
Proposed Rule Abstract

1. **Agency:** Public Education Department (PED)
2. **Rule Citation:** 6.30.13 NMAC
3. **Rulemaking Action:** New rule
4. **Register issue and Date of NPRM:** Volume 29, Issue 5, March 13, 2018
5. **Effective Date:** May 15, 2018
6. **Citation to Specific Legal Authority:** Sections 9-24-8 NMSA 1978 and 22-2-1 NMSA 1978
7. **Short Explanation of the Rule's Purpose:** To outline the criteria high schools in New Mexico must meet to receive official designation as a PED-approved early college high school. The proposed rule would establish application, compliance evaluation, and renewal procedures for designated early college high schools.
8. **Link to Full Text of the Rule:** <http://164.64.110.239/nmregister/xxix/xxix05/PEDnotice2.pdf>
9. **How Information on the Rule can be Obtained:** Copies of the proposed rule may be accessed through the New Mexico Public Education Department's website at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>, or may be obtained from Jamie Gonzales at 505-827-7889.
10. **Comment Period and Deadlines:** March 13, 2018 to April 23, 2018 at 5:00 p.m. Written comments may be submitted to Jamie Gonzales, Policy Division, PED Room 101, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501, or at rule.feedback@state.nm.us.
11. **Rule Hearing:** April 23, 2018, 9 a.m. to 12 p.m., 300 Don Gaspar Avenue, Santa Fe, NM 87501
12. **Link to Agency Permanent Rulemaking Record:** http://statenm.force.com/public/SSP_RuleHearingSearchPublic

Summary of Proposed Rule

The March 13, 2018 issue of the *New Mexico Register* contained a proposed new rule Part 13 of 6.30 NMAC, "Early College High School," that outlines the criteria that high schools in New Mexico must meet to receive official designation as a PED-approved early college high school. The proposed new rule would establish application, compliance evaluation, and renewal procedures. See **Attachment 1, 6.30.13 NMAC, Early College High School**.

Analysis

Early college high schools (ECHS) offer a high school diploma and a college-level credential or degree through partnerships with colleges offering dual credit and local industry. In some cases, ECHSs serve traditionally underrepresented students, including low-income, first-generation college student, students of color, and English learners.

ECHSs can operate as stand-alone schools or exist on a college campus. According to PED, there are 20 ECHSs in New Mexico.

According to PED, ECHSs offer students accelerated academic and career technical education coursework; dual credit coursework; small student-to-teacher ratios; begin in ninth grade and takes four years to complete; and provide wrap around services.

Definitions

The new proposed rule includes definitions for “career and technical education standards,” “career technical education” (CTE), “dual credit,” “ECHS,” “meta major,” “postsecondary partner,” “pathway,” “work-based learning,” “workforce recognized credential,” and “workforce partner.”

Program Qualifications

To qualify as a PED-approved ECHS, the proposed rule will require schools to integrate PED-approved standards into courses within a structured pathway that meet graduation requirements and result in a workforce-recognized credential through dual credit courses. The proposed rule will require students to begin taking dual credit courses no later than 10th grade and ECHSs will be required to accelerate the timeline for high school students to complete college. Dual credit courses will be required to be delivered through one or more postsecondary partners; be tuition free; be taught by instructors who meet the higher learning commission qualifications for college instructors; and use innovative, interactive, research-based support structures. Dual credit courses will be required to be aligned with the pathway indicated on the student’s next step plan, the established New Mexico higher education general education curriculum, and either the student’s declared CTE pathway or declared major or meta major. The proposed rule will also require schools to focus on targeting efforts to reach underrepresented students. Lastly, provisions will require schools to operate in partnership with one or more workforce partner to promote meaningful work-based learning experiences.

Application Process for ECHS Designation

The proposed rule will require schools seeking “initial” designation as a PED-approved ECHS to submit an application to PED by July 1. Elements of the initial application will be required to include a description of the proposed pathways, proposed workforce-recognized credential for each pathway, projected number of students to be served, outreach and recruitment process for underrepresented populations, and a memorandum of understanding with a postsecondary partner that offers dual credit courses and a workforce partner that provides work-based learning experiences. Additionally, the application will be required to have a plan for sustainability and provide evidence of tribal consultation pursuant to the State Tribal Collaboration Act. PED will be required to review and approve the application by August 1. PED-approved applications, which are valid for two years, will allow an ECHS to maintain their designation for two years. ECHSs will be required to re-apply for ECHS status every two years. Schools that are pending initial approval may request a 90-day postponement period to address any department concerns.

Program Compliance and Renewal

The proposed rule will require ECHSs to report disaggregated student data to PED, including the number of students enrolled, student participation in each pathway, student attainment of workforce credentials, the percentage of low-income students enrolled compared with the percentage enrolled in the school district, student participation in work-based learning, and students earning college credit. PED will be required to determine compliance with the regulation for renewal purposes by August 1 and will renew designation for a two-year period to begin the following year. If an ECHS is unable to demonstrate compliance, PED will be required to issue written notification by August 1.

Response to Noncompliance and Extensions

The proposed rule will require ECHSs that are not compliant to be placed on probation for one school year to make improvements toward full compliance. ECHSs that are not compliant must submit an improvement plan within 30 days of written notice to PED. The rule will also require PED to offer technical assistance in the development and implementation of the improvement plan. ECHSs will be allowed to apply for an extension of their probationary period; however, PED will have discretion to grant or deny an extension. An ECHS that loses its designation will be required to wait one school year before re-applying for designation.

Waivers

The proposed rule will allow ECHSs to apply for certain waivers if a waiver request is filed with their initial application. Allowable waivers include individual class load and teaching load, length of school day, staffing patterns, subject areas, purchase of instructional materials, and coursework requirements. Any waiver granted by PED will remain in effect for the duration of the school's approval as a PED-approved ECHS. However, Section 22-2-1 NMSA 1978, as cited in the regulation, only allows waivers if a school exceeds education standards as determined by PED. It is unclear if, given the language in the proposed regulation, an ECHS will need to exceed educational standards to be eligible for a waiver, or if all ECHSs that meet the criteria of the proposed rule will be deemed by PED to exceed educational standards. See **Attachment 2, 22-2-2.1 NMSA 1978 Additional department duties; waiver of certain requirements.**

Purpose

PED staff indicated the rationale behind the proposed rule is to ensure ECHSs are implementing best practices with fidelity. PED and the Higher Education Department (HED) have been working to update the dual credit procedures manual and dual credit rule to improve the quality of dual credit programs statewide. At the Spring Budget Workshop in March 2018, PED staff indicated the ECHS regulation relates to the update of the dual credit procedures manual and dual credit rule; currently, PED and HED are considering limiting the number of dual credit courses that high school students will be able to take each semester if they attend a non-ECHS high school. If the proposed dual credit procedure manual is adopted, it appears a high school would have to meet ECHS requirements established by PED to allow students to take more than two dual credit courses per semester. PED and HED are currently accepting

stakeholder feedback on the dual credit procedure manual with the goal of implementing it in May 2018. See **Attachment 3, New Mexico Dual Credit Program**.



TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 30 EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS
PART 13 EARLY COLLEGE HIGH SCHOOL

6.30.13.1 ISSUING AGENCY: Public Education Department, herein after referred to as the "department".
[6.30.13.1 NMAC - N, 5/15/2018]

6.30.13.2 SCOPE: This rule applies to all school districts and public schools.
[6.30.13.2 NMAC - N, 5/15/2018]

6.30.13.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to Sections 9-24-8 and 22-2-1,
NMSA 1978.
[6.30.13.3 NMAC - N, 5/15/2018]

6.30.13.4 DURATION: Permanent
[6.30.13.4 NMAC - N, 5/15/2018]

6.30.13.5 EFFECTIVE DATE: May 15, 2018, unless a later date is cited at the end of a section.
[6.30.13.5 NMAC - N, 5/15/2018]

6.30.13.6 OBJECTIVE: This rule outlines the necessary qualifications to receive designation as a
department-approved early college high school in New Mexico.
[6.30.13.6 NMAC - N, 5/15/2018]

6.30.13.7 DEFINITIONS:

- A. "Career and technical education standards"** as defined pursuant to 6.29.3.7 NMAC.
 - B. "Career technical education" or "CTE"** as defined pursuant to 6.29.3.7 NMAC.
 - C. "Dual credit"** as defined pursuant to 6.30.7.7 NMAC.
 - D. "Early college high school" or "ECHS"** means a four-year high school that meets the
qualifications outlined in 6.30.13.9 NMAC.
 - E. "Meta major"** means a collection of majors with shared or similar coursework in alignment with
a career field.
 - F. "Postsecondary partner"** means a postsecondary educational institution that has an agreement or
memorandum of understanding with an ECHS.
 - G. "Pathway"** means a sequence of classes at the ECHS in partnership with the postsecondary
partner that leads to a certification, associate's degree, or bachelor's degree.
 - H. "Work-based learning"** means activities that develop work place skills such as tours, job
shadowing, work experience rotations, mentoring, entrepreneurships, service learning, internships, co-ops, or youth
pre-apprenticeships aligned with a registered apprenticeship program under the New Mexico department of
workforce solutions.
 - I. "Workforce recognized credential"** means workforce credentials, certificates, associate's
degrees, and bachelor's degrees from a postsecondary partner.
 - J. "Workforce partner"** means a local business, regional workforce investment board, workforce
connection, one stop shop, chamber of commerce, economic development corporation, council of government, tribal
council, or other industry representative that provides ongoing mentoring and on-the-job experience that connects
ECHS students to employment settings and helps them to develop employability skills.
- [6.30.13.7 NMAC - N, 5/15/2018]

6.30.13.8 GOALS: The goals for a department-approved ECHS are for all enrolled students to
simultaneously earn a New Mexico high school diploma and to earn no fewer than 12 credits toward a workforce
recognized credential through the postsecondary partner.
[6.30.13.8 NMAC - 5/15/2018]

6.30.13.9 QUALIFICATIONS: To be designated a department-approved ECHS, a school shall meet the
following qualifications:

- A. Integrates department-approved standards into courses within a structured pathway that meets local and state graduation requirements.
 - B. Follows a pathway that results in a workforce recognized credential without tuition cost to the student or the student's family.
 - C. Focuses on targeted efforts to reach youth underrepresented in higher education by establishing outreach and recruiting processes striving for equitable access. Focused recruiting efforts shall encourage applicants from underrepresented populations.
 - D. Accelerates student learning through the use of dual credit courses beginning no later than tenth grade. Dual credit courses shall:
 - (1) accelerate the timeline for high school students to complete college;
 - (2) be delivered through one or more postsecondary partners;
 - (3) be tuition free;
 - (4) be taught by instructors who meet the higher learning commission qualifications for college instructors;
 - (5) use innovative, interactive, research-based support structures; and
 - (6) align with:
 - (a) the pathway indicated on the student's next step plan;
 - (b) the established New Mexico higher education general education curriculum; and
 - (c) either the student's declared CTE pathway or declared major or meta major.
 - E. Operates in partnership with one or more workforce partners. Partnerships shall include:
 - (1) meaningful work-based learning experiences in alignment with student pathways; and
 - (2) CTE courses that use career and technical education standards to support core academic growth.
- [6.30.13.9 NMAC - N, 5/15/2018]

6.30.13.10 APPLICATION:

- A. ECHS applicants shall meet the qualifications listed in 6.30.13.9 NMAC. Schools seeking initial designation as a department-approved ECHS shall submit an application to the department by July 1 of the year in which they seek to begin operating as an ECHS.
 - B. The initial application shall include:
 - (1) a description of the proposed pathways;
 - (2) a description of the proposed workforce-recognized credential for each pathway;
 - (3) the projected number of students to be served;
 - (4) a description of outreach and recruiting processes that incorporate targeted efforts to reach underrepresented populations;
 - (5) a memorandum of understanding with at least one postsecondary partner that includes evidence of dual credit course offerings and support structures;
 - (6) a memorandum of understanding with at least one workforce partner that includes evidence of meaningful work-based learning experiences;
 - (7) a sustainability plan;
 - (8) assurances that all district and school personnel are knowledgeable of the requirements to comply with 6.30.13 NMAC; and
 - (9) evidence of tribal consultation to satisfy the goals of Article 23A including documentation of tribal consultation submitted annually to the department.
 - C. The department shall review initial applications for approval and confirm application acceptance or rejection by no later than August 1.
 - (1) Schools receiving approval shall maintain their status as a department-approved ECHS for a period of two years.
 - (2) At the discretion of the department, schools not receiving initial approval may request a 90 day postponement to address any department concerns.
- [6.30.13.10 NMAC - N, 5/15/2018]

6.30.13.11 COMPLIANCE AND RENEWAL:

A. Data demonstrating compliance with the qualifications outlined in 6.30.13.9 NMAC shall be collected through the department data reporting system and shall be evaluated annually to determine compliance with 6.30.13.9 NMAC. Data that will be disaggregated to analyze and evaluate shall include:

- (1) students enrolled;
- (2) student participation in each pathway;
- (3) student attainment of work-force recognized credentials;
- (4) the percentage of low-income students enrolled in the ECHS compared to the percentage of low-income students enrolled in the district in which the ECHS is located;
- (5) student participation in work-based learning experiences; and
- (6) students earning college credit, to be evaluated for the following minimum

expectations:

- (a) students completing the eleventh grade have attempted a minimum of three credit hours toward a workforce recognized credential; and
- (b) students completing the twelfth grade have successfully completed a minimum of 12 credit hours toward a workforce recognized credential.

B. A determination of compliance shall renew the designation of department-approved ECHS for a two-year period to commence the following school year. The department shall notify the ECHS of their renewal status no later than August 1.

C. If by July 1, the ECHS is unable to demonstrate full compliance as outlined in 6.30.13.9 NMAC, the department shall issue written notification of non-compliance no later than August 1.

D. Schools receiving a notice of non-compliance shall be placed on probation.

- (1) Schools placed on probation shall have the year following notice of non-compliance to make any changes required to be in full compliance.
- (2) Should compliance issues still exist at the end of the probationary year, the probationary school shall lose their designation as a department-approved ECHS.

E. Any school that has lost designation as a department-approved ECHS shall wait no less than one school year before re-applying for designation as a department-approved ECHS.

[6.30.13.11 NMAC - N, 5/15/2018]

6.30.13.12 RESPONSE TO NON-COMPLIANCE AND EXTENSIONS:

A. Upon receipt of a notice of non-compliance from the department, schools shall respond with an improvement plan to address non-compliance issues. This plan shall be submitted to the department within 30 days.

B. The department shall offer technical assistance to schools during the development and implementation of the improvement plan

C. Schools may apply for an extension of their probationary period. The decision to grant or deny such extension shall be at the discretion of the department secretary.

[6.30.13.12 NMAC - N, 5/15/2018]

6.30.13.13 WAIVERS: A qualifying ECHS shall submit any waiver requests with their initial application in the format requested by the department. Any waiver granted shall remain in effect for the duration of the school's approval as a department-approved ECHS. Schools that are non-renewed and not in their probationary year shall have all active waivers terminated. Schools may request waivers of, but not limited to, the following:

- A.** individual class load and teaching load;
- B.** length of school day;
- C.** staffing patterns;
- D.** subject areas;
- E.** purchase of instructional materials; and
- F.** course work requirements.

[6.30.13.13 NMAC - N, 5/15/2018]

HISTORY OF 6.30.13 NMAC: [RESERVED]

22-2-2.1. Additional department duties; waiver of certain requirements.

A. The department shall approve all reasonable requests to waive the following for all public schools that exceed educational standards as determined by the department:

- (1) accreditation review requirements as provided in Section 22-2-2 NMSA 1978;
- (2) the length of the school day requirement as provided in Section 22-2-8.1 NMSA 1978;
- (3) the individual class load requirement as provided in Section 22-10A-20 NMSA 1978;
- (4) the subject area requirement as provided in Section 22-13-1 NMSA 1978; and
- (5) purchase of instructional material from the department-approved multiple list requirement as provided in Section 22-15-8 NMSA 1978.

B. Upon receiving a waiver request from a school that exceeds educational standards and in addition to the requirements set forth in Subsection A of this section, the department may waive:

- (1) the graduation requirement as provided in Section 22-13-1.1 NMSA 1978;
- (2) evaluation standards for school personnel; and
- (3) other requirements of the Public School Code [Chapter 22 [except Article 5A] NMSA 1978] that impede innovation in education if the waiver request is supported by the teachers at the requesting school and the requesting school's local school board.

C. Waivers granted pursuant to this section shall begin in the school year following that in which a public school exceeds educational standards and may remain in effect as long as the school continues to exceed educational standards.

D. The department shall only waive requirements that do not conflict with the federal No Child Left Behind Act of 2001 or rules adopted pursuant to that act.

History: Laws 2003, ch. 104, § 1; 2003, ch. 143, § 2; 2004, ch. 27, § 16.

Cross references. — For the federal No Child Left Behind Act of 2001, see Title 20 of the U.S.C., P.L. 107-110.

The 2004 amendment, effective May 19, 2004, in Subsection A, changed "state board" to "department"; in Paragraphs (3) and (4) of Subsection A, changed statutory references; in Paragraph (5) of Subsection A, changed "state-board-approved" to "department-approved"; in Paragraph (1) of Subsection B, changed the statutory reference; and in Subsection D, changed state board to department.

NEW MEXICO DUAL CREDIT PROGRAM		
Criterion	Description	
Dual Credit Coursework	Tuition-free college courses that count toward a credential or postsecondary degree	
Pathway Requirements	Students use career interest inventories and their Next Step Plan to determine a pathway. Students take courses in their chosen pathway. Pathways may lead to a credential or degree. Course sequencing is specified by the HEI.	
Initial Enrollment Tasks	<ul style="list-style-type: none"> ✓ Complete a career interest inventory and choose a pathway. ✓ Submit PARCC or AccuPlacer scores for evaluation of college readiness with secondary and postsecondary dual credit coordinators, in accordance with formal, HEI dual credit placement policy. ✓ Enroll in dual credit courses aligned to the chosen pathway as defined in the Next Step Plan. 	
College Readiness ¹	For students who demonstrate readiness for the college coursework in their pathway:	For students who do NOT demonstrate readiness for the college coursework in their pathway:
First Semester and Provisional Enrollment	Students may <ol style="list-style-type: none"> 1. enroll in one dual credit course; 2. register and enroll in any first-term course of the pathway (identified in the HEI term-by-term sequence plan). 	Students <ol style="list-style-type: none"> 1. may enroll in one dual credit course; 2. may register and enroll in a course in their pathway that does not require college mathematics and/or college English courses as prerequisites; and 3. must continue to pursue readiness for college coursework by completing high school ELA and mathematics courses with a grade of C or higher.
One Dual Credit Course per Semester		
Transitioning Between First Semester, Provisional and Ongoing Enrollment	In order to transition from First Semester and Provisional status to Ongoing Enrollment status, students must <ol style="list-style-type: none"> 1. demonstrate readiness for college coursework; (and) 2. progress towards high school graduation; (and) 3. maintain half-time, high school enrollment until graduation requirements are completed; (and) 4. obtain a course grade of C or better for each dual credit course taken; (and) 5. not obtain withdrawals (<i>W, WP, WF</i>) for transcribed dual credit courses; (and) 6. not obtain incompletes (<i>I, INC</i>) for transcribed dual credit courses; (and) 7. not enroll in a dual credit course to audit or for Pass/Fail credit. 	

¹ Each higher education institution shall have proficiency benchmarks and a placement policy for dual credit students on file with the Higher Education Department. Policies shall be included in the Dual Credit memorandum of understanding.

NEW MEXICO DUAL CREDIT PROGRAM	
Criterion	Description
Ongoing Enrollment	<p>Students who earn a grade of C or higher</p> <ol style="list-style-type: none"> 1. may register and enroll in college courses aligned with their chosen pathway; and 2. must complete all first-term courses (identified in the HEI term-by-term sequence plan) before enrolling in second term courses. <p>Students who earn a grade of D, F, or W, (withdrawing after the add/drop period) in any one course are subject to provisional dual credit status and</p>
Two or More Dual Credit Courses per Semester	<ol style="list-style-type: none"> 1. may register and enroll in a different course in their pathway (one course per semester); (and) 2. must enroll in a partnered support mechanism available at the LEA or HEI, such as tutoring or grade checks; (and) 3. if not yet proficient in both ELA and mathematics, must continue to pursue readiness for college coursework by completing high school ELA and mathematics courses with a grade of C or higher; (and) 4. may transition out of dual credit provisional status after meeting the HEI's formal dual credit placement policy.
Maximum Enrollment	<ol style="list-style-type: none"> 1. Students—who meet HEI formal dual credit placement policy enrollment standards and maintain a college GPA of 2.5²—may take a maximum of two courses per semester (first semester dual credit students are limited to one dual credit course) until all high school graduation requirements (other than elective requirements) are complete. 2. After completing all high school graduation requirement credits, students may enroll in a maximum of four courses per semester, subject to restrictions within the Statewide Dual Credit Master Agreement. 3. Home school and private school students are limited to two courses per semester.³
Maintaining Eligibility	<p>In order to maintain eligibility for the dual credit program and courses, students must</p> <ol style="list-style-type: none"> 1. continue to make progress toward high school graduation; (and) 2. maintain half-time enrollment in high school until graduation requirements are completed; (and) 3. Earn a C or higher in dual credit courses.
Graduation⁴	<ol style="list-style-type: none"> 1. Students completing a <i>credential</i> pathway may continue taking courses towards a <i>degree</i> pathway. 2. Students may be awarded a credential prior to high school graduation. 3. Associate degrees may be awarded in the same semester as high school graduation only after high school graduation is verified.

² In order to qualify for lottery scholarship funding, the student's first semester GPA of post-high school enrollment must be 2.5 or higher. Speak to a financial aid advisor for additional information.

³ Home school students transition out of the dual credit program after their 18th birthday.

⁴ High school students participating in the dual credit program may not delay high school graduation in order to continue participation in the program.