

NEW MEXICO PUBLIC EDUCATION DEPARTMENT
NOTICE OF EMERGENCY RULEMAKING

Public Notice. The New Mexico Public Education Department (PED) gives notice that on 9/29/2017 it adopted 6.41.4.14 NMAC, USING SPORT UTILITY VEHICLES (SUVS) FOR TO-AND-FROM TRANSPORTATION as an emergency rule adoption. The amendment to 6.41.4 NMAC is in response to new statute, Section 22-16-4 NMSA, School bus routes; limitations; exceptions; and minimum requirements. The amendment to 6.41.4 NMAC is implemented as an emergency rule. The Department finds that following the non-emergency rulemaking procedures in enacting regulation of SUVs for to-and-from transportation causes imminent peril to the public health, safety, and welfare, pursuant to Section 14-4-5.6 NMSA 1978, State Rules Act, Emergency rule.

Rule Information. The purpose of this rule is to establish standards for the safe use of SUV's for to-and-from transportation.

The statutory authorizations include the following:

Section 22-2-1 NMSA 1978 grants the authority of the secretary to adopt, promulgate, and enforce rules.

Section 22-2-2 NMSA 1978 grants the Public Education Department the authority to properly and uniformly enforce the provisions of the Public School Code.

Section 22-8-26 NMSA 1978 grants the authority to use money in the transportation distribution of the public school fund to make payments to each school or district or state-chartered charter school for the to-and-from transportation costs of students.

Section 22-10A-5 NMSA 1978 grants the authority to conduct background checks on district employees.

Section 22-16-2 NMSA 1978 grants the authority to establish standards and procedures for school bus transportation.

Section 22-16-4 NMSA 1978 grants the authority to transport students to and from school using an SUV.

No technical information served as a basis for this proposed rule change.

A public comment period and a public hearing, pursuant to Section 14-4-5.3 NMSA 1978, State Rules Act, Public Participation, Comments, and Rule Hearings, will be held in order to adopt a permanent rule within 180 days of the effective date of 6.41.4.14 NMAC, pursuant to Section 14-4-5.6 NMSA 1978, State Rules Act, Emergency rule.

Copies of the rule may be accessed through the New Mexico Public Education Department's website under the "Public Notices" link at <http://ped.state.nm.us/ped/PublicNotices.html>, or may be obtained from Jamie Gonzales by contacting her at (505) 827-7889 during regular business hours.

Individuals with disabilities who require the above information in an alternative format are asked to contact Jamie Gonzales at (505) 827-7889.