
NMAC 6.19.4: Accreditation Procedures

Agency: Public Education Department

Rulemaking Action: New Rule

Date Adopted: March 12, 2024

Effective Date: July 1, 2024

Summary

PED adopted a [new rule](#) outlining annual accreditation requirements for school districts and charter schools, and the education programs of state institutions, Bureau of Indian Education (BIE) schools, and private schools. It also includes potential consequences if a school district or charter school fails to earn accreditation. The proposal accompanies the repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

In broad terms, the new rule consolidates many statutory and regulatory requirements into one process by which the department uses its statutory authority to review whether school districts and charter schools meet those requirements and grant accreditation accordingly. Additionally, though, the rule also directs school districts and charter schools to budget at least as much money on specific programs – those aimed at special education, gifted education, and at-risk services – as is generated by corresponding units in the funding formula. As previously noted in LESC analysis of the proposed rule, the adopted rule appears contradictory to current statute, which specifically designates funds generated by the Public School Finance Act as “discretionary” to school boards and governing bodies of charter schools. The rule, however, does not require school districts and charter schools to spend funds in a specific way.

Substantive Issues

Public school reporting: School districts and charter schools already are required either by statute or regulation to submit a number of reports through various mechanisms. The adopted rule appears to reaffirm those requirements, stating, “school districts, charter schools, and state institutions shall provide reports to the department, either via the statewide data reporting system or by another method described by the department.” The rule specifically calls out the following:

- 1) Board training,
- 2) Financial audit,
- 3) Program plans, budget and actual expenditure,
- 4) School enrollment,
- 5) School accountability data,

- 6) Attendance improvement,
- 7) School safety plan,
- 8) Postsecondary plans,
- 9) Class loads, caseloads, and subjects of instruction, and
- 10) Tribal consultation, tribal education status reports, student needs assessments.

Each of these are provided for in existing statute or regulation, and the rule cites those provisions as rational for requirements.

Accreditation of nonpublic and BIE Schools. The new rule largely maintains requirements for nonpublic and BIE schools to be accredited by an entity approved by the department. The department changed language in the final rule to clarify state accreditation is not required for nonpublic and BIE schools, and many of the rules provisions apply only to those “choosing to seek state accreditation.” Unlike the repealed rule, the new rule does not specify approved accrediting agencies, but instead asks for an annual report that includes a number of requirements including the following;

- 1) The current accreditation status and schedule of reaccreditation by a department-approved accrediting entity,
- 2) A report of immunization status records,
- 3) A report of the completion of required emergency drills,
- 4) A report of attendance,
- 5) The school’s current attendance policy, and
- 6) For high schools, current graduation requirements that comply with state graduation requirements.

Accreditation of nonpublic and BIE schools would be based on the completeness and sufficiency of the annual report.

Annual accreditation cycle Under the adopted rule, school districts, charter schools, state institutions, and nonpublic and BIE schools seeking accreditation would be required to submit all required reports before the end of each fiscal year. The secretary would determine the accreditation status of those schools, which would remain in effect until the next accreditation determination, which presumably would happen the following fiscal year.

Consequences of public school disapproval accreditation status. The adopted specifies that a local school district or public school that is not accredited by the department would be ineligible to operate a school based-early childhood program, which is also a current statutory requirement. Further, though, the department could choose to take additional action, including the following;

- 1) Requiring a locally developed plan to correct the organizational or programmatic deficiencies contributing to disapproval,
- 2) Directing the organizational and educational planning of the local school district or public school,
- 3) Suspending from authority and responsibility the school board, superintendent, or school principal,
- 4) Bringing action in district court for the order of consolidation of school districts,
- 5) Closing the school, or
- 6) Executing other remedies in the public school code that may be appropriate.

The adopted rule contains specific charter school provisions in response to public comment that authorizers, not the department, should be responsible for accreditation. The department cites Section 22-8B-5(D) NMSA 1978 for its authority to accredit charter schools. The final rule provides that in addition to conferring disapproval status upon a state-chartered or locally chartered schools, the department may:

- 1) Suspend the principal from authority or responsibility pursuant to Section 22-2-14 NMSA 1978;
- 2) Notify a charter school's authorizer for purposes of the suspension, revocation, or non-renewal of the school's charter, or
- 3) Execute other remedies in the public school code that may be appropriate.