amendment to 6.19.4 NMAC, Section 13 effective December 22, 2026.
This is an amendment to 6.19.4 NMAC, Sections 3, 7, 8, 9, and 12 effective July 1, 2027.

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

6.19.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.19.4.1 NMAC - N, 7/1/2024]

6.19.4.2 SCOPE: This rule applies to all school districts, charter schools, the educational programs of state institutions, bureau of Indian education (BIE) schools, and private schools.
[6.19.4.2 NMAC - N, 7/1/2024]

6.19.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-1, 22-13-1.1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal Every Student Succeeds Act.
[6.19.4.3 NMAC - N, 7/1/2024; A, 7/1/2027]

6.19.4.4 DURATION: Permanent.
[6.19.4.4 NMAC - N, 7/1/2024]

6.19.4.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.
[6.19.4.4 NMAC - N, 7/1/2024]

6.19.4.6 OBJECTIVE: This rule establishes procedures for accreditation of all school districts and public schools, and for the accreditation of the education programs of all state institutions except the New Mexico military institute. This rule also establishes procedures for the accreditation of private schools choosing to seek state accreditation and BIE schools choosing to seek state accreditation and establishes requirements for reporting to the department by private schools not choosing to seek state accreditation and BIE schools not choosing to seek state accreditation. This rule includes procedures for department approval of accrediting entities. For all schools within its scope, this rule outlines the consequences of failure to submit required reports to the department and the consequences of disapproval accreditation status.
[6.19.4.6 NMAC - N, 7/1/2024]

6.19.4.7 DEFINITIONS:

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

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

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

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

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

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

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

H. **"Historically defined Indian-impacted"** means a school district or a charter school that:

(1) serves at least 175 American Indian or Alaska Native students and is located wholly or partially on tribal land;

(2) identified at least ten percent of its overall student population as American Indian or Alaska Native and is located wholly or partially on tribal land; or

(3) identifies at least forty-five percent of its overall student population as American Indian or Alaska Native.

I. **"Local education agency" or "LEA"** means a school district or state-chartered charter school.

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

K. **"School index score"** means the total score a school earns on all required measures as defined by the department according to the state's system for annual meaningful differentiation detailed in the state's ESSA plan.

L. **"Secretary"** means the secretary of the department.

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

N. **"State institution"** means any state agency except the New Mexico military institute that is responsible for educating resident school-age persons, including the New Mexico school for the blind and visually impaired and the New Mexico school for the deaf.

[6.19.4.7 NMAC - N, 7/1/2024; A, 7/1/2027]

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

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

(1) Board training. Local school districts and charter schools shall submit a report of the training completed in the current fiscal year by each member of the school board as required by Sections 22-5-13 NMSA 1978 or by each member of the charter school governing body as required by Section 22-8B-5.1 NMSA 1978, with the number of hours of training in each area as required by Paragraph (3) of Subsection A of 6.29.1.9 NMAC and Sections 8 and 9 of 6.80.5 NMAC.

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

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

(a) update and submit by a department-assigned due date district-level plans, and, as applicable, all school-level plans pursuant to Section 22-8-6 NMSA 1978 and 6.29.1 NMAC;

(b) update and submit an operating budget that is complete by the department-assigned due date. The budget shall prioritize resources toward proven programs and methods that are linked to

improved student achievement and demonstrate parental involvement in the budgeting process, pursuant to Sections 22-8-10 and 22-8-11, NMSA 1978;

(c) [~~budget into the department-directed funding codes at least as much funding for special education, gifted education, and at-risk programs as revenue generated by the corresponding program units, pursuant to Paragraph 2 of Subsection B of Section 22-8-11 NMSA 1978;~~] budget expenditures in department-directed universal chart of accounts (UCOA) program codes at least equal to the revenue generated by the corresponding program units in the state equalization guarantee, including but not limited to, special education, gifted education, at-risk, English learner, fine arts, bilingual, regular education, and any additional program codes established by the department. The budget shall also demonstrate prioritization of expenditures across functions most likely to improve student outcomes, including instruction, student support services, and instructional support services;

(d) ensure that each program generating program units in an operating budget shall meet the requirements of law and the department's rules and procedures, pursuant to Paragraph 2 of Subsection B of Section 22-8-11 NMSA 1978; [~~and~~]

[~~(d)~~] (e) report actual expenditures for each school, pursuant to Subsection F of Section 22-2C-11 NMSA 1978. Expenditures shall be coded in accordance with department-directed universal chart of accounts (UCOA) program codes and shall be reasonably aligned with the program units generated in the state equalization guarantee, including but not limited to, special education, gifted education, at-risk, English learner, fine arts, bilingual, and regular education. Expenditures shall also reflect prioritization across functions most likely to improve student outcomes, including instruction, student support services, and instructional support services;

(f) demonstrate the ability to meet current financial obligations without reliance on emergency supplemental funding and avoid sustained negative cash balances in general funds; and

(g) accurately budget, report, and implement instructional time, including extended learning opportunities such as K-12 Plus programs, in alignment with department requirements.

(4) School enrollment. Via the statewide data system, local school districts and charter schools shall submit data for each school pursuant to Section 22-8-13 NMSA 1978.

(5) [~~School accountability data. Local school districts and charter schools shall submit to the department student assessment data required by Section 22-2C-11 NMSA 1978 and longitudinal accountability data required by Subsection K of Section 22-1-11 NMSA 1978.~~] Educator effectiveness evaluations. School districts and charter schools shall include reports of teacher effectiveness evaluations conducted pursuant to Section 22-10A-19 NMSA 1978 and Chapter 69 NMAC.

(6) Attendance improvement. Local school districts and charter schools shall submit reports of attendance improvement and absence prevention strategies for each school, including attendance improvement plans submitted to the department no later than 45 days after the beginning of the school year pursuant to Section 22-12A-7 NMSA 1978 of the attendance for success act.

(7) School safety plans. Local school districts and charter schools shall submit school safety plans by the department-determined due date and on a three-year cycle as required in 6.12.6.8 NMAC.

(8) Postsecondary plans. Local school districts, charter schools, and state institutions shall submit to the department a report of all students in grades eight through 12 at each school who have on file a new or updated, complete, and signed individualized next step plan, pursuant to Section 22-13-1.1 NMSA 1978 or an updated individual education plan (IEP) or gifted individual education plan (GIEP) with transition plan that meets next step plan requirements.

(9) Class loads, caseloads, and subjects of instruction. Local school districts, charter schools, and state institutions shall report class loads, caseloads, and instructional subject areas for each school. Charter schools may cite in their report a current, nondiscretionary waiver of department requirements for class load, teaching load, staffing patterns, and subject areas pursuant to Section 22-8B-5 NMSA 1978.

(a) Class loads. The report of the number of students in general education classrooms shall include: the class load for each elementary school teacher and, where applicable, indication of the support of educational assistants; for each school, the average class load for classrooms in grades one, two, and three; for each school the average class load for classrooms in grades four, five, and six; the daily teaching load for teachers in grades seven through 12, indicating those teaching required English courses; and any conditions supporting a request for waiver of class load requirements, pursuant to Subsection G of Section 22-10A-20 NMSA 1978 and Subsection H of 6.29.1.9 NMAC.

(b) Caseloads. The report shall include the student caseloads of school staff providing instruction or services required of students' individualized education programs (IEPs) and gifted

individualized education programs (GIEPs), categorized by level of service pursuant to Subsection I of 6.29.1.9 NMAC.

(c) Counselors. The report shall include the staff-to-student ratios, caseloads, and licensure types for school counselors at each school.

(d) Subject areas. The report shall include the instructional subject areas provided at each school, addressing department-approved content and performance standards. A school or school district failing to meet these minimum requirements shall not receive approved accreditation status. Reports for grades nine through 12 shall include all credit-earning courses that are required or may contribute to student graduation requirements as provided for in Section 22-13-1.1 NMSA 1978, including those that are advanced placement, international baccalaureate, honors, or dual credit courses, and credits earned in the process of completing an industry-recognized credential, certificate, or degree. An assurance that final examinations are administered as part of all credit-earning courses in grades nine through 12 shall accompany the report of instructional subject areas. Reports for kindergarten through grade eight shall include all required instructional areas of Section 22-13-1 NMSA 1978:

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

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

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

(b) Historically defined Indian-impacted local school districts and charter schools shall include in the report the most recent student needs assessment, systemic framework, accountability tool, annual

evaluation of the systemic framework, any requests to amend the systemic framework or accountability tool, and the public statement as required by Sections 11 and 12 of 6.35.2 NMAC.

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

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

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

(11) Special education. Local school districts and charter schools shall provide a free and appropriate public education (FAPE) and shall comply with all applicable provisions of IDEA Part B and 6.31.2 NMAC et seq. for students eligible for special education.

(12) Distance learning: Local school districts and charter schools with distance learning programs shall comply with the requirements of the Distance Learning Act, Chapter 22, Article 30 NMSA 1978.

B. Citation of any current waivers of educational program requirements shall accompany reports.

C. A school that implements a material organizational change requiring approval under 6.30.20 NMAC without prior written approval of the secretary may not receive relevant accreditation status approvals.

[6.19.4.8 NMAC - N, 7/1/2024; A, 7/1/2027]

6.19.4.9 ACCREDITATION OF NONPUBLIC AND BIE SCHOOLS AND APPROVAL OF ACCREDITING ENTITIES:

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

B. Annual report to ensure the health and safety of New Mexico children. All nonpublic and BIE schools shall submit an annual report, whether choosing to seek state accreditation or not choosing to seek state accreditation. On a date set by the department and in a method prescribed by the department, nonpublic and BIE schools shall update and submit the following information to the department:

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

(2) a report of immunization status records pursuant to Section 24-5-4 NMSA 1978;

(3) a report of the completion of required emergency drills, pursuant to Section 22-13-14 NMSA 1978;

(4) a report of attendance pursuant to Subsection I of Section 22-2-2 NMSA 1978; and

(5) the school's current attendance policy enforcing Sections 22-12A-1 through 22-12A-14 NMSA 1978, the Attendance for Success Act, pursuant to Section 22-12A-6 NMSA 1978.

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

D. The department may observe the operation of a nonpublic school choosing to seek state accreditation or BIE school choosing to seek state accreditation.

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

(1) capacity to evaluate a school under set, rigorous standards;

(2) reliance on accreditation standards for evidence-based educational practices that facilitate student academic achievement;

(3) success outside the state of New Mexico, if any, as an accrediting agency;

(4) policy and procedures for sharing educational research data and results, academic standards, and school-specific accreditation reports with the department;

(5) use of peer evaluation and periodic site visits to assess whether a [~~nonpublic~~] school meets that entity's standards and continues to meet those standards;

(6) collection of documentation to verify that a [~~nonpublic~~] school meets and continues to meet that entity's standards; and

(7) authority to suspend, limit, or terminate its accreditation of a school.

[6.19.4.9 NMAC - N, 7/1/2024; A, 7/1/2027]

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

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

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

[6.19.4.10 NMAC - N, 7/1/2024]

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

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

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

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

(2) The written statement shall be submitted to the department's office of general counsel.

C. Only matters relevant to the contents of notice of disapproval accreditation status and the statement from the local school board, charter school governing body, or governing body of a nonpublic or BIE school required by this section may be raised at the hearing.

D. The secretary or hearing officer may have the department's legal counsel and other department staff present at the hearing and may seek their advice at any time.

E. The rules of evidence and rules of civil procedure shall not apply to the hearing.

F. The hearing shall be presided over by the secretary, or a hearing officer designated by the secretary, and shall be open to the public. A hearing officer shall, within 30 days after the hearing, or sooner if requested by the secretary, submit a recommended decision to the secretary.

G. The secretary or hearing officer shall open the hearing by presenting a summary of the reasons for the disapproval accreditation status.

H. The local school board, charter school governing body, or governing body of a nonpublic or BIE school shall then commence a presentation to show why the secretary should not issue disapproval accreditation status.

I. The local school board, charter school governing body, or governing body of a nonpublic or BIE school may present witnesses and introduce documentary evidence to rebut the secretary's rationale for issuing disapproval accreditation status. The local school board's, charter school governing body's, or nonpublic or BIE school governing body's presentation and witnesses may be subject to objection or cross-examination. The department may also present witnesses and introduce documentary evidence related to the disapproval accreditation status. The department's presentation and witnesses may also be subject to objection or cross-examination.

J. The secretary or hearing officer may question department staff or the local school board, charter school governing body, or governing body of a nonpublic or BIE school subject to the accreditation decision regarding the causes for the disapproval and the reasons stated by the recipient for opposing the decision. The local school board, charter school governing body, or governing body of a nonpublic or BIE school may also question the department's witnesses regarding the causes for the decision and the reasons stated by the recipient for opposing the disapproval.

K. The secretary or hearing officer may question witnesses and rule on admission of testimony or documentary evidence, including exercising discretion to exclude incompetent, irrelevant, immaterial, or unduly repetitious evidence.

L. The secretary shall retain, modify, or withdraw the disapproval accreditation status within 10 days after the date of submission of the hearing officer's recommended decision.

(1) The secretary's decision shall be in writing and delivered to the local school board, charter school governing body, or governing body of a nonpublic or BIE school subject to the accreditation decision.

(2) The secretary's written decision shall provide reasons for the decision.

(3) The decision may be delivered by physical or electronic mail to the address or email address of the recipient of disapproval accreditation status.

M. The local school board, charter school governing body, or governing body of a nonpublic or BIE school subject to the accreditation decision may waive the timelines provided in this rule by submitting such waiver to the secretary in writing and signed by a person with authority to make the submission.

N. An administrative record shall be made, including a record of the proceedings, which may be an audio recording. Payment may be required for receipt of the administrative record.

O. The matter may be settled by the parties at any time prior to the conclusion of the hearing. Any such agreement shall address the timelines provided in this rule and shall be included in the administrative record.
[6.19.4.11 NMAC - N, 7/1/2024]

6.19.4.12 CONSEQUENCES OF PUBLIC SCHOOL DISAPPROVAL ACCREDITATION STATUS:

[~~**A.** A local school district or public school that has received disapproval accreditation status shall not operate a school-based early childhood education program, pursuant to Subsection B of Section 22-8-19.1 NMSA 1978.~~]

[~~B.~~] **A.** In addition to conferring disapproval accreditation status upon a local school district, a local school district's school or educational program of a state institution, the department may:

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

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

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

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

(5) close the local school district's school; or

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

[~~C.~~] **B.** In addition to conferring disapproval accreditation status upon a state-chartered or locally chartered school, the department may:

(1) suspend the principal from authority or responsibility pursuant to Section 22-2-14 NMSA 1978;

(2) notify a charter school's authorizer for purposes of the suspension, revocation, or non-renewal of the charter of a state-chartered or locally chartered school by the authorizer, as provided for in Paragraph (5) of Subsection K of Section 22-8B-12 NMSA 1978; or

(3) execute other remedies in the public school code that may be appropriate.
[6.19.4.12 NMAC - N, 7/1/2024; A, 7/1/2027]

6.19.4.13 SEVERABILITY: In the event that any one or more of the sections of this rule, in whole or in part, should be held to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining sections of this rule shall not in any way be affected or impaired.
[6.19.4.13 NMAC - N, 12/22/2026]

HISTORY OF 6.19.4 NMAC: [RESERVED]