

**14-4-5.2. Notice of proposed rulemaking.**

A. Not later than thirty days before a public rule hearing, the agency proposing the rule shall provide to the public and publish in the New Mexico register a notice of proposed rulemaking.

The notice shall include:

- (1) a summary of the full text of the proposed rule;
- (2) a short explanation of the purpose of the proposed rule;
- (3) a citation to the specific legal authority authorizing the proposed rule and the adoption of the rule;
- (4) information on how a copy of the full text of the proposed rule may be obtained;
- (5) information on how a person may comment on the proposed rule, where comments will be received and when comments are due;
- (6) information on where and when a public rule hearing will be held and how a person may participate in the hearing; and
- (7) a citation to technical information, if any, that served as a basis for the proposed rule, and information on how the full text of the technical information may be obtained.

B. An agency may charge a reasonable fee for providing any records in nonelectronic form when provided to a person pursuant to this section. An agency shall not charge a fee for providing any records in electronic form when provided to a person pursuant to this section.

C. An internet link providing free access to the full text of the proposed rule shall be included on the notice of proposed rulemaking.

D. If the agency changes the date of the public rule hearing or the deadline for submitting comments as stated in the notice, the agency shall provide notice to the public of the change.

E. The state records administrator or the administrator's designee shall timely publish the notice of proposed rulemaking in the next publication of the New Mexico register.

14-4-2

E. "provide to the public" means for an agency to distribute rulemaking information by:

- (1) posting it on the agency website, if any;
- (2) posting it on the sunshine portal;
- (3) making it available in the agency's district, field and regional offices, if any;
- (4) sending it by electronic mail to persons who have made a written request for notice from the agency of announcements addressing the subject of the rulemaking proceeding and who have provided an electronic mail address to the agency;
- (5) sending it by electronic mail to persons who have participated in the rulemaking and who have provided an electronic mail address to the agency;
- (6) sending written notice that includes, at a minimum, an internet and street address where the information may be found to persons who provide a postal address; and
- (7) providing it to the New Mexico legislative council for distribution to appropriate interim and standing legislative committees;

<p>Requirement to provide notice: Provide to the Public</p>	
<p>1) posting it on the agency website</p>	<p>Posted on the first page of the PEC website and on the forms page on December 16, 2021</p> <p><a href="https://webnew.ped.state.nm.us/bureaus/public-education-commission/">https://webnew.ped.state.nm.us/bureaus/public-education-commission/</a></p> <p><a href="https://webnew.ped.state.nm.us/bureaus/public-education-commission/policies-and-processes/">https://webnew.ped.state.nm.us/bureaus/public-education-commission/policies-and-processes/</a></p>
<p>2) posting it on the sunshine portal</p>	<p>Posted on the sunshine portal 1/6/22</p> <p><a href="https://statenm.secure.force.com/public/SSP_RuleHearingSearchPublic">https://statenm.secure.force.com/public/SSP_RuleHearingSearchPublic</a></p>
<p>3) making it available in the agency's district, field and regional offices, if any;</p>	<p>Rule has been available with Bev Friedman since December 16, 2021 and</p>
<p>4) sending it by electronic mail to persons who have made a written request for notice from the agency of announcements addressing the subject of the rulemaking proceeding and who have provided an electronic mail address to the agency</p>	<p>There are no people who have made a written request for notice from the agency of announcements addressing the subject of the rulemaking proceeding</p> <p>Bev Friedman sent the notice and draft rule to those who get notices from the PEC on Dec 16, 2021</p>
<p>5) sending it by electronic mail to persons who have participated in</p>	<p>There are no people who have participated in the rulemaking proceeding</p> <p>Bev Friedman sent the notice and draft rule to those who get notices from the PEC on Dec 16, 2021</p>

<p>the rulemaking and who have provided an electronic mail address to the agency</p>	
<p>6) sending written notice that includes, at a minimum, an internet and street address where the information may be found to persons who provide a postal address;</p>	<p>There are no people who have provided a postal address</p> <p>Bev Friedman sent the notice and draft rule to those who get notices from the PEC on Dec 16, 2021</p>
<p>7) providing it to the New Mexico legislative council for distribution to appropriate interim and standing legislative committees</p>	<p>Sent to Raul Burciaga and Amy Chavez Romero for distribution to the appropriate interim committees on December 22, 2021</p>
<p>8) Publication in the state registry</p>	<p>Published December 28, 2021</p> <p>State Registry, Volume XXXII, Volume 24</p> <p><a href="https://www.srca.nm.gov/nmac/nmregister/pdf/xxxii24.pdf">https://www.srca.nm.gov/nmac/nmregister/pdf/xxxii24.pdf</a></p>
	<p>The Notices published in the state registry and the PEC website are identical as shown through a comparison in Word of the two documents</p> <p>The notice on the sunshine portal has two links which take you to the pages on the PEC websites as set forth in 1 above.</p>