

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 81 ALTERNATIVE EDUCATION - NONPUBLIC SCHOOLS
PART 2 REQUIREMENTS FOR NONPUBLIC SCHOOLS AND FOR PUBLIC EDUCATION
DEPARTMENT ACCREDITATION

6.81.2.1 ISSUING AGENCY: Public Education Department
[12-31-98, 07-30-99; 6.81.2.1 NMAC - Rn, 6 NMAC 30.2.1.1, 06-14-01, A, 11-13-09]

6.81.2.2 SCOPE: This rule applies to all nonpublic and BIE schools.
[12-31-98; 6.81.2.2 NMAC - Rn, 6 NMAC 30.2.1.2, 06-14-01, A, 11-13-09]

6.81.2.3 STATUTORY AUTHORITY: This regulation is adopted pursuant to Sections 22-2-1, 22-2-2, 24-5-4, 22-13-14, and 22-2-8.1, NMSA 1978.
[12-31-98; 6.81.2.3 NMAC - Rn, 6 NMAC 30.2.1.3, 06-14-01]

6.81.2.4 DURATION: Permanent
[12-31-98; 6.81.2.4 NMAC - Rn, 6 NMAC 30.2.1.4, 06-14-01]

6.81.2.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
[12-31-98; 6.81.2.5 NMAC - Rn, 6 NMAC 30.2.1.5, 06-14-01, A, 11-13-09]

6.81.2.6 OBJECTIVE: To provide a comprehensive framework within which nonpublic and BIE schools that desire department accreditation status can attain it.
[12-31-98; 6.81.2.6 NMAC - Rn, 6 NMAC 30.2.1.6, 06-14-01, A, 11-13-09]

6.81.2.7 DEFINITIONS:

- A. "AAASCU" means the Adventist accrediting association of schools, colleges and universities.
 - B. "Accreditation" means the recognition by the department that a nonpublic or BIE school meets standards set by an accrediting entity recognized by the department.
 - C. "Accrediting entity" means one of the entities listed in 6.81.2.7 NMAC and any other entity approved by the department as an accrediting entity of nonpublic schools pursuant to this rule.
 - D. "ACSI" means the association of Christian schools international.
 - E. "ACTS" means the association of Christian teachers and schools.
 - F. "BIE school" means a bureau of Indian education school that is governmentally owned and controlled, located in New Mexico, provides instruction for first through twelfth grades and is not sectarian or denominational.
 - G. "CSI" means the Christian schools international.
 - H. "Department" means the public education department.
 - I. "Division" means the charter schools division of the public education department.
 - J. "ICAA" means the international Christian accrediting association.
 - K. "ISAS" means the independent schools association of the southwest.
 - L. "NAEYC" means the national association of the education of young children.
 - M. "NECPA" means the national early childhood program accreditation commission.
 - N. "NLSA" means the national Lutheran schools association.
 - O. "NMNCA" means the New Mexico north central association.
 - P. "NNCA" means the Navajo north central association.
 - Q. "Nonpublic or private school" means a school, other than a home school, that offers on-site programs of instruction and is not under the control, supervision or management of a local school board;
 - R. "Secretary" means the secretary of the New Mexico public education department.
- [12-31-98; 6.81.2.7 NMAC - Rn, 6 NMAC 30.2.1.7, 06-14-01; 6.81.2.7 NMAC - N, 11-13-09]

6.81.2.8 REQUIREMENTS FOR DEPARTMENT ACCREDITATION OF NONPUBLIC SCHOOLS:

- A. Pursuant to the requirement of 22-2-2(I), NMSA 1978, all nonpublic schools shall make attendance reports as required by the department, and shall comply with the requirements of 24-5-4, NMSA 1978, (Reports on Immunization Status), 22-13-14, NMSA 1978 (Emergency Drills), 22-2-8.1, NMSA 1978 (Length of

School Day), 22-12-2, NMSA 1978 (Compulsory School Attendance) and 22-12-7, NMSA 1978 (Enforcement of Attendance Law).

B. Nonpublic schools accredited by the AAASCU, ACSI, ACTS, CSI, ICAA, ISAS, NAEYC, NLSA, NECPA, NMNCA or NNCA shall be deemed to be accredited by the department unless the accrediting entity's accreditation status is later suspended, limited, or terminated by the department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

C. The department shall have the authority to observe the operation of a nonpublic or BIE school in the state seeking or holding department accreditation.

D. The division shall maintain and keep current a list of all nonpublic schools accredited by the department. The list shall contain the name of the school, its mailing and email addresses, the name of its head administrator, its telephone number and its accrediting entity or entities.

E. Nonpublic or BIE schools seeking accreditation in New Mexico shall obtain and maintain accreditation from one of the 11 accrediting entities listed in the definition section of this rule or any other entity approved by the department as an accrediting entity.

F. Any accrediting entity seeking acknowledgement by the department of their accrediting status in New Mexico shall contact the division by written inquiry and provide information requested by the division that demonstrates the accrediting entity's:

- (1) ability to evaluate a school under set, rigorous standards;
- (2) accreditation standards are based primarily on research and factors that facilitate student academic achievement;
- (3) experience outside the state of New Mexico, if any, in accrediting nonpublic schools;
- (4) willingness to share its research data, academic standards and school-specific accreditation reports with the division;
- (5) use of peer evaluation and periodic site visits to assess whether a nonpublic school meets that entity's standards and continues to meet those standards;
- (6) collection of documentation to verify that a nonpublic school meets and continues to meet that entity's standards; and
- (7) authority to suspend, limit or terminate its accreditation of a nonpublic school.

G. The charter schools division of the department may limit, suspend or terminate the accrediting status of an accrediting entity listed in the definition section of this rule for failure to apply its own set accrediting standards on schools it accredits.

H. The division may deny accrediting status of an accrediting entity for failure to apply its own accrediting standards to schools it accredits or for failure to provide the information or make the demonstrations enumerated in Subsection F of 6.81.2.8 NMAC.

I. Any accrediting entity aggrieved by a decision of the division may, within 30 days of the decision, appeal in writing to the secretary. The secretary or the secretary's designee shall issue a final written decision within 90 days of the appeal. At the time of its filing an appeal, the aggrieved accrediting entity shall include its justification as to why the decision should be reversed or altered and shall attach all supporting documentation including the decision it is appealing. No further documentation shall be filed by the accrediting entity unless leave of the secretary is requested and granted. A decision from the secretary or the secretary's designee shall be made on the basis of the documentation submitted and input from the division, unless oral argument is requested by the accrediting entity and granted by the secretary or secretary's designee.

[12-31-98; 6.81.2.8 NMAC - Rn, 6 NMAC 30.2.1.8, 06-14-01; A, 11-13-09]

HISTORY OF 6.81.2 NMAC:

PRE-NMAC HISTORY: The material in this regulation was derived from that previously filed with the State Records Center and Archives under:

SDE 71-11, Procedures For Approval Of Non-Public Schools, filed October 21, 1971; SDE 75-13, Regulation Governing Private Schools, filed September 4, 1975; and
SBE Regulation 81-6, Governing Private Schools, filed September 30, 1981.