

NOTICE OF PROPOSED RULEMAKING

Public Hearing

The New Mexico Public Education Department (PED) gives notice on Tuesday, October 20, 2026, that it will conduct public hearings for the following proposed rulemakings on Thursday, November 19, 2026, and Friday, November 20, 2026. The hearing on Thursday, November 19, 2026, will be via Zoom (<https://us02web.zoom.us/j/83883186299>) and begin at 9:00 am. The hearing on Friday, November 20, 2026, will be in the Willie Ortiz Auditorium, 2600 Cerrillos Road, Santa Fe, NM 87505, and begin at 9:00 am. The public hearings are scheduled until noon and will be extended if necessary.

New rule 6.11.3 NMAC, Student Data Privacy

Amendment to 6.19.4 NMAC, Accreditation Procedures

New rule 6.30.14 NMAC, Mathematics Instructional Leadership Framework, Instruction, Interventions, Screening and Professional Learning

Amendment to 6.30.17 NMAC, Structured Literacy Instruction, Interventions, and Professional Development

New rule 6.30.20 NMAC, Organization of Grade Levels, Reorganization, and Approval by the Secretary

Amendment to 6.65.2 NMAC, Professional Learning Framework

New rule 6.69.1 NMAC, Definitions and General Provisions

Repeal and replace of 6.69.2 NMAC, Competency Areas and Elements for Teachers

Repeal and replace of 6.69.3 NMAC, Competency Areas and Elements for Site Administrators

Repeal and replace of 6.69.4 NMAC, Competency Areas for Licensed School Staff Other Than Teachers and Site Administrators

Repeal and replace of 6.69.5 NMAC, Evaluation Cycle, Evidence, and Rubrics

Repeal and replace of 6.69.6 NMAC, Unsatisfactory Work Performance of Licensed School Personnel

Repeal of 6.69.7 NMAC, Performance Evaluation Requirements for Principals and Assistant Principals

Repeal of 6.69.8 NMAC, Teacher and School Leader Effectiveness

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

6.11.3 NMAC, Student Data Privacy

Explanation: Establish student data privacy and security requirements for contracts between education technology vendors and PED, school districts, and charter schools, including limitations on vendor use and disclosure of student information and requirements for data security, retention, and destruction.

Summary: The proposed new rule would establish student data privacy and security requirements for contracts between education technology vendors and PED, school districts, and charter schools. It would restrict vendors' access to and use of student data, including its use for targeted advertising, student profiling, disclosure to third parties, or commercial purposes. Vendors would also be required to follow defined retention and destruction procedures, undergo privacy and security assessments before contracting, report unauthorized disclosures or access, and protect de-identified and aggregate data from re-identification.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978; the Assessment and Accountability Act, Chapter 22, Article 2C NMSA 1978; and the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g and 34 CFR Part 99.

6.19.4 NMAC, Accreditation Procedures

Explanation: Update public school accreditation procedures and annual accreditation-review requirements to reflect current department requirements for budgeting, reporting, instructional, financial, and school reorganization and remove obsolete provisions.

Summary: The proposed amendment would acknowledge that a public school's accreditation status to be determined separately from its district's status. It would revise the annual review requirements to address whether budgets and expenditures align with state funding, whether schools and districts can meet their financial obligations, and whether instructional time is accurately budgeted, reported, and implemented. The amendment would also incorporate compliance with special education and distance-learning requirements, address unapproved organizational changes, update required instructional subject areas, clarify the approval requirements for accrediting entities, and remove an outdated restriction involving school-based early childhood programs.

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, 22-13-1.1, 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.

6.30.14 NMAC, Mathematics Instructional Leadership Framework, Instruction, Interventions, Screening and Professional Learning

Explanation: This promulgates a new rule to satisfy the statutory requirements enacted with Senate Bill 29 from the 2026 legislative session. The proposed rulemaking establishes the mathematics professional learning, screening, and intervention requirements for public schools.

Summary: The proposed rulemaking establishes a department-approved mathematics instructional leadership framework that outlines the requirements and criteria for public schools' mathematics professional learning plans. It establishes requirements for schools to implement department-approved mathematics screening assessments in kindergarten through grade three and implementation of mathematics student support plans for any student demonstrating mathematics difficulty per screener assessment results. It also establishes parent or legal guardian notification requirements for students demonstrating mathematics difficulty in kindergarten through grade three.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-15E-2, 22-15E-3, 22-15E-7, and 22-15E-8 NMSA 1978

6.30.17 NMAC, Structured Literacy Instruction, Interventions, and Professional Development

Explanation: This proposed rule serves to meet the statutory requirements enacted with Senate Bill 37 from the 2026 legislative session and better aligns with current department guidance.

Summary: Amends existing parent notification requirements for students in kindergarten through grade 3 to include read-at-home plans. It modifies the screening and intervention requirements to include characteristics of dyslexia and reading difficulties and revises intervention requirements accordingly. It also amends the requirements for public school literacy plans to align with current department guidance and science of reading requirements. Lastly, it adds requirements for placement of department-assigned literacy coaches in schools performing in the bottom quartile of reading proficiency state-wide and specifications for coaching activities.

Statutory Authority: Sections 9-24-8, 22-2-2, 22-15G-1 through 22-15G-5, and 22-36-5 NMSA 1978

6.30.20 NMAC, Organization of Grade Levels, Reorganization, and Approval by the Secretary

Explanation: This rule establishes a consistent process for Department approval of changes to a local education agency's organizational structure. The rule is intended to ensure changes are consistent with educational adequacy, fiscal accountability, equity, and applicable state and federal requirements, and establishes consequences for implementing changes without required approval.

Summary: The proposed rulemaking sets the requirements and procedures for the notification, review, approval, implementation, and departmental recognition of changes to the organizational structure of local school districts and charter schools, including the establishment, reorganization, closure, relocation, or discontinuation of public schools and educational programs; changes to grade configurations and attendance areas; and changes to distance learning schools and programs.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-5-4.13, and 22-8B-12.2 NMSA 1978.

Chapter 064 Name Changes

Explanation: As part of the department’s broader licensure rulemaking project, the title of Chapter 64 NMAC and the titles of its several parts are being updated to more clearly and accurately describe their respective rules’ contents. The chapter title will change from “**School Personnel – Competencies for Licensure**” to “**School Personnel – Licensure Endorsements**,” and the individual part titles will identify the endorsement addressed by each part. These title changes do not alter the substantive requirements of the affected rules.

Part	Current Title	New Title
6.64.2	Competencies for Entry-Level Language Arts Teachers	Language Arts Endorsement
6.64.3	Competencies for Entry-Level Reading Teachers	Reading Endorsement
6.64.4	Competencies for Entry-Level Mathematics Teachers	Mathematics Endorsement
6.64.5	Competencies for Entry-Level Science Teachers	Science Endorsement
6.64.6	Competencies for Entry-Level History, Geography, Economics, Civics and Government Teachers	History, Geography, Economics, Civics and Government Endorsement
6.64.7	Competencies for Entry-Level Health Education Teachers	Health Education Endorsement
6.64.8	Competencies for Entry-Level Library Media Specialists	Library Media Endorsement
6.64.9	Competencies for Entry-Level Information Technology Coordinators	Information Technology Coordinator Endorsement
6.64.10	Competencies for Entry-Level Bilingual Education Teachers (was repealed and replaced with new part name on 2/10/2026)	Bilingual Endorsement
6.64.11	TESOL Competencies	TESOL Endorsement
6.64.12	Competencies for Entry-Level Modern, Classical and Native Language Teachers	Modern, Classical and Native Language Endorsement
6.64.13	Competencies for Entry-Level Performing Arts and Visual Arts Education Teachers	Performing Arts and Visual Arts Education Endorsement
6.64.14	Competencies for Entry-Level Physical Education Teachers	Physical Education Endorsement
6.64.15	Competencies for Entry-Level Family and Consumer Sciences Teachers	Family and Consumer Sciences Endorsement
6.64.16	Competencies for Entry-Level Technology Studies/Education Teachers	Technology Education Endorsement
6.64.17	Competencies for Entry-Level Agricultural Education Teachers	Agricultural Education Endorsement
6.64.18	Competencies for Teaching Gifted Students	Teaching Gifted Students Endorsement
6.64.19	Competencies for Elementary Mathematics Specialists	Elementary Mathematics Specialist Endorsement
6.64.20	Competencies for Secondary Computer Science Teachers	Secondary Computer Science Endorsement

6.65.2 NMAC, Professional Learning Framework

Explanation: This proposed rule amends the department's standards for professional learning to those published by Learning Forward and aligns rule to current department practice and guidance.

Summary: Amends existing standards and requirements for professional learning design, implementation, and evaluation including requirements for biannual department review of professional learning plans. It also specifies that professional learning plans must meet those standards and requirements to be eligible for state or federal funding. The proposed rulemaking also makes technical amendments to improve conciseness and clarity.

Statutory Authority: Sections 22-2-2, 22-2-8, 22-10A-19, 22-15E-3, and 22-15E-7 NMSA 1978

Chapter 069 – School Personnel – Performance

Explanation: The proposed rulemakings are part of a broader department project to bring the department's licensure rules into alignment with current practice. Chapter 69 currently distributes related requirements among overlapping parts, uses outdated evaluation terminology and procedures, and contains provisions that duplicate or contradict one another. The proposed restructuring would change the chapter title from "School Personnel – Performance" to "School Personnel – Evaluations"; place chapter-wide definitions in the formerly "Reserved" Part 1; organize role-specific evaluation standards in Parts 2 through 4; consolidate evaluation cycles, evidence, ratings, rubrics, training, and waivers in Part 5; place corrective employment procedures in Part 6; and repeal Part 7 and Part 8. Licensure-advancement and micro-credential requirements would remain governed by 6.60.6 NMAC and would not be duplicated in Chapter 69. The project is intended to make the rules consistent with current department practice and clarify which provisions apply to each category of licensed school employees.

6.69.1 NMAC, Definitions and General Provisions

Explanation: Adopt a new part containing definitions and general provisions that apply throughout Chapter 69. This rulemaking is part of the department's comprehensive restructuring of the school personnel evaluation rules to align the rules with current evaluation and licensure practices and to remove outdated, duplicative, or contradictory provisions.

Summary: The proposed rulemaking would consolidate definitions now located in multiple parts of Chapter 69. It would establish uniform terms for the department-approved educator evaluation system.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-2, and 22-10A-19 NMSA 1978.

6.69.2 NMAC, Competency Areas and Elements for Teachers

Explanation: Replace the current unsatisfactory-work-performance rule with current, role-specific competency areas and elements for teacher evaluation. The restructuring places evaluation standards, evaluation procedures, corrective procedures, and licensure advancement in separate parts so that requirements are easier to locate and apply consistently. The unsatisfactory-work-performance provisions currently located in this part would move to proposed 6.69.6 NMAC.

Summary: The proposed rulemaking would establish four teacher competency areas and 22 related elements based on the Danielson Framework, addressing instructional planning and readiness, supportive learning conditions, instructional practice and student learning, and professional practice and responsibility. These provisions would update and relocate the teacher competencies and indicators currently located in 6.69.4.12 NMAC. The current unsatisfactory-work-performance procedures in 6.69.2 NMAC would move to proposed 6.69.6 NMAC, and the current teacher evaluation cycle would move to proposed 6.69.5 NMAC. Licensure-advancement and micro-credential provisions in current 6.69.4 NMAC would not be carried forward because those requirements are addressed in 6.60.6 NMAC. Obsolete core-subject qualification and professional development dossier provisions would also not be carried forward.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-7, 22-10A-8, 22-10A-10, 22-10A-11, 22-10A-11.1, and 22-10A-19 NMSA 1978.

6.69.3 NMAC, Competency Areas and Elements for Site Administrators

Explanation: Replace overlapping administrator evaluation rules with one set of current essential practices and elements for principals, assistant principals, and other site administrators. This consolidation removes the present separation between the administrator provisions in 6.69.3 NMAC and the principal and assistant principal provisions in 6.69.7 NMAC.

Summary: The proposed rulemaking would establish five site-administrator essential practices and 18 related elements addressing organizational advancement, the instructional core, talent, culture and safety, and personal integrity. It would replace and modernize the administrator competencies now in 6.69.3.8 NMAC and the principal and assistant-principal competencies now in 6.69.7.9 NMAC. The procedural components of site administrator evaluation, including conferences, professional growth planning, evidence collection, and annual summative evaluation, would move to proposed 6.69.5 NMAC.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-11.6, and 22-10A-19 NMSA 1978.

6.69.4 NMAC, Competency Areas for Licensed School Staff Other Than Teachers and Site Administrators

Explanation: Create a consistent evaluation framework for licensed school employees who are not teachers or site administrators. The current rules establish occupation-specific evaluation requirements for school counselors and librarian-teachers but do not provide an evaluation framework for all other licensed school employees. Section 22-10A-19(A) NMSA 1978 requires the department to adopt criteria and minimum standards for the annual performance evaluation of all licensed school employees. The proposal replaces the two occupation-specific rules with a generalized framework that describes role-appropriate, department-approved evaluation rubrics for all licensed school employees who are not evaluated under the teacher or site-administrator standards.

Summary: The proposed rulemaking would establish annual evaluations for licensed school staff other than teachers and site administrators. Districts would use a department-approved rubric specific to an employee's license or endorsement when available. If no specific rubric exists, staff with an underlying professional license would be evaluated using standards from the relevant licensing board, while other staff would be evaluated under a general rubric covering six performance areas. Districts would verify underlying professional licenses annually and could add local standards that supplement, but not supplant, the department-approved rubric. The new framework would replace the separate evaluation provisions for librarian-teachers and school counselors and extend evaluation standards to all other licensed school staff.

Teacher standards in 6.69.4 NMAC would move to proposed 6.69.2 NMAC, and teacher evaluation procedures would move to proposed 6.69.5 NMAC. The professional development dossier submission, review, and expired transition provisions in current 6.69.4 NMAC would not be carried forward.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-17, and 22-10A-19 NMSA 1978.

6.69.5 NMAC, Evaluation Cycle, Evidence, and Rubrics

Explanation: Place the common procedures for annual evaluations in one part and replace conflicting requirements with a consistent evidence and rating framework. The proposal separates procedural rules from the role-specific competency standards in the proposed 6.69.2 through 6.69.4 NMAC.

Summary: The proposed rulemaking would consolidate the annual evaluation cycles for teachers, site administrators, and other licensed school staff in one part. Teacher evaluation procedures would move from current 6.69.4.10 and 6.69.8.11 NMAC, while site administrator procedures would move from current 6.69.7.8 and 6.69.8.10 NMAC. The evaluation procedures for librarian-teachers and school counselors in current 6.69.5 and 6.69.6 NMAC would also be incorporated and updated to correspond with the generalized framework in proposed 6.69.4 NMAC.

Under the consolidated framework, districts would use department-approved rubrics and sufficient evidence from multiple measures. Employees would be allowed to review and respond to the evidence before their evaluations are finalized. Four performance ratings - “innovating,” “applying,” “developing,” and “not demonstrating” - would replace the current five-level scale, and “not demonstrating” would be treated as a substantive finding rather than a substitute for missing evidence. For the annual summative evaluation, each element would receive the highest rating assigned to that element across all observations conducted during the school year. The annual summative evaluation would be unsuccessful if more than 40 percent of those element ratings are “not demonstrating”. The rule would preserve evaluation confidentiality, establish evaluator-training and charter-waiver requirements, eliminate the fixed percentage formula in current 6.69.8 NMAC, and prohibit the use of student achievement data as evaluation evidence.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-2-2.1, 22-8B-5, 22-10A-7, 22-10A-8, 22-10A-10, 22-10A-11, 22-10A-11.1, 22-10A-11.6, 22-10A-17, 22-10A-18, and 22-10A-19 NMSA 1978.

6.69.6 NMAC, Unsatisfactory Work Performance of Licensed School Personnel

Explanation: Relocate and update the procedures for correcting unsatisfactory work performance before an employment discharge or termination decision. The proposal separates corrective employment procedures from the evaluation standards and cycles that produce the underlying performance record.

Summary: The proposed rulemaking would move the unsatisfactory-work-performance and performance-growth-plan processes from current 6.69.2 NMAC to 6.69.6 NMAC. An employee rated unsuccessful would be placed on a 90-school-day performance growth plan, receive at least four observations and written results during the plan, and receive written notice of whether the deficiencies were corrected. If satisfactory progress is not made, the superintendent would determine whether to discharge or terminate the employee under the School Personnel Act. The proposed part would not carry forward the current provisions allowing a district to request suspension of a level 3-A teaching license or issuance of a level 2 license based on unsatisfactory work performance. School-counselor competencies now in 6.69.6 NMAC would move into the broader rubric framework in proposed 6.69.4 NMAC, and the annual evaluation cycle for counselors would be governed by proposed 6.69.5 NMAC.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-18, 22-10A-19, 22-10A-21, 22-10A-24, 22-10A-27, and 22-10A-30 NMSA 1978.

6.69.7 NMAC, Performance Evaluation Requirements for Principals and Assistant Principals

Explanation: Repeal the separate principal and assistant-principal evaluation rule because the reorganized chapter establishes one evaluation framework for principals, assistant principals, and other site administrators.

Summary: The proposed repeal would remove the separate evaluation rule for principals and assistant principals. The definitions and leadership competencies in current 6.69.7.7 and 6.69.7.9 NMAC would be updated and incorporated into proposed 6.69.1 and 6.69.3 NMAC. The annual professional development plan, observations, midyear conference, reflection, and summative evaluation requirements in current 6.69.7.8 NMAC would be updated and incorporated into the site-administrator evaluation cycle in proposed 6.69.5 NMAC.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978.

6.69.8 NMAC, Teacher and School Leader Effectiveness

Explanation: Repeal 6.69.8 NMAC because it contains outdated evaluation requirements that overlap with or conflict with the reorganized evaluation rules. Relevant provisions would be updated and relocated.

Summary: Definitions from current 6.69.8 NMAC would move to proposed 6.69.1 NMAC. Site administrator standards would be addressed in proposed 6.69.3 NMAC, while teacher and site administrator evaluation cycles, observations, evidence requirements, ratings, evaluator training, annual reporting, and confidentiality would move to proposed 6.69.5 NMAC. The proposed rules would replace the current fixed percentage formula and five-level

effectiveness scale with a role-relevant evidence framework and four performance ratings. Student achievement data would no longer be used as evaluation evidence.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 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

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Written comments must be received no later than 5 p.m. (MDT) on Friday, November 20, 2026. The PED encourages early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, October 20, 2026, to Friday, November 20, 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.