

Proposed Rule Abstract

1. **Agency:** Public Education Department
2. **Rule Citation:** 6.61.9 NMAC, Certificates of Endorsement Waiver
3. **Rulemaking Action:** Repeal and Replace
4. **Register Issue and Date of Notice of Proposed Rulemaking:** Volume 29, Issue 15, August 14, 2018
5. **Effective Date:** October 16, 2018
6. **Citation to Specific Legal Authority:** Sections 22-2-1, 22-2-2, and 22-10A-14 NMSA 1978
7. **Short Explanation of the Rule's Purpose:** To update the requirements for seeking an endorsement waiver, renewing an endorsement waiver, and requesting department review of a denied endorsement waiver.
8. **Link to Full Text of the Rule:** https://webnew.ped.state.nm.us/wp-content/uploads/2018/08/6.61.9-NMAC_integrated_web.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:** August 14, 2018 to September 19, 2018 at 5:00 p.m. Written comments may be submitted to Jamie Gonzales, Policy Division, New Mexico Public Education Department, Room 101, 300 Don Gaspar Avenue, Santa Fe, NM 87501, rule.feedback@state.nm.us, or by fax to (505) 827-6520
11. **Rule Hearing:** September 19, 2018 from 9:00 a.m. to 11:00 a.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 August 14 issue of the *New Mexico Register* contained a Notice of Proposed Rulemaking to repeal and replace the current rule that establishes the requirements for seeking an endorsement waiver, renewing an endorsement waiver, and requesting Public Education Department (PED) review of a denied endorsement waiver. The proposed rule also defines which endorsements qualify for a waiver application. See **Attachment 1, 6.61.9 NMAC, Certificates of Endorsement Waiver.**

Analysis

The proposed rule maintains much of the waiver process required by the current rule, but with greater brevity. When local educational agencies (LEAs) apply to PED for an endorsement waiver, they will have to submit documentation within 60 days of the start date of the employee's contract, demonstrating the employee is filling a vacancy that has remained unfilled through no fault of the LEA.

Charter Schools and School Districts with Highest Percent EL Population

FY 18

Location	Number of EL Students	Overall Student Population	Percent EL Population
Dream Dine	18	24	72%
La Promesa Early Learning	224	377	59%
Walatowa Charter High	26	56	46%
DEAP	11	23	46%
Hatch Valley Public Schools	507	1,268	40%
Academy of Trades and Tech	46	123	37%
Anthony Charter School	39	107	37%
Gadsden Independent Schools	4,607	13,407	34%
La Resolana Leadership	23	66	34%
Deming Public Schools	1,827	5,381	34%

School Districts with Highest Number of EL Students

Source: PED

FY 18

School District	Number of EL Students	Overall Student Population	Percent EL Population
Albuquerque Public Schools	13,451	89,770	15%
Gadsden Independent Schools	4,607	13,407	34%
Gallup-McKinley County Schools	3,086	11,399	27%
Las Cruces Public Schools	2,833	24,694	11%
Santa Fe Public Schools	2,786	13,087	21%

Source: PED

The LEA and employee must then also submit a detailed plan for the new employee's completion of the endorsement requirements to PED. The certificate of endorsement waiver will then be issued for up to one year. Essentially, the proposed rule leaves the actual waiver process unchanged.

Under the proposed rule some endorsements will no longer be eligible for a waiver including teaching English to speakers of other languages (TESOL), bilingual education, and modern or classical languages. TESOL changes may impact schools across the state, as a TESOL endorsement is required for teachers who serve students who are classified as English learners (EL). Schools already struggle to staff these positions and this proposed change will likely impact schools with a high EL population. See

Attachment 2, Percent English Learners by School District. This proposed change could result in more long term substitutes in TESOL positions, as there aren't as stringent requirements for long term substitutes to serve EL students. LESC reached out to PED for information regarding the number of teachers currently on an endorsement waiver for TESOL. To date, the department has not provided the requested information.

The proposed rule also requires PED to consider a waiver candidate's NMTEACH effectiveness rating when determining whether to approve or deny a waiver request. Further, the proposed rule also prohibits a waiver from being approved if the candidate's effectiveness rating from the prior year was ineffective or minimally effective.

**PROPOSED REPEAL AND REPLACE
STRIKETHROUGH**

~~Strikethrough~~ represents original language being taken out

Underline represents new language

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 61 SCHOOL PERSONNEL - SPECIFIC LICENSURE REQUIREMENTS FOR
 INSTRUCTORS
PART 9 CERTIFICATES OF ENDORSEMENT WAIVER**

6.61.9.1 ISSUING AGENCY: Public Education Department (PED), hereinafter the department.
[6.61.9.1 NMAC - Rp, 6.61.9.1 NMAC, 10/16/2018]

6.61.9.2 SCOPE: This rule governs the [~~circumstances~~] requirements for the issuance and duration of endorsement waivers to those individuals who do not meet the requirements for endorsements as required for providing instructional services in certain areas.
[6.61.9.2 NMAC - Rp, 6.61.9.2 NMAC, 10/16/2018]

6.61.9.3 STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2, and 22-10A-14, NMSA 1978
[6.61.9.3 NMAC - Rp, 6.61.9.3 NMAC, 10/16/2018]

6.61.9.4 DURATION: Permanent
[6.61.9.4 NMAC - Rp, 6.61.9.4 NMAC, 10/16/2018]

6.61.9.5 EFFECTIVE DATE: October 16, 2018, unless a later date is cited in the history note at the end of a section.
[6.61.9.5 NMAC - Rp, 6.61.9.5 NMAC, 10/16/2018]

6.61.9.6 OBJECTIVE: [~~This rule establishes guidelines for local superintendents, charter schools, or governing authorities of state institutions that seek to employ individuals under the authority of endorsement waivers. It is the objective of the secretary to ensure that all public school and state institution teaching positions are filled with only individuals holding valid standard, alternative, substitute or intern licenses and proper endorsements.~~] This rule establishes the process and requirements for school districts, state-chartered charter schools, and state institutions to request and receive endorsement waivers.
[6.61.9.6 NMAC - Rp, 6.61.9.6 NMAC, 10/16/2018]

[~~6.61.9.7~~ DEFINITIONS:

~~A. "Standard license" means a certificate or license issued by the secretary authorizing a person to teach, supervise an instructional program, counsel, provide special instructional services or administer in the public schools of the state and which are issued at five and nine year intervals.~~

~~B. "Emergency declaration" means the situation where a local superintendent, governing authority of a charter school or state institution, has declared that, due to circumstances beyond the control of the local superintendent, governing authority of a charter school or state institution, a vacancy or vacancies exist in a teaching position that requires the holding of a standard license for a position that must be filled immediately or as soon as practicable to avoid a deterioration of significant services.~~

~~C. "Endorsement waiver" means the situation where, for up to a school year, the secretary, through the professional licensure bureau ("PLB") of the PED, authorizes a local superintendent, a charter school or governing authority of a state institution to fill an existing licensed teaching position in a public school or state institution with an individual designated by the local superintendent, to receive an endorsement waiver.~~

~~D. "Certificate of assignment endorsement waiver" means the situation where, for up to a school year, the secretary authorizes a local superintendent, a charter school or governing authority of a state institution to fill an existing public school or state institution teaching vacancy with an individual holding a standard license who does not hold the specific endorsement required for that position.~~

~~E. "School year" means the total number of teaching days offered by public schools in a school district during a period of twelve consecutive months, but more specifically means the period of time, usually~~

August through May of a year, in which a local school district is in session and has licensed teachers providing instructional services.

F. "Specific method, date and duration of recruitment" means the media used to recruit the filling of a vacancy, the name of the media used, and the date(s) and duration the recruitment for a specific vacant position was disseminated by the media.

G. "Documentation supporting recent recruiting effort" means a paper copy of any medium or method used to recently recruit the filling of a vacancy, including but not limited to a newspaper listing, a bulletin board listing, an e-mail, a fax, or a memorandum actually sent or posted.

H. "Recent recruitment effort" means within 12 months preceding the date the request for endorsement waiver is submitted with the PLB.

I. "Core academic subjects" means English, language arts, reading, mathematics, science, modern and classical languages, except the modern and classical Native American languages and cultures of New Mexico tribes or pueblos, the arts, including music and visual arts, and social studies, which includes civics, government, economics, history, and geography.

J. "Highly qualified", under this rule, means a teacher of the core academic subjects who has had no certification or licensure requirements waived on an emergency basis.]

6.61.9.7 DEFINITIONS: Reserved.
[6.61.9.7 NMAC - Rp, 6.61.9.7 NMAC, 10/16/2018]

6.61.9.8 TEACHER SHORTAGES:

A. Local superintendents, charter schools or state institutions faced with teacher shortages conclude that the best option is to fill a classroom for a year with a licensed teacher not possessing the endorsement required for a given area.

B. The PLB shall, on behalf of the secretary, receive and evaluate all requests for endorsement waivers. At least annually but no later than June 30th of each school year, the director of professional licensure ("director") shall for the preceding school year compile and present to the secretary the numbers of endorsement waivers it issued and declined to issue.

[6.61.9.8 NMAC - Rp, 6.61.9.8 NMAC, 10/31/2007]

6.61.9.8 REQUIREMENTS FOR INITIAL ENDORSEMENT WAIVER REQUESTS:

- A.** Endorsement waivers shall:
- (1) be authorized by the department, in writing;
 - (2) permit a superintendent, state-charter administrator, or governing authority of a state institution to fill an existing licensed teaching position in a public school or state institution with an individual holding a standard license who does not hold the specific endorsement required for that position; and
 - (3) be issued for up to one school year.
- B.** Endorsement waivers may be requested in the following areas:
- (1) agriculture;
 - (2) business education;
 - (3) family and consumer sciences;
 - (4) gifted education;
 - (5) health;
 - (6) information tech coordinator;
 - (7) language arts;
 - (8) library media;
 - (9) mathematics;
 - (10) performing arts;
 - (11) physical education;
 - (12) psychology;
 - (13) reading;
 - (14) science;
 - (15) social studies;
 - (16) technology education; and
 - (17) visual arts.

C. Requests for endorsement waivers shall:

(1) be based on an emergency in which, due to circumstances beyond the control of the district, state-chartered charter school, or state institution, and as determined by the department, a vacancy exists in a teaching position requiring an endorsement listed in Subsection A of 6.61.9.8 NMAC that must be filled immediately or as soon as practicable to avoid a deterioration of significant services;

(2) be submitted within 60 calendar days of the beginning date of the endorsement waiver candidate's employment contract with the district, state-chartered charter school, or state institution;

(3) include documentation of unsuccessful recruitment efforts to fill the vacant position including the methods used and the dates and duration of efforts;

(4) demonstrate that the request has been made with the knowledge and consent of the candidate for the endorsement waiver;

(5) include documentation of the candidate's degree and coursework taken; and

(6) include a detailed plan completed and signed by the candidate identifying how they will gain the needed endorsements, including the completion at least nine college credit hours within one school year.
[6.61.9.8 NMAC - Rp, 6.61.9.8 NMAC, 10/16/2018]

[6.61.9.9 — EVALUATION OF AN ENDORSEMENT WAIVER REQUEST: To achieve consistent results, the PLB shall evaluate requests for endorsement waiver as follows:

A. The PLB consultants will determine whether local superintendents, charter schools, or state institutions have included documentation to support any assertion that they have been unsuccessful in recruiting qualified applicants; for those districts that choose to submit a supporting certification, the consultants will determine if that certification attests to a specific method, date and duration of recruitment. Applications submitted either without supporting documentation or a certification attesting to a specific method, date and duration of recruitment will almost certainly result in a non-approval of the request.

B. The PLB consultants will identify the type of degree held by the applicant and whether the candidate for endorsement waiver, given that degree and coursework taken, could later reasonably be qualified to receive an endorsement in the area requested by the local school superintendents, charter schools, or state institutions. If the candidate's degree or college coursework are too far removed from the focus area of the endorsement waiver, the endorsement waiver request will almost certainly be not approved.

C. The PLB consultants will determine if the endorsement waiver candidate has a completed endorsement application packet, as determined by the PLB, on file with the PLB. If the PLB does not receive a completed endorsement application packet within 30 days of its receipt of the endorsement waiver request concerning that candidate, then the endorsement waiver request will be not approved.

D. Requests for endorsement waiver must be made with the knowledge and consent of the candidate. Any endorsement waiver request received without the unqualified written consent of the candidate for endorsement waiver will be not approved.

E. Completion of at least nine college credit hours within a school year, including summers, is deemed to be a reasonable attempt to attain an endorsement waiver. Therefore, the PLB consultants will determine whether the local school plan contains a component requiring an endorsement waiver candidate to complete at least 9 college credit hours per year. Ultimately, the consultants shall evaluate endorsement waiver requests to determine if during the period of the endorsement waiver the candidate is reasonably capable of completing the coursework or passing the content test that would enable them to obtain the endorsement in the content area where the local superintendents, charter schools, or state institutions seeks to place the individual.

F. The PLB consultants will determine if a candidate for initial endorsement waiver has ever been issued an endorsement waiver. If such a candidate has held an endorsement waiver for more than three years, whether or not consecutive, further endorsement waiver will almost certainly be not approved.

G. The PLB consultants will determine if a candidate for initial endorsement waiver has ever been issued an endorsement waiver but failed to comply with any conditions established by the director. If such a candidate has previously failed to comply with conditions established by the director, including taking and passing required testing, further endorsement waiver will almost certainly be not approved.

H. The PLB consultants will notify the local school superintendents, of their approval or non-approval of the requested endorsement waiver for an individual. If the endorsement waiver is approved, the notification will detail the conditions under which the endorsement waiver is approved. If the endorsement waiver is not approved, the notification will state reasons why it was not approved. The non-approval notification will also state the superintendent's, charter school's, or state institution's rights for requesting a review.

~~I. A request not made within 60 days of the beginning date of the endorsement waiver candidate's employment contract with the local school superintendent, charter school, or state institution will almost certainly be not approved unless good cause is shown why it was submitted beyond the 60-day deadline. [6.61.9.9 NMAC - Rp, 6.61.9.10 NMAC, 10/31/2007]~~

6.61.9.9 REVIEW OF INITIAL ENDORSEMENT WAIVER REQUESTS:

~~A. The department shall review all requests for endorsement waivers within 60 calendar days of receipt. Waiver requests shall be valid for one year unless granted renewal according to the terms stated in 6.61.9.11 NMAC.~~

~~(1) Approved waivers shall detail the conditions under which the waiver has been approved.
(2) Denied waivers shall state the reasons for the denial and shall provide details regarding the right of the district, state-chartered charter school, or state institution to request a review or appeal.~~

~~B. The department shall review the following criteria when determining whether to approve or deny an endorsement waiver request:~~

~~(1) whether the candidate's plan for gaining the endorsement meets the criteria defined in Subsection C of 6.61.9.8 NMAC;~~

~~(2) the waiver history of the candidate;~~

~~(3) whether the degree and coursework taken by the endorsement waiver candidate could later qualify the candidate to receive an endorsement in the area requested;~~

~~(4) whether the candidate will be reasonably capable of completing required coursework or passing required content tests for the waiver; and~~

~~(5) the NMTEACH effectiveness rating of the waiver candidate.~~

~~C. Endorsement waivers shall not be approved for the following reasons:~~

~~(1) the waiver request does not have the written consent of the candidate;~~

~~(2) the request is for endorsements in teaching English to speakers of other languages, bilingual education, or modern and classical languages pursuant to Subsection F of 6.32.2.10 NMAC; or~~

~~(3) the candidate's NMTEACH effectiveness rating from the prior year is ineffective or minimally effective.~~

~~D. Endorsement waivers may not be approved for the following reasons:~~

~~(1) the candidate's degree or college coursework is too far removed from the focus area of the endorsement waiver;~~

~~(2) the application is submitted without supporting documentation or a certification attesting to the specific methods, dates, and duration of recruitment efforts;~~

~~(3) the candidate has held an endorsement waiver for more than three years, whether consecutive or not;~~

~~(4) the candidate has previously been issued an endorsement waiver and has failed to comply with the conditions of the department, including taking and passing required assessments; or~~

~~(5) the request is submitted beyond the 60-day deadline without demonstrating good cause for the delay.~~

[6.61.9.9 NMAC - Rp, 6.61.9.9 NMAC, 10/16/2018]

~~**6.61.9.10 NON-APPROVAL OF INITIAL ENDORSEMENT WAIVER:** Upon non approval by the PLB of initial or renewed endorsement waiver request, a superintendent or administrative designee, a charter school or a state institution may seek review of the non approval. To obtain review, the following procedure shall be used:~~

~~A. A request for review must be in writing, must be addressed to the director of the PLB, and must be received by the director within 30 days of the local school district's receipt of PLB's non approval of the request for an endorsement waiver. During this review period, an individual may not provide instructional services in the classroom for which an endorsement waiver is being sought unless that individual is a duly licensed substitute and is performing services as a substitute teacher pursuant to Section 22-10A-15 NMSA 1978 and 6.63.10 NMAC ("Certification for Substitute Teachers").~~

~~B. A request for review must contain not only a statement of reasons why an endorsement waiver should be issued or renewed, but must contain a written plan from the district, charter school or state institution that details the endorsement waiver candidate's progress if any toward completion of the college coursework, or taking/retaking the testing necessary to obtain the endorsement within the duration of the endorsement waiver if issued or renewed. The plan should address the candidate's progress to date toward meeting the goals of completing college coursework, or taking/retaking necessary testing, and what steps will be taken to fulfill these goals.~~

~~C. The director shall issue a decision on the request for review and forward it to the local school district, charter school, or state institution as soon as practicable. The decision of the director shall be final and not subject to review, reversal, clarification or reconsideration.
[6.61.9.10 NMAC - Rp, 6.61.9.11 NMAC, 10/31/2007]~~

6.61.9.10 RENEWAL OF AN ENDORSEMENT WAIVER: Endorsement waivers may be renewed if evidence of enrollment in or pending completion of required coursework and testing requirements is provided. It shall be the sole responsibility of the district, state-chartered charter school, or state institution to submit this documentary evidence to the department's licensure bureau.

~~A. Requests for the renewal of an endorsement waiver shall:
(1) be submitted by the superintendent, state-chartered charter school administrator, or the governing authority of a state institution, on a department-approved form;~~

~~(2) document all courses completed and exams taken by the candidate in the prior school year;~~

~~(3) demonstrate the candidate's compliance with all conditions required by the department for issuance of an endorsement waiver in the prior school year; and~~

~~(4) contain a detailed plan for completion of endorsement requirements within the current school year by the educator.~~

~~B. Endorsement renewals shall not be approved if:~~

~~(1) the candidate does not consent to providing the instructional services required of the position for which the waiver is being sought;~~

~~(2) prior non-use of an endorsement waiver is used as the reason for renewing the waiver; or~~

~~(3) the request for renewal does not comply with the requirements of 6.61.9.8 NMAC.~~

~~C. Endorsement renewals may not be approved if the candidate fails to complete and earn credit for college coursework to obtain the requisite credentials or obtain the degree required for the endorsement without good cause as determined by the department.~~

~~D. Provided that the holder of an endorsement waiver has complied with all conditions for the issuance of an endorsement imposed during the preceding school year, there shall be no need for the public school or state institution to reestablish the existence of an emergency.~~

~~[6.61.9.10 NMAC - Rp, 6.61.9.10 NMAC, 10/16/2018]~~

~~**6.61.9.11 RENEWAL OF AN ENDORSEMENT WAIVER:** Although an endorsement waiver is valid for one year and must be based on an emergency, it can be renewed if the teacher provides to the employer satisfactory evidence of continued progress toward meeting the requirements for the endorsement.~~

~~A. All requests for renewal of endorsement waiver shall be submitted by the local district's superintendent or designee, or a charter school or a state institution, on a form substantially similar to a form available from the PLB. No renewed endorsement waiver shall be issued to any individual who does not unqualifiedly consent to performing all or any instructional services by means of an endorsement waiver. Endorsement waiver renewal requests must be submitted together with documentary evidence that demonstrates the individual's compliance with all conditions imposed by the PLB for issuance of an endorsement waiver during the preceding school year. It shall be the sole responsibility of the local school charter school, or state institution to submit this documentary evidence to the PLB.~~

~~B. Provided that the holder of an endorsement waiver has complied with all conditions for the issuance of an endorsement imposed during the preceding school year, there shall be no need for a local charter school, or state institution to reestablish the existence of an emergency.~~

~~C. Except for good reason shown, any individual who fails to complete and earn credit for their college coursework to obtain the requisite credentials or obtain the degree for the endorsement required in the area for which the local superintendent, charter school, or state institution seeks to place the individual, a renewal of their endorsement waiver, shall almost certainly be non-approved. Non use of the endorsement waiver shall be deemed an invalid reason to renew an endorsement waiver.~~

~~D. Any endorsement waiver approved by the PLB shall be valid for only the current school year and may be renewed, provided however, that a candidate for renewal must have satisfied all conditions imposed by the PLB for the issuance of an endorsement waiver during the preceding school year.~~

~~[6.61.9.11 NMAC - Rp, 6.61.9.12 NMAC, 10/31/2007]~~

6.61.9.11 REQUESTS FOR REVIEW OF DENIED WAIVERS:

A. Candidates with a denied waiver, denied waiver renewal, or a waiver under review shall not provide instructional services in the classroom for which the endorsement waiver is being sought unless the candidate also has a valid substitute certificate and is performing services as a substitute teacher pursuant to Section 22-0A-15 NMSA 1978 and 6.63.10 NMAC.

B. Requests for review of a denied initial endorsement waiver shall:

- (1) be in writing;
- (2) be addressed to and received by the director of the department's licensure bureau within 30 calendar days of receipt of the denial by the district, state-chartered charter school, or state institution;
- (3) contain a statement of reasons why the endorsement waiver should be issued;
- (4) document the candidate's progress to-date toward completion of the required coursework and tests necessary to obtain the endorsement and what steps will be taken to fulfill said requirements within the duration of the endorsement waiver.

C. Requests for review of a denied renewal endorsement waiver shall:

- (1) be in writing;
- (2) be addressed to and received by the director of the department's licensure bureau within 30 calendar days of receipt of the denial by the district, state-chartered charter school, or state institution;
- (3) contain a statement of reasons why the endorsement waiver should be renewed; and
- (4) provide documentation justifying the reasons for the candidate's failure to satisfy the requirements for issuance of an endorsement during the preceding school year.

D. After review of a denied waiver, the decision of the department shall be communicated as soon as practicable. The decision of the department shall constitute a final agency decision and may be appealed pursuant to a district court in accordance with applicable law.
[6.61.9.11 NMAC - Rp, 6.61.9.11 NMAC, 10/16/2018]

[6.61.9.12 — NON APPROVAL OF AN ENDORSEMENT WAIVER: The procedure for seeking a review of any non approval of renewal of an endorsement waiver, shall be as follows:

A. A request for review must be in writing, must be addressed to the director the PLB, and must be received by the director within thirty days of the local school district's receipt of the PLB's non approval of the request for an endorsement renewal of an endorsement waiver. During this review period, an individual may not provide instructional services in the classroom for which an endorsement waiver is being sought unless that individual is a duly certified substitute and is performing services as a substitute teacher pursuant to 6.63.10 NMAC ("Licensure for Substitute Teachers") or Section 22 10A 15 NMSA 1978.

B. A request for review must contain a statement of reasons why the endorsement waiver should be renewed together with any documents not previously submitted that justify the individual's failure to satisfy all conditions imposed by the PLB for the issuance of an endorsement waiver during the preceding school year.

C. The director shall issue a decision on the request for review and forward it to the local school district, charter school, or state institution as soon as practicable. The decision of the director shall be final and not subject to review, reversal, clarification or reconsideration.
[6.61.9.12 NMAC — Rp, 6.61.9.13 NMAC, 10/31/2007]

[6.61.9.13 — RESTRICTIONS ON THE USE AND ISSUANCE OF AN ENDORSEMENT WAIVER:

A. Consistent with Title I, Sec. 1119(a)(1) and Title IX, Sec. 9101(23)(A)(ii) of the No Child Left Behind Act, if a teacher was initially employed after the first day of school of the 2002-2003 school year and is not highly qualified, the teacher shall not be issued an endorsement waiver by the secretary in the core academic subjects, and local education agencies receiving funds under Title I of the Act shall not assign that teacher to teach the core academic subjects in a Title I targeted assistance program or schoolwide program.

B. Consistent with Title I, Sec. 1119(a)(2) and Title IX, Sec. 9101(23)(A)(ii) of the No Child Left Behind Act, which requires that all teachers of the core academic subjects be highly qualified by the end of the 2005-2006 school year, the secretary will not issue endorsement waivers to teachers who teach the core academic subjects after June 30, 2006.

C. Consistent with Subsection D of Section 22 10A 14 NMSA 1978, no teacher holding an endorsement waiver shall be assigned to a school that has not made adequately yearly progress for two consecutive years.
[6.61.9.13 NMAC — Rp, 6.61.9.17 NMAC, 10/31/2007]

HISTORY OF 6.61.9 NMAC:

History of Repealed Material:

6.61.9 NMAC, Certificates of Waiver, filed 7-2-2001 - Repealed effective 10/31/2007.

DRAFT

Percentage of English Learners by School District		ATTACHMENT 2		
School ID	School Name	EL	Overall	Percent EL
001000	Albuquerque Public Schools	13451	89770	15%
002000	Reserve Independent Schools	2	135	1%
003000	Quemado Independent Schools	0	141	0%
004000	Roswell Independent Schools	950	10285	9%
005000	Hagerman Municipal Schools	87	428	20%
006000	Dexter Consolidated Schools	156	1012	15%
007000	Lake Arthur Municipal Schools	23	93	24%
008000	Cimarron Municipal Schools	14	447	3%
009000	Raton Public Schools	35	972	4%
010000	Springer Municipal Schools	0	140	0%
011000	Maxwell Municipal Schools	0	114	0%
012000	Clovis Municipal Schools	769	8355	9%
013000	Texico Municipal Schools	40	568	7%
014000	Melrose Public Schools	0	227	0%
015000	Grady Municipal Schools	1	132	1%
016000	Fort Sumner Municipal Schools	14	306	5%
017000	Las Cruces Public Schools	2833	24694	11%
018000	Hatch Valley Public Schools	507	1268	40%
019000	Gadsden Independent Schools	4607	13407	34%
020000	Carlsbad Municipal Schools	495	6878	7%
021000	Loving Municipal Schools	63	547	11%
022000	Artesia Public Schools	199	3908	5%
023000	Silver Consolidated Schools	64	2710	2%
024000	Cobre Consolidated Schools	107	1272	8%
025000	Santa Rosa Consolidated Schools	26	650	4%
026000	Vaughn Municipal Schools	3	72	4%
027000	Roy Municipal Schools	0	49	0%
028000	Mosquero Municipal Schools	0	43	0%
029000	Lordsburg Municipal Schools	8	508	2%
030000	Animas Public Schools	9	182	5%
031000	Lovington Municipal Schools	769	3689	21%
032000	Eunice Municipal Schools	86	769	11%
033000	Hobbs Municipal Schools	1602	9803	16%
034000	Jal Public Schools	55	448	12%
035000	Tatum Municipal Schools	16	334	5%
036000	Ruidoso Municipal Schools	210	2001	11%
037000	Carrizozo Municipal Schools	0	143	0%
038000	Corona Municipal Schools	1	75	1%
039000	Hondo Valley Public Schools	31	135	23%
040000	Capitan Municipal Schools	0	483	0%
041000	Los Alamos Public Schools	91	3669	2%
042000	Deming Public Schools	1827	5381	34%
043000	Gallup-McKinley County Schools	3086	11399	27%
044000	Mora Independent Schools	27	411	7%
045000	Wagon Mound Public Schools	12	66	17%

046000	Alamogordo Public Schools	109	5979	2%
047000	Tularosa Municipal Schools	18	845	2%
048000	Cloudcroft Municipal Schools	3	320	1%
049000	Tucumcari Public Schools	29	964	3%
050000	House Municipal Schools	0	67	0%
051000	Logan Municipal Schools	0	319	0%
052000	San Jon Municipal Schools	0	143	0%
053000	Chama Valley Independent Schools	59	392	15%
054000	Dulce Independent Schools	127	677	19%
055000	Española Public Schools	482	3671	13%
056000	Jemez Mountain Public Schools	52	246	21%
057000	Portales Municipal Schools	175	2804	6%
058000	Elida Municipal Schools	0	136	0%
059000	Floyd Municipal Schools	36	212	17%
060000	Dora Consolidated Schools	9	250	3%
061000	Bernalillo Public Schools	873	3157	28%
062000	Cuba Independent Schools	179	548	33%
063000	Jemez Valley Public Schools	120	392	31%
064000	Aztec Municipal Schools	30	3160	1%
065000	Farmington Municipal Schools	1134	11521	10%
066000	Bloomfield Schools	317	2943	11%
067000	Central Consolidated Schools	1090	6167	18%
068000	West Las Vegas Public Schools	196	1461	13%
069000	Las Vegas City Public Schools	108	1582	7%
070000	Pecos Independent Schools	63	630	10%
071000	Santa Fe Public Schools	2786	13087	21%
072000	Pojoaque Valley Public Schools	328	1924	17%
073000	Truth or Consequences Municipal Schools	87	1313	7%
074000	Socorro Consolidated Schools	51	1718	3%
075000	Magdalena Municipal Schools	54	351	15%
076000	Taos Municipal Schools	177	2812	6%
077000	Peñasco Independent Schools	25	352	7%
078000	Mesa Vista Consolidated Schools	53	243	22%
079000	Questa Independent Schools	32	373	9%
080000	Estancia Municipal Schools	28	624	4%
081000	Moriarty-Edgewood School District	103	2457	4%
082000	Mountainair Public Schools	0	236	0%
083000	Rio Rancho Public Schools	546	17052	3%
084000	Clayton Municipal Schools	11	474	2%
085000	Des Moines Municipal Schools	0	97	0%
086000	Los Lunas Public Schools	843	8482	10%
087000	Belen Consolidated Schools	311	3933	8%
088000	Grants-Cibola County Schools	406	3807	11%
089000	Zuni Public Schools	425	1350	31%
501000	Media Arts Collaborative	3	244	1%
502000	Cottonwood Classical Prep	5	697	1%
503000	Horizon Academy West	14	449	3%

504000	North Valley Academy	12	459	3%
505000	School of Dreams Academy	35	511	7%
506000	New America School - Albuquerque	72	288	25%
507000	Cien Aguas International	66	393	17%
508000	International School at Mesa Del Sol	27	294	9%
509000	New Mexico School for the Arts	0	218	0%
510000	Taos Academy	0	202	0%
511000	Alma D'Arte Charter	3	181	2%
512000	Cesar Chavez Community School	53	190	28%
514000	Gilbert L Sena Charter HS	8	159	5%
515000	South Valley Prep	39	155	25%
516000	Albuquerque School of Excellence	29	403	7%
517000	Albuquerque Sign Language Academy	31	96	32%
518000	Tierra Adentro	34	282	12%
519000	MASTERS Program	14	203	7%
520000	ASK Academy	7	458	2%
521000	Taos Integrated School of Arts	10	145	7%
522000	ACE Leadership High School	39	357	11%
523000	Academy of Trades and Tech	46	123	37%
524000	Albuquerque Institute of Math & Science	1	354	0%
525000	Amy Biehl Charter High School	14	297	5%
527000	Southwest Intermediate Learning Center	0	97	0%
528000	La Promesa Early Learning	224	377	59%
529000	Montessori Elementary School	0	420	0%
530000	Southwest Primary Learning Center	2	102	2%
531000	Southwest Secondary Learning Center	1	273	0%
532000	Aldo Leopold Charter	0	156	0%
535000	J Paul Taylor Academy	3	200	2%
536000	GREAT Academy	8	155	5%
539000	Red River Valley Charter School	13	77	16%
540000	La Resolana Leadership	23	66	34%
541000	Coral Community Charter	16	236	7%
542000	Mission Achievement And Success	157	756	21%
543000	Sage Montessori Charter School	15	142	11%
544000	Southwest Aeronautics Mathematics and Science	1	260	0%
545000	William W. & Josephine Dorn Charter	10	46	21%
546000	La Tierra Montessori School	31	117	26%
547000	McCurdy Charter School	53	529	10%
548000	Uplift Community School	29	185	16%
549000	New America School - Las Cruces	45	254	18%
550000	Estancia Valley Classical Academy	5	452	1%
552000	Walatowa Charter High	26	56	46%
553000	Health Leadership High School	30	191	15%
554000	New Mexico Connections Academy	23	1466	2%
555000	Taos International School	31	162	19%
556000	Anthony Charter School	39	107	37%
557000	Explore Academy	1	185	0%

559000	Dream Dine	18	24	72%
560000	La Academia Dolores Huerta	28	169	17%
561000	Technology Leadership	7	110	7%
562000	DEAP	11	23	46%
563000	Sandoval Academy of Bilingual Education	4	81	5%
564000	Monte Del Sol Charter	56	343	16%
565000	Tierra Encantada Charter School	41	284	14%
566000	Turquoise Trail Charter School	102	463	22%
567000	Las Montañas Charter	4	147	3%
568000	Six Directions Indigenous School	11	49	21%
570000	Roots & Wings Community School	3	50	5%
571000	Cariños Charter School	34	104	33%
Grand Total		45399	333447	14%
			Source: LESC Files	