



Start a School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

New Mexico

Private School

Per [6.81.2.8 \(D\) NMAC](#), the New Mexico Public Education Department maintains a list of all nonpublic schools in the state and the list must include the school name, mailing and email addresses, name of the Head Administrator, phone number, and accrediting entity. Nonpublic schools accredited by educational accrediting agencies identified in rule, or since approved by the Division, shall be deemed to be acknowledged by the Department unless the accrediting entity's accreditation status is suspended, limited, or terminated by the Department or unless the schools' accreditation status is suspended, limited, or terminated by its own accrediting entity.

The [Accredited Non-Public Schools List](#) is intended to provide information to parents and families as they consider educational options for their children. The director has stated that a school must be located in the state of New Mexico to be on the accredited schools list.

Instructional Material Annual Report

1. **WHEN:** All private schools with any carryover balance and/or any expenditures using state funds during the prior school year are required to submit an annual report to the Instructional Material Bureau no later than **November 22**.
2. **ANNUAL REPORT TEMPLATE:** Access the [Private and Bureau of Indian Education \(BIE\) Schools Annual Reports Google folder](#) and select your specific folder with the name of your school. Your annual report will have the specific name of your private/BIE school. Make sure to select your FYXX Annual Report template.
3. **INSTRUCTIONS:** Review the instructions on the Checklist tab of your annual report and the more detailed Copy of Private BIE Schools INSTRUCTIONS FOR FY 23 in your private/BIE school folder. Prior to completing your FYXX Annual Report, you may want to view the webinar recording for completing last year's annual report. **Do not download the annual report. You must work on the annual report as a Google Sheet.** Your annual report will not be accepted if you don't follow these instructions.
4. **COMPLETE:** Use the Checklist on the first tab of the Annual Report to ensure you complete all the required worksheets – Checklist, FYXX Annual Report, and 14000 Itemized List. Enter data in cells that are shaded green. Greyed-out cells will auto-populate.

5. **SUBMIT:** Your annual report will be considered officially complete by checking each of the boxes on the Checklist tab or by November 22, whichever comes first. Do not download or email the annual report. It must remain as a Google Sheet in your folder. After November 22, you will no longer have access to your annual report.

[2022 INSTRUCTIONAL MATERIAL ANNUAL REPORT WEBINAR RECORDING](#)

[2022 INSTRUCTIONAL MATERIAL ANNUAL REPORT WEBINAR PRESENTATION SLIDES](#)

[Accrediting Agencies Recognized by the NMPED updated 2023*](#) (in google sheets format)
Accredited Non-Public Schools List (in google sheets) with school name, geographic school district location, address, name of Head Administrator, phone, website, and accrediting agency

[Accredited Non-Public Schools List](#) (in google sheets format) with the information in the Directory plus additional details; can be sorted

[Private and BIE Schools -Instructional Materials](#)

Steps to Start a Private School

1. Select a name for your school. Retain this name throughout the duration of the school's operation.
2. Designate a Chief Administrative Officer. Select a title, such as Director, Principal, Superintendent, etc.
3. Register as a corporation. This is usually a for-profit LLC. Register with your state's Division of Corporations.
4. Things to consider
 - 4.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.
 - 4.2. Teacher Certification: Teacher certification is not required for teachers at private schools.
 - 4.3. Registration: Is not required.
 - 4.4. Licensing: Business licensing may be required by local government.
 - 4.5. Approval: Is not required.
 - 4.6. Length of School Year and Days: The length must be at least as long as the time of the school year that is established in the school district in which the person is a resident.
 - 4.7. Curriculum: See statutes below for requirements.
 - 4.8. State Testing: No state policy currently exists.
 - 4.9. Health and Safety: Immunizations are required. Other requirements exist. See statutes below.
 - 4.10. Nursing and Health: No significant requirements.

School must be located in the state of New Mexico to be on the accredited schools list. If you wish to be listed as an accredited school on the [Accredited Non-Public Schools List](#), send the accreditation from one of the following [agencies](#) to ped.helpdesk@ped.nm.gov:

- Adventist Accrediting Association of Seventh-day Adventist Schools, Colleges, and Universities
- American Association of Christian Schools
- Association of Christian Schools International
- Association of Christian Teachers and Schools
- Association of Waldorf Schools of North America
- Cognia - North Central Association Commission on Accreditation and School Improvement
- Christian Schools International
- International Christian Accrediting Association
- Independent Schools Association of the Southwest
- National Association for the Education of Young Children
- National Council for Private School Accreditation
- National Early Childhood Program Accreditation
- National Lutheran School Accreditation
- Southwestern Association of Episcopal Schools
- Western Catholic Educational Association

Private School Statutes & Rules

The Education Freedom Foundation has relied on the [U.S. Department of Education's State Regulation of Private and Home Schools Map](#) for relevant statutes. Over time, the state pages on this map have been updated since their initial creation. In some cases, states have changed their laws without these updates being reflected on the map. Given the various methods each state uses to publicize changes to its laws, the most recent information for the Start-A-School project was often obtained directly from the U.S. Department of Education website. Users are encouraged to verify any information before making decisions based on it.

Accreditation, Registration, Licensing, and Approval

- Accreditation: optional
 - The New Mexico Public Education Department (public education department) has a duty to assess and evaluate private schools that desire state accreditation and to prescribe courses of instruction, graduation requirements, and standards for private schools seeking state accreditation. [New Mexico Statute Annotated \(NMSA 1978\) 22-2-2 D, G](#). A nonpublic school will be considered accredited by the public education department if this action is undertaken by one of the following agencies per [6.81.2.7](#) and [6.81.2.8\(A\) New Mexico Administrative Code \(NMAC\)](#) and [Accrediting Agencies Recognized by the NMPED updated 2023](#):
 - Adventist Accrediting Association of Seventh-day Adventist Schools, Colleges, and Universities
 - American Association of Christian Schools
 - Association of Christian Schools International
 - Association of Christian Teachers and Schools
 - Association of Waldorf Schools of North America
 - Cognia - North Central Association Commission on Accreditation and School Improvement

- Christian Schools International
- International Christian Accrediting Association
- Independent Schools Association of the Southwest
- National Association for the Education of Young Children
- National Council for Private School Accreditation
- National Early Childhood Program Accreditation
- National Lutheran School Accreditation
- Southwestern Association of Episcopal Schools
- Western Catholic Educational Association
- The public education department is authorized to monitor the operation of a nonpublic school seeking and/or holding a public education department accreditation. [6.81.2.8\(C\) NMAC.](#)
- Registration: no requirements
- Licensing: no requirements
- Approval: no requirements

Curriculum

- The public education department regulates minimum standards for approved driver-education and motorcycle driver-education courses. [NMSA 1978, §22-13-12.](#)
- The public education department's authority to approve courses of instruction in private schools does not extend to supervision, control, or management over private schools. Santa Fe Community School v. State Bd. of Education, N.M. Sup. Ct. R. 518 P.2d 272, 1974.
- A nonpublic school may enter into a contract with its resident school district. The contract will allow its students to participate in the statewide cyber academy. [NMSA 1978, §22-30-6.](#)

Health and Safety Requirements

- Children attending private or parochial schools are required to be immunized according to rules and regulations promulgated by the health services division of the health and environment department, unless exempt due to medical contraindications or religious beliefs. [NMSA 1978, §§24-5-1](#) and [24-5-3.](#)
- The health services division of the health and environment department must maintain a program to educate the general public, including private school students, on the nature and inheritance of sickle cell anemia. [NMSA 1978, §24-3-1.](#)
- Private schools are required to conduct at least one fire drill each week during the first four weeks of the school year, and at least once each month thereafter, for the remainder of the school year. Two drills must be shelter-in-place drills, one must be an evacuation drill, and the remainder must be fire drills. If a paid fire department is maintained in the area, a member of the department must be asked to attend to give instruction and constructive criticism. [NMSA 1978, §22-13-14.](#)
- The state fire marshal is required by statute to prescribe rules, regulations, and programs for teaching the proper methods of fire prevention and control to all school children. [NMSA 1978, §59A-52-7.](#)

- It is a misdemeanor to willfully interfere with the educational process of any private school by an act that would disrupt the functioning of the school. [NMSA 1978, §30-20-13](#).
- Private schools must cooperate with any law enforcement agency investigating a missing person report. [NMSA 1978, §29-15-10](#).
- Criminal sexual contact with a minor between 13 and 18 years old perpetrated by a private school employee, health service provider, or volunteer who is at least 18 years old and four years older than the victim is a felony. [NMSA 1978, §§30-9-10](#) and [30-9-13](#).
- A private school and area within 1,000 feet of the school property line is a “drug-free school zone.” [NMSA 1978, §30-31-2](#).

Length of School Year and Days

- Persons subject to the Compulsory School Attendance Law must attend school for at least the length of time of the school year that is established in the school district in which the person is a resident. [NMSA 1978, §22-12A-2](#).

Nursing and Health

- Any person referring a family for family services is immune from civil or criminal liability unless the person acted in bad faith or with malicious purpose. [NMSA 1978, §32A-3A-3D](#).

Professional Development

- No state policy currently exists.

Public Aid for Private Education

- Constitutional Provisions: The New Mexico Constitution prohibits the appropriation of any state educational funds to support any sectarian, denominational, or private school. In addition, the constitution prohibits appropriations for educational purposes not under the absolute control of the state. New Mexico Constitution, Art. XII, §3.
- Programs for Financial Assistance for Attendance at Private Schools: No such programs currently exist.

Recordkeeping and Reports

- The public education department is under a statutory duty to require periodic attendance reports from private schools on forms prescribed. [NMSA 1978, §22-2-2 I](#).
- The governing authority of a private school is responsible for initiating the enforcement of the Compulsory School Attendance Law for its enrolled students. The private school must give written notice of noncompliance by certified mail or personal service on the parent and/or guardian. If violations continue after written notice, the student must be reported to the probation services office of the judicial district where the student resides for an investigation. [NMSA 1978, §22-12A-7](#).

- The school superintendent of a private or parochial school must prepare a record showing the immunization status of every child enrolled in a school under his or her jurisdiction. The record must be current and available to the public health authorities. The superintendent must report the name of any parent and/or guardian neglecting to immunize his child to the director of the health services division of the health and environment department. [NMSA 1978, §24-5-4.](#)
- Each school district, state institution or private school shall keep accurate records of all instructional material, including cost records, on forms and by procedures prescribed by the bureau. [NMSA 1978, §22-15-11.](#)
- The department shall provide payment to an instate depository on behalf of a private school for instructional material. [NMSA 1978, §22-15-9.E](#)

Reimbursement for Performing State and Local Functions

- No state policy currently exists.

Special Education

- Local school boards may place exceptional children in private, nonsectarian, nonprofit educational training centers. The local school board of education pays for education and services from funds available. Agreements between local school boards and private schools must provide for diagnoses and educational programs that meet state standards. [NMSA 1978, §22-13-8.](#)

State-Level Nonpublic School Group

- No state-level group currently exists.

Tax Exemption

- All property used for educational purposes is exempt from state taxation. New Mexico Constitution, Art. VIII §3.

Teacher Certification

- No state policy currently exists.

Technology

- No state policy currently exists.

Testing

- No state policy on testing currently exists.

Textbooks

- The state’s Instructional Material Law was overturned when the New Mexico Supreme Court ruled in 2015 that it violated the New Mexico Constitution Article XII, Section 3. The court stated that the loan of instructional materials was considered supporting private schools and private schools “not under the exclusive control of the State cannot receive either direct or indirect support”. *Moses v. Skandera*, N.M. Sup. Ct. R. 036, Dec. 17, 2015.

Transportation

- No state policy currently exists.

Resources

Contact Information – State and Federal Departments of Education

- New Mexico Public Education Department
300 Don Gaspa
Santa Fe, NM 87501-2786
Phone: (505) 827-5800
Fax: (505) 827-6725
Website: <http://www.ped.state.nm.us/ped/index.html>
- U.S. Department of Education, [New Mexico](#)

Information and Legislative

- New Mexico Administrative Code. Primary and Secondary Education, Alternative Education – Nonpublic Schools [Title 6, Chapter 81, Part 2](#)
- [Access to Unannotated NMSA](#)

School Choice Programs

New Mexico currently does not have an Education Savings Account (ESA) program.