

This is an amendment to 6.29.5 NMAC, Sections 3, 6, 11, 12, and 13, effective 07/18/2023.

6.29.5.3 STATUTORY AUTHORITY:

~~[A. Section 22-2-2 NMSA 1978 grants the authority and responsibility for the assessment and evaluation of public schools, state supported educational institutions and educational programs conducted in state institutions other than New Mexico military institute.~~

~~— B. Section 22-2-2 NMSA 1978 directs the department to set graduation expectations and hold schools accountable. Section 22-2C-3 NMSA 1978 requires the department to adopt academic content and performance standards and to measure the performance of public schools in New Mexico.] This rule is being promulgated pursuant to Sections 9-24-8, 22-2-1, 22-2-2, and 22-2C-3 NMSA 1978.~~

~~[6.29.5.3 NMAC - N, 8/31/2009; A, 7/18/2023]~~

6.29.5.6 OBJECTIVE: The department-approved English language development standards provide a companion piece to the New Mexico content standards for English language arts [~~6.29.4 NMAC~~]. The approved standards shall guide second-language instruction for PreK-12 English language learner students. The English language learner population falls into three basic categories: students whose primary or home language (L1) is other than English including recent immigrants; students from heritage language groups needing enrichment and further development of academic English, some of whom maintain degrees of fluency in their heritage language; and any other students needing enrichment and further development of academic English. Because instruction must address the appropriate proficiency level of the individual student, which may vary greatly for any age, some consideration ~~[must]~~ shall be made for the student's maturity level.

[6.29.5.6 NMAC - N, 8/31/2009; A, 8/29/2014; A, 7/18/2023]

6.29.5.11 IDENTIFICATION OF ENGLISH LANGUAGE LEARNERS: The department-approved New Mexico language usage survey shall be completed for all new students initially enrolling in a public school.

A. Students for whom the department-approved New Mexico language usage survey indicates a language other than English shall be screened with the department-approved English language proficiency screening assessment.

B. Students receiving scores below the composite score established by the department to be used to determine English language proficiency will be classified as English language learners and are eligible to receive English language development services.

C. The department-approved New Mexico language usage survey and the English language proficiency screening assessment results shall be kept in each student's cumulative file.

D. Initial identification of a student as an English language learner and parent notification ~~[must]~~ shall occur not later than 30 days after the beginning of the school year, or within two weeks of initial enrollment if not enrolled at the beginning of the school year.

E. Students classified as English language learners ~~[must]~~ shall be assessed annually with the department-approved English language proficiency assessment and the results shall be kept in each student's cumulative file.

[6.29.5.11 NMAC - N, 8/29/2014; A, 10/31/2016; A, 7/18/2023]

6.29.5.12 EXIT CRITERIA FOR ENGLISH LANGUAGE LEARNER STATUS:

A. English language learners attaining a composite score as determined by the department on the department-approved English language proficiency assessment will exit English language learner status and shall be reclassified as fluent English proficient.

B. Students attaining the composite score identified in Subsection A ~~[must]~~ shall be monitored for academic progress for two subsequent school years by the school district.

[6.29.5.12 NMAC - N, 8/20/2014; A, 10/31/2016; A, 7/18/2023]

6.29.5.13 REQUIRED INSTRUCTION FOR ENGLISH LANGUAGE LEARNERS:

A. Designated English language development – instruction to develop the English language proficiency of ELLs based on the student's English language proficiency level and grade level; instruction shall be distinct from content area instruction.

B. Integrated English language development – Integrated instruction to attain English language proficiency and to meet content standards and benchmarks; shall occur in all content area instruction.
[6.29.5.13 NMAC - N, 7/18/2023]