



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2019-026

DIRECTING THE PUBLIC EDUCATION DEPARTMENT TO PROMULGATE RULES OR POLICIES REQUIRING SCHOOLS TO GRANT PARTIAL CREDIT TO STUDENTS WHO TRANSFER DUE TO CERTAIN EDUCATIONAL DISRUPTIONS

WHEREAS, each year a significant population of New Mexico students experience disruptions to their educational pursuits and personal lives because of homelessness; adjudication as an abused or neglected child, as part of a family in need of court-ordered services voluntary placement, or as a delinquent; or placement in a mental health treatment facility, in a habilitation program for developmental disabilities, or in treatment foster care;

WHEREAS, when a student changes schools after experiencing one or more of these educational disruptions, that student is often significantly disadvantaged by the disruption and is at greater risk of repeating a grade or dropping out of school entirely;

WHEREAS, federal and state laws already require New Mexico public schools to assist these students by taking concrete steps to ease their transitions into a new school environment and to minimize any negative impacts to their academic and extracurricular pursuits;

WHEREAS, by enacting NMSA 1978, Section 22-12A-14, the Legislature has prioritized keeping these students on track for graduation by requiring public schools to ensure the acceptance of the student's state graduation requirements for a diploma of excellence under the Public School Code and by requiring schools to give priority placement to the student for placement in classes that meet State graduation requirements;

WHEREAS, creating a uniform system allowing students who have transferred to a new school because of a disruption to receive partial credit for classes completed at their prior school will further the goals of Section 22-12A-14;

WHEREAS, NMSA 1978, Section 22-2-2(D) empowers the Public Education Department to “prescribe courses of instruction to be taught in all public schools in the state, requirements for graduation and standards for all public schools;”

WHEREAS, NMSA 1978, Section 22-2-1(A) grants the Secretary of the Public Education Department “control, management and direction of all public schools, except as otherwise provided by law” and NMSA 1978, Section 22-2-2(B) requires the Public Education Department to “determine policy for the operation of all public schools and vocational education programs in the state;” and

WHEREAS, NMSA 1978, Section 9-24-8(D) permits the Secretary of the Public Education Department to “make and adopt such reasonable and procedural rules as may be necessary to carry out the duties of the department and its divisions” and NMSA 1978, Section 22-2-1(B)(1) allows the Public Education Department to “adopt, promulgate and enforce rules to exercise its authority and the authority of the secretary.”

THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico, hereby order as follows:

1. Within 45 days of the date on this Order, the Public Education Department shall begin the process of promulgating rules or policies, consistent with Section 22-12A-14, that require public schools to grant partial credit to students who transfer after experiencing one or more changes in public school or school district enrollment during a single

school year as a result of the following educational disruptions experienced by the student:

- a. homelessness;
 - b. adjudication: (i) as an abused or neglected child; (ii) as part of a family in need of court-ordered services voluntary placement; or (iii) as a delinquent if the parent wishes to disclose the adjudication of delinquency; or
 - c. placement: (i) in a mental health treatment facility; (ii) in a habilitation program for developmental disabilities; or (iii) in treatment foster care.
2. The rules or policies shall provide that students who transfer between school districts or between public schools within the same school district shall receive credit for any work completed prior to the transfer, regardless of whether the transfer occurred at the end of a grading period.
 3. The rules or policies shall set forth a uniform minimum standard that all school districts must meet in enacting their own policies.
 4. The rules or policies regarding partial credit shall in no way hinder public schools from granting a full unit of credit to a student who has successfully completed a required course that she began at another public school.
 5. The Public Education Department shall consult with stakeholders, including school administrators and youth advocacy groups, in formulating the rules or policies.

THIS EXECUTIVE ORDER supersedes any other previous orders, proclamations, or directives to the extent they are in conflict. This Order shall take effect immediately and shall remain in effect until it is rescinded by the Governor or superseded by legislation.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE



DONE AT THE EXECUTIVE OFFICE
THIS 5TH DAY OF AUGUST, 2019

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Michelle Lujan Grisham

MICHELLE LUJAN GRISHAM
GOVERNOR