

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 60       SCHOOL PERSONNEL - GENERAL PROVISIONS**  
**PART 5             COMPETENCY TESTING FOR LICENSURE**

**6.60.5.1            ISSUING AGENCY:** Public Education Department (PED)  
[12-31-98, 07-30-99; 6.60.5.1 NMAC - Rn, 6 NMAC 4.2.2.2.1, 10-13-00; A, 04-29-05; A, 06-15-09]

**6.60.5.2            SCOPE:** All persons seeking teaching licensure, certain licensure endorsements, and bilingual education endorsement on or after July 30, 1999; all persons seeking administrator, school counselor, educational diagnostician licensure after September 1, 2007, and all persons who have registered to take or have taken any portion of the New Mexico teacher assessments.  
[12-31-98, 07-30-99; 6.60.5.2 NMAC - Rn, 6 NMAC 4.2.2.2.2 & A, 10-13-00; A, 07-01-01; A, 07-15-02; A, 04-29-05; A, 10-31-07]

**6.60.5.3            STATUTORY AUTHORITY:** Sections 22-2-1 and 22-2-2, NMSA 1978.  
[12-31-98; 6.60.5.3 NMAC - Rn, 6 NMAC 4.2.2.2.3, 10-13-00; A, 07-01-01; A, 04-29-05]

**6.60.5.4            DURATION:** Permanent  
[12-31-98; 6.60.5.4 NMAC - Rn, 6 NMAC 4.2.2.2.4, 10-13-00]

**6.60.5.5            EFFECTIVE DATE:** July 30, 1999, unless a later date is cited in the history at the end of a section.  
[12-31-98, 07-30-99; 6.60.5.5 NMAC - Rn, 6 NMAC 4.2.2.2.5 & A, 10-13-00]

**6.60.5.6            OBJECTIVE:** This rule is adopted by the "PED" for the purpose of establishing the New Mexico teacher assessments ("NMTA") as the primary acceptable examination for educator licensure in New Mexico. Although the PED adopts the New Mexico teacher assessments as the successor examination to the core battery of the national teachers examination, this rule also provides for acceptance of passing test scores from those applicants who took the core battery of the national teachers examination and have applied for licensure on or after July 30, 1999. This rule also establishes the New Mexico content knowledge assessments ("NMCKA"), which is part of the NMTA, as the content tests required to be taken to hold certain endorsements on teaching licenses or to receive an initial elementary K-8 license or pre K-12 special education license. This rule also establishes Prueba de Español para la Certificación Bilingüe as the PED's required Spanish language proficiency examination for persons seeking an endorsement to a teaching license in Spanish/English bilingual education and allows that test or its predecessor to be used as the content knowledge test to be taken for an endorsement in modern, classical and native languages for Spanish. This rule also allows the national family and consumer sciences test to be used as the content knowledge test to be taken for an endorsement in family and consumer sciences. Lastly, this rule establishes procedures for investigating NMTA testing irregularities and taking corrective action.  
[12-31-98, 07-30-99; 6.60.5.6 NMAC - Rn, 6 NMAC 4.2.2.2.6 & A, 10-13-00; A, 07-01-01; A, 07-15-02; A, 02-14-03; A, 04-29-05; A, 05-31-06; A, 10-31-07]

**6.60.5.7            DEFINITIONS:**

A. "NMCKA" means the New Mexico content knowledge assessments, which are the teacher-tests approved by the PED which individuals must take and pass in order to receive endorsements on an initial license or as an option to add endorsements to an existing license in language arts, reading, mathematics, science, social studies, the arts (music or visual arts), modern, classical and native languages, (Spanish, French, German); health, physical education, library/media, teaching English to speakers of other languages (TESOL), and family and consumer sciences, or to receive initial licensure in elementary education from grades K-8 or special education pre K-12.

B. "NMTA" means the New Mexico teacher assessments, which are the tests approved by the PED that all individuals must take and pass in order to receive initial educator licensure; the NMTA consists of the New Mexico assessment of teacher basic skills, the New Mexico assessment of teacher competency (at the early childhood, elementary and secondary levels), and the New Mexico content knowledge assessments ("NMCKA"); it shall include any test materials related to a testing applicant's taking of or registration for the NMTA.

C. "Test administrator" means the business entity, namely, the national evaluation systems, inc. or NES that developed the NMTA, administers the NMTA at testing centers throughout New Mexico, scores the NMTA, and reports NMTA testing results to the PED.

D. "Testing applicant" means a person who has filed an NMTA registration form with the test administrator, or who has not yet taken a portion of the NMTA.

E. "Testing irregularity" means any circumstance within or beyond the control of a testing applicant that, in the sole opinion of the PED or NES raises doubts about the propriety of a testing applicant's NMTA registration, NMTA score, or conduct during an NMTA test.

F. "Withheld NMTA score(s)" means the suspension of use by and disclosure to a testing applicant of an NMTA score(s) for up to 120 days upon a determination made by the PED professional licensure bureau director that a testing irregularity is likely to have occurred.

G. "Voided NMTA score(s)" means the cancellation, invalidation and non-disclosure of a testing applicant of an NMTA score(s) after a final determination of testing irregularity by the PED's professional licensure bureau director or by a hearing officer of the secretary of education.

H. "Rules of test participation" means any written rules in the applicable NMTA registration bulletin that a testing applicant has expressly agreed to comply with as a condition of registering for or taking the NMTA.

I. "Educator licensure application" means an application for any professional teaching, administrator, or instructional support provider license, excluding licensure for an athletic coach, educational assistant, or substitute teacher.

J. "Core academic subjects" language arts, reading, mathematics, science, modern and classical languages, except the Native American languages and cultures of New Mexico tribes or pueblos, the arts, including music and visual arts, and social studies which includes history, geography, economics, civics and government, and modern and classical languages.

K. "Highly qualified", under this rule, means a teacher of the core academic subjects who has met all license or endorsement requirements and is not teaching under an endorsement waiver.

L. "Specialty area examination" means the New Mexico specialty area assessments, which are the tests approved by the PED for instructional support providers and administrators, which identified providers must take and pass in order to receive licensure as instructional support providers or administrators.

[6.60.5.7 NMAC - N, 07-01-01; A, 07-15-02; A, 02-14-03; A, 06-30-03; A, 04-29-05; A, 03-15-06; A, 05-31-06; A, 10-31-07]

**6.60.5.8 REQUIREMENTS:** The NMTA consists of two generic categories of assessments. The first category is the basic skills and competency assessments identified at Subsection A of 6.60.5.8 NMAC below. The second category is the content knowledge assessments ("CKA"), sometimes called content tests, identified at Subsection B of 6.60.5.8 NMAC below.

A. Beginning July 30, 1999 except for those individuals covered by Subsection C of 6.60.5.8 NMAC, below all applicants for initial licensure in addition to meeting all other licensure and background check requirements of the PED, are required to take the basic skills and competency assessments of the NMTA, which consist of the following tests and obtaining the following passing scores:

(1) assessment of teacher basic skills: passing score = 240; and

(2) either:

(a) assessment of teacher competency, elementary level (for those seeking elementary K-8 licensure, middle level 5-9, special education pre K-12 licensure or grade pre K-12 licensure): passing score = 240; or

(b) assessment of teacher competency, secondary level (for those seeking secondary 7-12 licensure including special education pre K-12 licensure, middle level 5-9 or grade pre K-12, or special education pre K-12): passing score = 240; or

(c) assessment of teacher competency, early childhood level (for those seeking early childhood birth-grade 3 licensure or special education pre K-12 licensure): passing score = 240.

B. In addition to the testing requirement above, all applicants for initial teacher licensure must take and pass a test in their content area subject according to the following schedule:

(1) Beginning with the September 2002, administration of the PED's content testing, if applicants are seeking licensure in elementary K-8, they shall take and pass the PED's CKA in elementary education prior to issuance of that license except as provided in Paragraph (6) of Subsection B of 6.60.5.8 NMAC.

(2) Beginning with the September, 2002, administration of the PED's content testing, if applicants are applying for licensure in early childhood birth-grade 3 or elementary K-8 and are also seeking an endorsement in reading, they shall take and pass the PED's CKA in that content area prior to issuance of that endorsement.

(3) Beginning with the September, 2004, administration of the PED's content testing, if applicants are applying for licensure in early childhood birth-grade 3, elementary K-8, secondary 7-12, middle level 5-9, special education pre K-12 or grade pre K-12, and are also seeking an endorsement in the arts (music or visual arts) or modern, classical and native languages (Spanish, French, or German) they must take and pass the PED's CKA's in the respective content area prior to issuance of the endorsement(s).

(4) Beginning with the September, 2002, administration of the PED's content testing, if they are applying for licensure in secondary 7-12, middle level 5-9 or grade pre K-12 and are also seeking endorsement in language arts, reading, mathematics, science or social studies, or any combination thereof, they shall take and pass the PED's CKA in that content area prior to issuance of that license.

(5) Beginning with the September, 2006, administration of the PED's content testing if they are applying for licensure in early childhood birth-grade 3, elementary K-8, secondary 7-12, middle level 5-9, special education pre K-12 or grade pre K-12, and are also seeking an endorsement in the health, physical education, library/media, teaching English to speakers of other languages (TESOL), or family and consumer sciences, they must take and pass the PED's CKA's in the respective content area prior to issuance of the endorsement(s).

(6) An elementary K-8 licensed teacher who is new to the profession and who will be teaching language arts, social studies, mathematics, or science in a middle school or junior high school must either:

(a) take and pass the PED's middle level CKA's in each core subject area the teacher will be teaching; or

(b) complete twenty-four semester hours of coursework, at least 6 hours of which are upper division, in each core academic subject the teacher will teach and take and pass the CKA in elementary education.

(7) If they currently hold a license and seek to add an endorsement in language arts, reading, mathematics, science, social studies, the arts (music or visual arts), modern, classical and native languages (Spanish, French, or German), health, physical education, library/media, teaching English to speakers of other languages (TESOL), or family and consumer sciences, they may be issued an endorsement in the content area upon passage of the PED's CKA's in the respective content area except that a candidate who has passed the TESOL, CKA or Prueba de Español para la Certificación Bilingüe must also complete required coursework in order to add the respective endorsement.

(8) Beginning with the September, 2007, administration of PED's teacher testing if applicants are applying for licensure in special education pre K-12, they shall take and pass the PED's teacher content assessment in special education prior to issuance of that license.

(9) Beginning with the September, 2007, administration of PED's specialty area examinations, if they are applying for licensure as a school counselor, educational diagnostician or administrator, grades pre K-12, they shall take and pass the PED's specialty area examinations as provided in PED rules governing those licenses prior to the issuance of those licenses.

C. Applicants for an initial Spanish/English bilingual endorsement to a teaching license must, in addition to meeting all other PED requirements for the endorsement, pass Prueba de Español para la Certificación Bilingüe by obtaining a score of 2 or higher on any 12 of the 15 subsections. Applicants seeking this endorsement through licensure reciprocity should consult 6.60.4 NMAC for guidance.

D. Applicants for alternative licensure with teaching experience at the post-secondary level under Subsection C of 6.60.3.8 NMAC, shall be exempt from the teacher licensure testing requirements as long as they meet all other requirements for licensure.

[12-31-98, 07-30-99, 02-14-00; 6.60.5.8 NMAC - Rn, 6 NMAC 4.2.2.2.8 & A, 10-13-00; A, 07-15-02; A, 02-14-03; A, 06-30-03; A, 04-29-05; A, 03-15-06; A 05-31-06; A, 10-31-07; A, 06-15-09; A, 01-29-10]

**6.60.5.9 IMPLEMENTATION:** Consistent with Title I, Section 1119 (a) (2) and Title IX, Section 9101 (23) (A) (ii) of the No Child Left Behind Act (NCLB), which requires that all teachers of the core academic subjects be highly qualified by the end of the 2005-2006 school year, the PED will not issue one year licenses in the core academic subjects under this section after June 30, 2006.

[07-30-99; 6.60.5.9 NMAC - Rn, 6 NMAC 4.2.2.2.9, 10-13-00; A, 06-30-03; A, 04-29-05; A 05-31-06; A, 10-31-07; A, 01-29-10]

#### **6.60.5.10 EXCEPTIONS:**

A. Applicants for an initial Spanish/English bilingual endorsement to a teaching license must, in addition to meeting all other PED requirements for the endorsement, pass Prueba de Español para la Certificación Bilingüe by obtaining a score of two (2) or higher on any twelve (12) of the fifteen (15) subsections. Applicants seeking this endorsement through licensure reciprocity should consult 6.60.4 NMAC, for guidance.

B. Applicants for alternative licensure with teaching experience at the post-secondary level under Subsection C of 6.60.3.8 NMAC, shall be exempt from the teacher licensure testing requirements as long as they meet all other requirements for licensure.

C. Exceptions for NMTA (this exception is in accordance with NMSA 22-10A; The School Personnel Act:

(1) The provisions of this paragraph shall apply to an individual who holds at least a bachelors degree, has successfully completed a teacher preparation program, can verify through a current audiological evaluation that the individual is deaf or hard of hearing and requests an alternative assessment of the NMTA.

(2) As used in this section, "deaf or hard of hearing," means: a person who is prelingually deaf or hard of hearing. Prelingual means an individual who acquired a permanent hearing loss prior to five (5) years of age that prevents the processing of linguistic information through hearing with or without amplification or other hearing assistance devices.

(3) As used in this section, "audiological evaluation" means: a hearing assessment which includes otoscopic inspection, tympanometry, unaided pure tone air and bone conduction threshold testing, as well as speech awareness and speech reception threshold testing (if applicable).

(4) The applicant must obtain an audiological evaluation from a licensed audiologist to verify the required minimum of a permanent, moderate hearing loss as determined by a pure tone average (PTA) at or greater than 41dBHL in each ear. The evaluation must be completed on a PED approved form and dated within one (1) calendar year of application submission.

(5) A person that meets the eligibility requirements of this provision and seeking to demonstrate competencies through the alternative assessment must submit the PED approved "alternative assessment request form" as part of their complete application. The information obtained from the request form will be used to determine which alternative assessments the applicant requires and possible dates for administration of the teacher competency and CKA portions of the alternative assessment.

(6) Individuals granted access to the alternative assessment will have their alternative assessment reviewed by a committee that consists of:

- (a) a teacher of deaf or hard of hearing students;
- (b) a sign language interpreter;
- (c) a school administrator from the New Mexico school for the deaf, (NMSD);
- (d) a parent of a deaf or hard of hearing student;
- (e) a deaf or hard of hearing teacher, if one is available;
- (f) a public school employee, and
- (g) other appropriate persons as determined by the PED.

(7) A person that meets the eligibility requirements of this provision and seeking to demonstrate competencies through the alternative assessment is encouraged to request alternative testing arrangements and attempt all portions of the NMTA with alternative testing arrangements. Requests for alternative testing arrangements should describe accommodations previously received by the candidate during past standardized test administrations, documentation of audiological evaluations, and suggested modifications from a licensed audiologist. Applicants for this license that have earned a passing score of at least 240 on basic skills portion of the NMTA, teacher competency, or CKA are exempt from completing the alternative assessment in the portion they have passed. The PLB at the PED will assist eligible candidates in submitting requests for alternative testing arrangements.

(8) Individuals seeking an alternative assessment will demonstrate teacher competency and content knowledge by presenting a hard copy of portfolio in a face-to-face setting to the alternative assessment review committee. Applicants must obtain a passing score of 70% or greater on the teacher competency or content knowledge hard copy portfolio review to receive a score of pass.

(9) Applicants for this license will be charged the same amount(s) for the alternative assessment that registrants for the NMTA are charged plus the licensure-processing fee. These fees are due when the applicant submits a complete application. Applications without the appropriate fees will not be accepted.

(10) Applicants that are unsuccessful in obtaining a passing score of 70% on the alternative assessment may reapply and must submit the applicable fees.

[07-30-99; 6.60.5.10 NMAC - Rn, 6 NMAC 4.2.2.2.10 & A, 10-13-00; A, 07-15-02; A, 02-14-03; A, 04-29-05; A, 05-31-06, A, 10-31-07; A, 06-15-09; 6.60.5.10 NMAC - N, 01-29-10; A, 11-15-11]

**6.60.5.11 SAVINGS CLAUSE:**

A. Applicants described in 6.60.5.8 NMAC applying for licensure after July 30, 1999, who have taken the professional knowledge, or communications skills tests of the core battery of the national teachers examination (NTE) that correspond with portions of the NMTA as indicated below, will be exempt from taking the same portions of the NMTA provided they have obtained the following minimum scaled score that correspond with each test of the core battery of the NTE:

- (1) professional knowledge 630 corresponds with NMTA-teacher competency 240
- (2) communication skills 644 corresponds with NMTA basic skills 240

B. Those applicants not applying for licensure under reciprocity but presenting passing test scores on comparable basic skills, teacher competency or a content area tests from out of state may be excused from taking the corresponding NMTA basic skills, teacher competency or a content area test. For any single test to be deemed to be passing, scores must show a correct response rate of at least 70 percent, regardless of the raw test scores. PED may require the applicant to provide evidence of having met the 70 percent correct response rate.

[6.60.5.11 NMAC - N, 07-01-01; A, 04-29-05; A, 10-31-07; 6.60.5.11 NMAC - Rn & A, 6.60.5.10 NMAC, 01-29-10]

**6.60.5.12 TESTING IRREGULARITIES:** Where a potential testing irregularity is reported to the PED, the PED shall make a preliminary inquiry to determine if further investigation is warranted.

A. If after a preliminary inquiry the PED determines that a potential testing irregularity warrants further investigation, the PED may cause that testing applicant's NMTA score to be withheld pending the completion of an investigation. The PED shall notify a testing applicant that any NMTA score suspected of being obtained by means of or following a testing irregularity may be withheld for up to 120 days pending an investigation. At the conclusion of its investigation, the PED shall notify the test administrator and the testing applicant of its findings and conclusions, whether or not a testing irregularity has been substantiated.

B. If after an investigation the PED finds and concludes that a testing irregularity is substantiated by the evidence, it may, after notifying the test administrator and the testing applicant of its findings, conclusions and intended action:

- (1) void the applicant's test score(s);
- (2) bar the applicant from retaking the NMTA for up to five (5) years;
- (3) direct that the applicant's registration fee be forfeited;
- (4) direct that the applicant's registration fee be refunded;
- (5) permit the applicant to retake all or portions of the NMTA under controlled conditions; or
- (6) impose any combination of the foregoing options.

C. If after an investigation the PED finds and concludes that no testing irregularity is substantiated by the evidence, it shall promptly notify the test administrator and the testing applicant and direct that any withheld NMTA be released and available for use in the educator licensure process.

[6.60.5.11 NMAC - N, 07-01-01; A, 04-29-05; A, 10-31-07; 6.60.5.12 NMAC - Rn, 6.60.5.11 NMAC, 01-29-10]

**6.60.5.13 RIGHTS OF A TESTING APPLICANT:** The PED shall advise the testing applicant at the time of notification that the NMTA score will be withheld or voided, that the applicant can at any time provide the PED with a statement or documentary evidence rebutting the likely or substantiated existence of a testing irregularity. However, the testing applicant shall be cautioned that any statement or document provided by the applicant may later be used against the applicant at a PED administrative proceeding, a civil proceeding or a criminal proceeding.

A. Where a testing applicant has an initial educator licensure application on file with the PED at the time of notification that a testing irregularity has been substantiated, the applicant shall have a right to request a hearing within 30 days of the notification and shall be afforded all the procedural and substantive due process rights contained in 6.68.2 NMAC ("Denial of Applications for Licenses for School Personnel"), which rule shall govern the proceedings. The PED may combine this hearing with a licensure denial hearing. The right to discovery shall be limited as set forth in 6.60.5.14 NMAC below.

B. Where a testing applicant does not have an initial educator licensure application on file with the PED at the time of notification that a testing irregularity has been substantiated, the applicant shall have 20 days to notify the PED professional licensure director ("director") of the desire to schedule a telephonic conference-call or in-person meeting with the director. Such request must be in writing. Any relevant documents may be introduced

and either side may be represented by an attorney and up to three witnesses may be called. The formal rules of evidence shall not apply and either side may at their own expense request that any witness statements be sworn and that a record be made of the meeting. The director shall issue a written decision consisting of written findings, conclusions and action to be taken. The decision will be issued to the testing applicant within 14 days of the meeting. The decision of the director, which must be based on a preponderance of the evidence, shall be final and not subject to review, appeal, or reconsideration by the agency.

C. A testing applicant with an initial educator licensure application on file with the PED at the time of notification that a testing irregularity has been substantiated, may waive the right to a hearing and proceed by way of a meeting with the director as set forth in the immediately preceding paragraph.  
[6.60.5.13 NMAC - N, 07-01-01; A, 04-29-05; A, 10-31-07; A, 06-15-09; 6.60.5.13 NMAC - Rn & A, 6.60.5.12 NMAC, 01-29-10]

**6.60.5.14 LIMITED DISCOVERY RIGHTS:** The NMTA is the primary PED-approved teacher test for the state of New Mexico. It was developed by the test administrator under contract with the PED to help identify candidates for educator licensure who have demonstrated the level of knowledge and skills necessary for performing the duties of a teacher in New Mexico's public schools. The PED holds the exclusive copyright on the NMTA. As such, the PED must safeguard not only the copyright but also the confidentiality of the NMTA. Any testing applicant who timely requests a meeting or a hearing as permitted by this rule shall have only limited access to the questions and answers of the applicant's NMTA or related materials.

A. Given the proprietary nature of the NMTA or related materials, under no circumstance shall a testing applicant's disputed or undisputed NMTA be released to a testing applicant, attorney, representative, or the general public.

B. Upon request made to the director, a testing applicant, and an attorney, or representative shall be given as much access to the applicant's disputed or undisputed NMTA or related materials as is deemed reasonably necessary by the director, or hearing officer as the case may be, to prepare for pending meeting or hearing.

C. Anyone given permission to view a testing applicant's disputed or undisputed NMTA or related materials, must sign a confidentiality agreement offered by the PED. An NMTA or related materials may only be viewed during routine office hours of the PED under supervision of a PED employee and on the PED premises. No NMTA or related materials may be written on, marked, electronically copied, hand-duplicated, or otherwise removed from the premises of the PED. The form, subject matter, substance and wording of any NMTA test question or answer may also not be removed from the premises of the PED nor may they be further disclosed in any other way. A person granted permission to review the materials covered by this section may not bring any manual or electronic copying devices to the location where the materials are offered. Such copying devices referred to in the preceding sentence shall include but not be limited to cameras, camcorders, tape recorders, writing utensils, hand-held computers, paper, briefcases, etc. The said confidentiality agreement shall accomplish this as well as other test-security goals. Anyone who enters the PED premises to review the materials covered by this section and who violates or attempts to violate any protected security measure may, at the discretion of the PED, be removed from the premises and be considered to have forfeited any additional access to an applicant's disputed or undisputed NMTA or related materials.

D. The original or copy of any NMTA or related materials used as evidence at any meeting or hearing shall also be subject to confidentiality by all attendees and participants. Accordingly, all such meetings or hearings shall be closed to the public.  
[6.60.5.14 NMAC - N, 07-01-01; A, 04-29-05; A, 10-31-07; 6.60.5.14 NMAC - Rn, 6.60.5.13 NMAC, 01-29-10]

**6.60.5.15 LICENSURE DENIAL OR REVOCATION:** Engaging in a testing irregularity shall constitute a good and just ground to deny a testing applicant's licensure application or to revoke or suspend any license held by a testing applicant that was issued by the PED. In the case of licensure revocation or suspension, the PED shall proceed under authority and procedure of 6.68.3 NMAC ("Suspension or Revocation of a License Held by a Licensed School Individual") and the Uniform Licensing Act [Sections 61-1-1 through 61-1-31 NMSA 1978].  
[6.60.5.15 NMAC - Rn, 6.60.5.14 NMAC, 01-29-10]

#### **HISTORY OF 6.60.5 NMAC:**

##### **Pre-NMAC History:**

The material in this Part was derived from that previously filed with State Records Center and Archives under SBE Regulation No. 84-8, Relating to Competency Testing for Certification and Performance Evaluation Requirement, filed August 27, 1984;

SBE Regulation No. 84-8 Amendment No. 1, Relating to Competency Testing for Certification and Performance Evaluation Requirement, filed May 18, 1987; and  
SBE Regulation No. 89-5, Competency Testing for Licensure, filed August 17, 1989.

**History of Repealed Material:**

6 NMAC 4.2.2.2.8.2 - Repealed 02-14-00.