NOTICE OF PROPOSED RULEMAKING

Public Hearing

The New Mexico Public Education Department (PED) gives notice on Tuesday, November 3, 2026, that it will conduct public hearings for the following proposed rulemakings on Thursday, December 3, 2026, and Friday, December 4, 2026. The hearing on Thursday, December 3, 2026, will be via Zoom (https://us02web.zoom.us/j/86086504785) and begin at 9:00 am. The hearing on Friday, December 4, 2026, will be in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501, and begin at 9:00 am. The public hearings are scheduled until noon and will be extended if necessary.

New rule 6.19.10 NMAC, State Reporting and Data Submission
Repeal of 6.60.9 NMAC, Licensure Requirements, Code of Ethical Responsibility of the Education Profession
Repeal and Replace of 6.64.4 NMAC, Mathematics Endorsement
Repeal and Replace of 6.64.5 NMAC, Science Endorsement
Repeal and Replace of 6.64.10 NMAC, Bilingual Endorsement
New rule 6.68.1 NMAC, Definitions and General Provisions
Repeal and Replace of 6.68.2 NMAC, Administrative Complaints, Reports, and Investigations
Repeal and Replace of 6.68.3 NMAC, Grant or Denial of License Applications
New rule 6.68.4 NMAC, Suspension, Revocation, or Other Disciplinary Action Regarding a Department Issued License
New rule 6.68.5 NMAC, Reserved - Unlicensed Educators & Equitable Relief
New rule 6.68.6 NMAC, Disqualifying Convictions
New rule 6.68.7 NMAC, Code of Ethical Responsibility
New rule 6.68.8 NMAC, Standards of Professional Conduct
New rule 6.68.9 NMAC, Declaratory Rulings

The PED will give a verbal summary statement, on record, at the hearing.

The purpose of the public hearing is to receive public input on the proposed rulemakings. Attendees who wish to provide public comments on the record will be given three minutes to make a statement concerning the proposed rulemaking. To submit written comments, please see the Public Comment section of this notice.

Explanation of Purpose of Rulemaking, Summary of Text, and Statutory Authority

6.19.10 NMAC, State Reporting and Data Submission

Explanation: This rule establishes uniform requirements and timelines for the submission, review, validation, and correction of data required from schools or school districts; to establish procedures for resolving data discrepancies; and to establish consequences for failure to timely submit, review, or correct required data.

Summary: The proposed rule would establish uniform deadlines for schools and school districts to submit, review, and validate required data through the state reporting system. Schools and school districts will be required to submit the necessary data each statutory reporting period, followed by a 10-working-day validation period with the Public Education Department. The rule establishes procedures for late or inaccurate submissions and authorizes funding consequences, including withholding of funds as permitted by statute.

Statutory Authority: Sections 9-24-8, 22-1-2, 22-2-1, 22-2-2, 22-8-13, 22-8-13.3, 22-8-17, and 22-8-23 NMSA 1978

6.60.9 NMAC, Licensure Requirements, Code of Ethical Responsibility of the Education Profession

Explanation: Repeal 6.60.9 NMAC because its contents are moving to 6.68.7, Code of Ethics for Educators and 6.68.8, Standards of Professional Conduct.

Summary: The proposed repeal of 6.60.9 NMAC would relocate its contents to 6.68.7 NMAC, Code of Ethics for Educators, and 6.68.8 NMAC, Standards of Professional Conduct, consolidating these requirements within the chapter governing educator misconduct and licensure enforcement.

Statutory Authority: N/A

6.64.4 NMAC, Mathematics Endorsement

Explanation: This repeals and replaces the competencies for math teachers to align with the current competencies implemented by the department for mathematics endorsements; including taking six credit hours of mathematics methods courses.

Summary: The proposed rulemaking replaces outdated teacher competencies, last updated in 2001, with specific competencies for math teacher endorsements that align with current national math teaching standards and department practice. It also organizes these competencies into two distinct sections delineating math teachers' required "Content Knowledge and Skills" and "Pedagogical Knowledge for Teaching Mathematics." It also clarifies distinctions between competencies for licensure and those for subject-area endorsement, by removing language related to elementary (K-8) licenses, as the department does not issue endorsements for core subjects on initial elementary teaching licenses. It also clarifies the implementation process for PED-approved preparation programs. The proposed rulemaking also revises the title of Chapter 64 to "School Personnel – Licensure Endorsements" and the Part 4 name to "Mathematics Endorsement."

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-3, and 22-10A-6 NMSA 1978

6.64.5 NMAC, Science Endorsement

Explanation: This repeals and replaces the competencies for science teachers to align with the current competencies implemented by the department for science endorsements.

Summary: The proposed rulemaking replaces outdated teacher competencies, last updated in 2006, with specific competencies for science teacher endorsements that align with current national science teaching standards and department practice. It also organizes these competencies into two distinct sections delineating science teachers' "Content Knowledge and Skills" and "Pedagogical Knowledge for Teaching Science." It also clarifies distinctions between competencies for licensure and those for subject-area endorsement by removing language related to elementary (K-8) licenses as the department does not issue endorsements for core subjects on initial elementary teaching licenses. It also clarifies the implementation process for PED-approved preparation programs. The proposed rulemaking also revises the title of Chapter 64 to "School Personnel – Licensure Endorsements" and the Part 5 name to "Science Endorsement."

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-3, and 22-10A-6 NMSA 1978

6.64.10 NMAC, Bilingual Endorsement

Explanation: This rulemaking repeals and replaces the requirements and competencies for bilingual teaching endorsements to revert requirements to their form that existed before amendments promulgated by the February 10, 2026's rulemaking, with a few minor modifications.

Summary: The proposed rulemaking would revert core licensure requirements for bilingual endorsements and competencies for bilingual education teachers to their previous form before the rule was repealed and replaced in

February 2026. The reversion would remove the possibility for teachers to receive a bilingual endorsement in languages other than English and Spanish and reinstate the Prueba de Español para la Certificación Bilingüe as the sole available bilingual licensure exam option. It would remove several defined terms previously added to the required competencies list but would leave in place several minor technical, grammatical, and wording changes made in the February update. The rulemaking would not reinstate the option for educator preparation students to receive a three-year non-renewable internship license in bilingual education, as that type of license is no longer offered by the department.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, and 22-10A-31 NMSA 1978

Explanation of Rulemaking for Chapter 68:
The proposed rulemakings are part of a broader department project to further effectuate the department's statutory authority and duty to receive educator license applications, grant and issue educator licenses, receive and investigate complaints against educators, where appropriate, take adverse action against any educator, and to issue declaratory rulings without taking adverse action. These proposed changes also seek to align rule with current practice and law, to incorporate the changes required by HB431 (2019) (1st Session), HB128 (2022) (2nd Session), HB191(2022) (1st Session), HB384 (2023) (1st Session), SB383 (2023) (1st Session), and SB66 (2025) (1st Session), to move New Mexico to the national association of state directors of teacher education and certification's clearinghouse's MCEE 2nd Edition (2023-2024), to incorporate the national association of state directors of teacher education and certification's clearinghouse's model protection of professional boundaries act, to address enhancements requested by stakeholders which absent regulatory promulgation may conflict with current practice and law, including the ability for the department to consider and grant licensure applications while an investigation is pending, the ability for hearing officers to incorporate and advise upon both mitigating and aggravating facts, and to ensure jurisdiction is retained during any investigation. This rule also seeks to clarify and address confusing concepts, terms, and procedures, to establish both the authority to and the procedures for receiving complaints and conducting investigations, and to drive efficiencies and promote due process by amongst other things, capturing all mandatory reporting requirements in a single chapter rather than in various, by including all grounds and cause for adverse action in a single chapter, by defining those convictions which are disqualifying for educator licensure, and decoupling and separating the Model Code of Educator Ethics (MCEE), which are not enforceable against an educator, from the Standards of Professional Conduct which are enforceable against an educator.

6.68.1 NMAC, Definitions and General Provisions

Explanation: This rule defines the applicable terms and general provisions for Title 6, Chapter 68, Complaints, Investigations, Discipline and Hearing Procedures.

Summary: The proposed rule would provide definitions to be used for terms used throughout Title 6, Chapter 68. These terms, exclusive of any subentries, are applicant, application, administrative investigator, administratively close, administrative prosecutor, adverse action, bullying, child abuse and neglect, complaint form, corporal punishment, cyberbullying, educator, educator misconduct, grooming, grounds, governing authority, investigator, licensee, licensure, notice of contemplated action, notice of investigation, party, reporter, school, sexual conduct, sexually explicit, superintendent, unlicensed person, and unsupervised contact with children or students. The rule also provides general provisions applicable to Chapter 68, including establishing the department units responsible for implementing the Chapter, how the chapter should be interpreted and applied, establishing the various ground for adverse action, and directing the units to take all appropriate measures to ensure the widest dissemination of the chapter and any decision and order as a result of the chapter. These mandates on dissemination were previously contained with Title 6, Chapter 60, Part 9, Section 11 which is being repealed.

Statutory Authority: Section 9-24-8 NMSA 1978; Sections 22-1-1.1, 22-1-1.2, and 22-1-2 NMSA 1978; Section 22-2-1 NMSA 1978; Section 22-2-2 NMSA 1978; Section 22-8-42 NMSA 1978; Sections 22-5-4.3 and 22-5- 4.12 NMSA 1978, Sections 22-10A-2, 22-10A-3, 22-10A-4, 22-10A-5, 22-10A-5.1, 22-10A-5.2, 22-10A-30, and 22-10A-31 NMSA 1978; Section 22-21-1 NMSA 1978; Sections 22-35-2 and 22-35-3 NMSA 1978; Sections 28-2-4 and 28-2-5 NMSA 1978; the Children's Code, Chapter 32A NMSA 1978; the Parental Responsibility Act, Chapter

40, Article 5A NMSA 1978; and the Uniform Licensing Act, Chapter 61, Article 1 NMSA 1978. The statutory authority cited in this section applies to all parts of Title 6, Chapter 68 NMAC.

6.68.2 NMAC, Administrative Complaints, Reports, and Investigations

Explanation: This rule provides the department's procedures and authority for administrative complaints, required reporting, and investigations into any such matters.

Summary: The proposed rule would establish the duty and authority for the department to conduct educator misconduct investigations, defining when such an investigation should take place, or alternatively, when such investigations should be declined, and what adverse actions may be taken by the department upon conclusion of an investigation. The rule also establishes procedures for such investigations, clarifies the duty and time for mandatory reporting by educators, including superintendents, establishes the responsibility and duty to provide certain information to the department and to cooperate in any investigation, sets out the department's investigative subpoena power, and provides that educators faced with allegations of misconduct, not yet proven or tested by an investigation, may continue to submit applications for and receive further licensure, including endorsement, or advancement. This repeals, replaces, expands upon, and renumerates those provisions that were contained within Title 6, Chapter 68, Part 3, Section 8.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following apply to this part: Sections 22-5-4.4 and 32A-4-3 NMSA 1978.

6.68.3 NMAC, Grant or Denial of License Applications

Explanation: This rule governs the licensure application process of all licenses and certificates issued by the department, as well as the grant or denial of such applications.

Summary: This rule sets out the procedures for the department licensure application process, including those procedures for denial of a license application. This rule substantively repeals and replaces, and re-enumerates Title 6, Chapter 68, Part 2 (moving from Part 2 to Part 3). The rule provides for how applications may be submitted to the department and when, what requirements the department requires before reviewing an application, establishes that failure to submit an application will result in licensure expiration, provides those circumstances for when a an applicant is not entitled to a hearing, and any procedures thereof, those circumstances when an applicant may be entitled to a hearing and any procedures thereof, including the manner in which an applicant may request a hearing, when an applicant may request a hearing, the manner and procedures for providing a hearing, including appointment of a hearing officer, the rights of an applicant, the respective burdens of proof, and rules of evidence, rights to subpoena or obtain discovery into relevant witnesses, and documents, the post hearing procedures for briefing and preparing proposed findings to the Secretary, and the procedures in which the Sectary shall review, and render a final decision and order. This rule reiterates and restates the law that the secretary is not an appellate reviewer of a hearing officer's findings but rather is ultimately responsible for issuing a final decision and order relative to possible adverse action against an applicant's educator licensure.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following apply to this part: Sections 22-10A-7, 22-10A-8, 22-10A-10, 22-10A-11, 22-10A-11.1 through 22-10A-11.9, 22-10A-12, 22-10A-12.1, 22-10A-13, 22-10A-15, 22-10A-17, 22-10A-17.1, 22-10A-17.2, and 39-3-1.1 NMSA 1978.

6.68.4 NMAC, Suspension, Revocation, or Other Disciplinary Action Regarding a Department Issued License

Explanation: This rule is adopted by the department to govern the procedures for suspension, revocation or other disciplinary actions regarding a license or certificate issued by the department.

Summary: This rule sets out the procedures for adverse action against an existing license, including suspension, revocation or other disciplinary action. This rule substantively repeals and replaces, and re-enumerates Title 6, Chapter 68, Part 3 (moving from Part 3 to Part 4). This rules provides for when the department may contemplate adverse action, establishes that applicant is entitled to a hearing, and any procedures thereof, including the manner in which an applicant may request a hearing, when an applicant may request a hearing, the manner and procedures for

providing a hearing, including appointment of a hearing officer, the rights of a licensee, the respective burdens of proof, and rules of evidence, rights to subpoena or obtain discovery into relevant witnesses, and documents, the post hearing procedures for briefing and preparing proposed findings to the Secretary, the procedures in which the Sectary shall review, and render a final decision and order, establishing a right to settle or accept a voluntary surrender, and enshrining the right appeal any adverse decision and order. This rule reiterates and restates the law that the secretary is not an appellate reviewer of a hearing officer's findings but rather is ultimately responsible for issuing a final decision and order relative to possible adverse action against a licensee's educator licensure.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following applies to this part: Section 39-3-1.1 NMSA 1978.

6.68.5 NMAC, Reserved - Unlicensed Educators & Equitable Relief

Explanation: This Part is being reserved for further rules to effectuate and clarify Subsection B of Section 22-2-1, NMSA 1978; Subsection A and C of Section 22-2-2 NMSA 1978,;Subsection L-N of Section 61-1-3.1 NMSA 1978; and Sections 61-1-3.2, 61-1-24, and 61-1-25, NMSA 1978.

Summary: Section 61-1-3.2, NMSA 1978, amongst others, provides that unlicensed persons shall be "subject to disciplinary proceedings" by the department. The department wishes to reserve, for future promulgation, rules to further effectuate this provision, and to effectuate others, including those related to equitable relief.

Statutory Authority: N/A

6.68.6 NMAC, Disqualifying Convictions

Explanation: The rule establishes a list of criminal convictions which shall constitute grounds for denial of an application for licensure issued by the department and grounds to suspend or revoke licensure issued by the department.

Summary: Section 28-2-5, NMSA 1979 exempts the department from the requirements of the criminal offender employment act for applicants. Section 61-1-36, NMSA 1978nonetheless provides that the department shall develop a list of the specific criminal convictions that would disqualify an applicant. The department is not exempt from the criminal offender employment act for licensees but Section 28-2-4 NMSA 1978 provides that any criminal conviction that directly relates to education shall be disqualifying. This rule therefore provides a list of those criminal convictions which are disqualifying for both applicants and licensees, and determines how and in what manner convictions may be used in the evaluation of any applicant or licensee.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following apply to this part: Sections 28-2-4, 28-2-5, 31-29-2, 31-29-9, and 61-1-36 NMSA 1978.

6.68.7 NMAC, Code of Ethical Responsibility

Explanation: The department seeks to make ethical values and ethical leadership an integral part of the day to day activities of schools, and holds all persons within the scope of this rule accountable for adhering to minimal standards of accepted professional conduct and ethical behavior. The department accepts the recommendations of its professional practices and standards council and the ethics subcommittee that a code of ethics and standards of professional conduct applicable to the education profession will infuse the learning environment with choices and values designed to assist in shaping young minds into educated, responsible citizens.

Summary: This rule sets out and reaffirms the department's code of ethical responsibility. This rule repeals, replaces and re-enumerates the prior code of ethical responsibility set out in Title 6, Chapter 60, Part 9, Section 8. This code of ethical responsibility aligns with the model code of educator ethics (MCEE) published by the national association of state directors of teacher education and certification's clearinghouse. Specifically, this moves New Mexico to the MCEE 2nd Edition (2023-2024). Language contained within the rule which previously restricted violations of the standards of professional conduct as grounds for adverse action and which provide that the code of

ethical responsibility may not be used as grounds for adverse action have been amended only to the extent it further clarifies this principle.

Statutory Authority: The statutory authority cited in 6.68.1.3 NMAC applies to this part.

6.68.8 NMAC, Standards of Professional Conduct

Explanation: This rule seeks to provide minimum standards of conduct expected for all licensed educators in New Mexico.

Summary: This rule sets out and reaffirms the department's standards of professional conduct violations of which primarily are the cause for any adverse actions including revocation, and which violations comprise possible grounds for discipline as an example of "other good and just cause." This rule repeals and replaces, and re-enumerates the Standards of Professional Conduct set out in Title 6, Chapter 60, Part 9, Section 9, paragraphs B-C. This also reiterates the department finding that adherence to the standards of professional conduct have a significant bearing on an educator's turpitude or the proper performance of their duties. While both the code of ethics and standards of professional conduct are intended to provide a valuable framework of personal ethics to assist educators and administrators in their interaction with colleagues, students and parents, the standards of professional conduct establish minimal standards of acceptable professional conduct applicable to and which all educators are required to comply.
Substantive changes include increasing the standards of conduct from 32 standards to 38 standards, adopting statutory and regulatory prohibitions on improper grade changes, drug, alcohol, firearm, and tobacco use ins schools, improper testing practices, removes conflicting reporting requirements, clarifies what it means to engage in obstruction, and adopts and integrates the national association of state directors of teacher education and certification's clearinghouse's model protection of professional boundaries act (revising the previous 60.9.9(B)(7) NMAC), to include a prohibition on sexual conduct and grooming. Consistent with the model act, the prohibitions on improper contact also extend for two years after a student graduates or leaves a school.

The categories which previously grouped the standards of misconduct into either duty to the student or duty to the profession have been removed as these groupings did not align to either the 1st edition or 2nd edition MCEE and some of these newer standards concerned both a duty to student and a duty to the profession.

Statutory Authority: The statutory authority cited in 6.68.1.3 NMAC applies to this part.

6.68.9 NMAC, Declaratory Rulings

Explanation: This rule applies to administrative declaratory rulings issued by the department and any application thereto. This rule does not apply to declaratory judgments issued by a court of law and any application thereto.

Summary: This rule establishes procedures for seeking and applying administrative declaratory rulings and for department issued declaratory rulings which may be used to clarify the rights relating to licensur but which may not in themselves constitute adverse action against an educator. This allows the department to establish prohibited conduct prior to or after an investigation short of adverse action and to establish the department's position on certain facts or conduct.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following applies to this part: Section 61-1-33 NMSA 1978.

No technical information served as a basis for these proposed rule changes.

Public Comment

Interested parties may provide comments at the public hearing or may submit written comments by mail or e-mail.

Mailing Address

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

E-Mail Address
Rule.Feedback@ped.nm.gov

Written comments must be received no later than 5 p.m. (MDT) on Friday, December 4, 2026. The PED encourages early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, November 3, 2026, to Friday, December 4, 2026, at 5:00 p.m. (MDT). The PED will review all feedback received during the public comment period and issue communication regarding a final decision of the proposed rulemaking at a later date.

Copies of the proposed rule may be obtained from Denise Terrazas at (505) 470-5303 during regular business hours or may be accessed through the PED Policy and Legislative Affairs webpage titled, "Proposed Rules," at http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Denise Terrazas at (505) 470-5303 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.