



New Mexico School Boards Association

POLICY SERVICES ALERT

To: All Superintendents and Board Members

Date: December 20, 2020

Re: Alternate Demonstration of Competency (ADC)

Virtual schools and distance learning have created many new issues for New Mexico school districts. Of particular concern is how students in the class of 2020-21 will meet the graduation requirements based on standards-based indicators. This is a reminder that the Alternate Demonstration of Competency (ADC) found in New Mexico Administrative Code (NMAC) 6.19.7.10 adopted by the Public Education Department in 2009 is still in effect for the 2020-21 graduating class per New Mexico Statutes Annotated (NMSA) 22-13-1.1 (F).

(NMSA) 22-13-1.1 (F) indicates that “Once a student enters ninth grade, the graduation requirements shall not be changed for that student from requirements specified in law at the time the student entered ninth grade”.

Part O of (NMSA) 22-13-1.1 states that Competency requirements for graduation shall be

“ based on a standards-based assessment or assessments **or a portfolio of standards-based indicators established by the department by rule.”**

A change to the NMAC rule was made in July of 2018, but according to NMSA 22-13-1.1, the change found in NMAC 6.19.7.8 begins with the ninth grade class of 2018 which will graduate in 2022.

Thus, in accord with NMSA 22-13-1.1 (F) the ADC applicable to the graduating class of 2020-21 is NMAC 6.19.7.10, a rule adopted by the Public Education Department in 2009. This section of the code simply requires that school administrators **establish local procedures** for determining whether the alternate demonstration of competency has been achieved in accord with the NMAC rule. Your current graduation policy IKF, recommended by Policy Services, already identifies ADC as one way of meeting graduation requirements.

Each districts policy BBA (Board Powers and Responsibilities) references 6.29.1.9 (A) 8 and 9 NMAC which mandates:

“The Board shall, in accord with the Administrative Code of the Secretary of Education:

8. award diplomas to students who have successfully completed graduation requirements;

9. ensure the alignment of District curricula with Content Standards with Benchmarks and performance standards.”

Thus, since the courses (curricula) are required to be aligned with the state requirements, it would be appropriate to use **end of course examinations** among the other possibilities cited in 6.19.7.10 (A) (2009) to give credit toward graduation so long as the procedures are followed and the proper records are kept.

To simplify: Competency requirements for graduation shall be based on a standards-based assessment or assessments **or a portfolio of standards-based indicators established by the department by rule.** That rule is NMAC 6.19.7.10 (2009) for the class of 2020-21.

If the Superintendent or his delegate has written a procedure for the way the school or district intends or intended to deal with ADC rules in NMAC 6.19.7.10 (2009),

that would be sufficient according to the NMAC for application of the ADC to a member or members of the class of 2020-21.

Policy Services suggests that if your administration has not written procedures for this purpose, you do so immediately. A copy of NMAC 6.19.7.10 adopted by the Public Education Department in 2009 is attached with other relevant information.

The procedure should contain:

”local procedures for determining whether the alternate demonstration of competency:

- (a) is complete and scorable;
- (b) addresses the appropriate academic content standards; and
- (c) be (sic) determined as adequately showing competency.

Be certain that you follow all of the requirements and limitations indicated in the 2009 rule 6.19.7.10 as indicated in the relevant citations. Pay particular attention to what can be included, in NMAC 6.19.7.10 (2009) part A, what cannot be included in part B, and the standards-based indicators and requirements in C and D. The electronic format requirement for submission and keeping the records for five years is also an important part of NMAC 6.19.7.10 (2009).

NMAC 6.19.7.10 (2009) was not well written and for this reason a best effort based on your local conditions and circumstances is arguably a defensible position.

The Public Education Department published a Graduation requirements guidance which includes the above information at page 4 in a graphic format. See the following link: <https://webnew.ped.state.nm.us/wp-content/uploads/2020/07/NMPED-High-School-Graduation-Requirements-Guidance.pdf>

Relevant Citations

Current Graduation requirements for class of 2020-21

22-13-1.1. Graduation requirements.

F. Once a student has entered ninth grade, the graduation requirements shall not be changed for that student from the requirements specified in the law at the time the student entered ninth grade.

O. Beginning with the 2010-2011 school year, a student shall not receive a New Mexico diploma of excellence if the student has not demonstrated competence in the subject areas of mathematics, reading and language arts, writing, social studies and science, including a section on the constitution of the United States and the constitution of New Mexico, **based on a standards-based assessment or assessments or a portfolio of standards-based indicators established by the department by rule.** The standards-based assessments required in Section [22-2C-4](#) NMSA 1978 may also serve as the assessment required for high school graduation. If a student exits from the school system at the end of grade twelve without having satisfied the requirements of this subsection, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student satisfies the requirements of this subsection, the student may receive a New Mexico diploma of excellence. Any student satisfying the requirements of this subsection and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which all requirements are satisfied.

§ 6.19.7.10. ALTERNATE DEMONSTRATION OF COMPETENCY USING STANDARDS-BASED INDICATORS

Text

A. Alternate demonstration of competency of high school exit requirements using standards-based indicators may include, but is not limited to the following:

- (1) results from post-secondary nationally-normed assessments;
- (2) results from workforce readiness assessments;
- (3) results from end-of-course examinations;
- (4) school-based projects such as extended papers, themes, theses, or research projects;
- (5) performances or works of art that can be recorded in an electronic format; and
- (6) community-based projects such as internships, service learning, pre-apprenticeship, or after- school job performance.

B. The alternate demonstration of competency must not contain the following:

- (1) products not the result of the student's independent work;
- (2) projects that involve vertebrate animal subjects;
- (3) collaborations where an individual student's contributions cannot be distinguished;
- (4) course grades, teacher or employer recommendations or testimonials;
- (5) artifacts that are not related to the content standards required for graduation;
- (6) material that is inflammatory, derogatory, or humiliating.

C. All projects, including those involving human subjects and microorganisms, or other potentially hazardous biological agents, must follow the international rules and guidelines governing the international science and engineering fair.

D. Requirements for alternate demonstration of competency using standards-based indicators:

- (1) Students must have participated in the short-cycle diagnostic type assessments at ninth and tenth grades in the required subject areas at least once and before submitting artifacts to be considered for alternate demonstration of competency.
- (2) Students who have participated in a college placement or workplace readiness assessment may create a portfolio of artifacts as further evidence of competency or to submit to postsecondary institutions, potential employers, businesses, community organizations, or any institution that requires educational credentials for admission, scholarships, employment, partnerships, internships, apprenticeships,

or any opportunity for advancement in learning, earning potential, military service, and citizenship.

(3) Assembly of the portfolio may incorporate artifacts from as early as grade nine.

(4) Students may submit a portfolio in English, Spanish, or in a Native American language of an Indian nation, tribe or pueblo located in New Mexico as per conditions of a tribal/public education department memorandum of agreement.

(5) Alternate demonstrations of competency shall not be used for federal accountability requirements and will not be included in adequate yearly progress (AYP) calculations. Students who receive a New Mexico diploma of excellence and who have demonstrated competency through the compilation of a portfolio shall be considered to have graduated and shall count as high school graduates.

(6) Students may provide alternate demonstrations of competency using standards-based indicators within five years of exiting a public school or state educational institution in order to satisfy competency in required subject areas and receive a New Mexico diploma of excellence.

(7) Unless special accommodations are required, portfolios shall be submitted to school authorities electronically, use uniform templates, and follow procedures established by the department.

(8) School administrators shall **establish local procedures** for determining whether the alternate demonstration of competency:

(a) is complete and scorable;

(b) addresses the appropriate academic content standards; and

(c) be determined as adequately showing competency.

(9) Electronic documentation of alternate demonstrations of competency shall be stored electronically by the district for five years from the time of submission.

(10) If at the end of grade twelve a student has not demonstrated competency in the required subject areas on standards-based indicators, the student will be issued a certificate indicating course credits earned and grade level completed.

History

(6.19.7.10 NMAC -- N, 1/30/09)

Requirements for graduating class of 2021-22

6.19.7.8 GENERAL REQUIREMENTS FOR DEMONSTRATIONS OF COMPETENCY:

A. In accordance with 6.19.7 NMAC, the department shall annually develop and publish a graduation manual for each graduating class starting with the class of 2022. The manual shall be published on the department's website or available upon request. The graduation manual shall include information on graduation requirements, primary demonstrations of competency, alternative assessments, and competency-based alternatives.

B. Students may demonstrate competency in each of the core content areas through the primary demonstration of competency, alternative assessments, or competency-based alternatives as outlined in Sections 10 through 14 of 6.19.7 NMAC.

(1) Standards-based portfolio. Portfolios may be used as a demonstration of competency in writing, science, or social studies. Portfolio artifacts may include student work from as early as grade 10.

(2) Insufficient indicators. Alternative demonstrations of competency of state standards for high school graduation shall not include the following:

(a) artifacts which are not the product of the student's independent work;

(b) collaborations in which an individual student's contributions cannot be distinguished;

(c) teacher or employer recommendations;

(d) artifacts that are not related to content areas required for graduation;

(e) letters of acceptance from higher education institutions;

(f) assessments not included in the graduation manual; or

(g) assessments developed by LEAs, schools, or individual teachers.

C. LEAs shall offer the opportunity to make an additional attempt on the primary demonstration of competency to any student who does not demonstrate competency on their first attempt.

D. LEAs and school boards may offer all or some of the ADCs outlined in 6.19.7 NMAC with the exception of assessments required by the state. LEAs and school boards shall not provide options that are not outlined by the department.

E. If at the end of grade twelve a student has not demonstrated competency of state standards in the core content areas, the student shall be issued a certificate indicating course credits earned and grade level completed. Students issued a certificate may provide alternative demonstrations of competency within five years of exiting a public school or state educational institution in order to satisfy competency in required core content areas and earn a New Mexico diploma of excellence.

F. Students with an IEP that provides for individualized graduation indicators shall adhere to the expectations for either the modified or ability option outlined in the graduation manual. Students shall attempt the assessments defined in their IEP as the primary demonstration of competency before leveraging an ADC. Individualized passing scores on primary and alternative assessments, as well as appropriate modifications to the competency-based alternatives, shall be determined by the IEP team. Individualized passing scores may be subject to department review. Students following the requirements for the modified or ability option who meet the competency requirements established in their IEP on the primary demonstration of competency, an alternative assessment, or a competency-based alternative shall earn a New Mexico diploma of excellence.

G. Schools shall ensure that all grade 11 students participate in the readiness assessment system pursuant to 22-2C-4.1 NMSA 1978. Students shall select and participate in one or more of the following as defined by the department at no cost to the student:

(1) a college placement assessment;

(2) a workforce readiness assessment; or

(3) an alternative demonstration of competency.

[6.19.7.8 NMAC - Rp, 6.19.7.8 NMAC, 7/24/2018]