

NOTICE OF PROPOSED RULEMAKING

Public Hearing

The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing for the proposed repeal and replace of **6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12**, on Tuesday, August 30, 2022, from 9 a.m. to 11 a.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501. The location of the public hearing is subject to change due to concerns surrounding COVID-19. Continuous updates on hearing changes will be provided on the PED website. The PED will give a verbal summary statement, on record, at the hearing.

The purpose of the public hearing is to receive public input on the proposed rulemaking. Attendees who wish to provide public comment on record will be given three minutes to make a statement concerning the proposed rulemaking. Written comment will also be accepted at the hearing.

Explanation of Purpose of Text

The purpose of the proposed repeal and replace of **6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12**, is to align the state's requirements for individuals seeking licensure in rehabilitation counseling with the Rehabilitation Act of 1973, as amended. The proposed rulemaking would also create a pathway for individuals seeking such licensure to attain competency in rehabilitation counseling under an employer's supervision.

Summary of Text

The proposed repeal and replace of **6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12**, aligns the state's requirements for licensure in rehabilitation counseling with Rehabilitation Act of 1973, as amended. This federal provision requires vocational rehabilitation personnel to attain the following combination of education and experience:

- (1) attainment of a baccalaureate degree in a field of study reasonably related to vocational rehabilitation to prepare individuals to work with consumers and employers, and one year of paid or unpaid experience working with individuals with disabilities or working as an employer or other human resources or recruitment experience; or
- (2) attainment of a master's or doctoral degree in a field of study such as vocational rehabilitation counseling or in another field that reasonably provides competency in the employment sector, in a disability field, or in both business-related and rehabilitation-related fields.

In addition, the proposed rulemaking would allow individuals to obtain state licensure by holding a valid certificate issued by the Commission on Rehabilitation Counselor Certification.

The proposed rulemaking would create an ancillary provider certificate. An ancillary provider certificate is a temporary one-year, non-renewable certificate issued to a candidate who does not yet meet the requirements for a level 1 license in rehabilitation counseling, but who holds a baccalaureate degree in a field of study reasonably related to vocational rehabilitation and who is working toward a level 1 license under a one-year individualized mentorship plan approved by the PED. An ancillary provider certificate would allow an individual with the requisite education to gain the necessary experience to attain competency in vocational rehabilitation counseling under an employer's supervision.

Statutory Authorizations

Sections [9-24-8](#), [22-2-1](#), [22-2-2](#), and [22-10A-17](#) NMSA 1978.

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

Public Comment

Interested parties may provide comment at the public hearing or may submit written comments by mail, e-mail, or fax.

Mailing Address

Gregory Frostad
Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

E-Mail Address

Rule.Feedback@state.nm.us

Fax Number

(505) 827-6520

Written comments must be received no later than 5 p.m. (MDT) on Tuesday, August 30, 2022. The PED encourages the early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, July 26, 2022, to Tuesday, August 30, 2022, at 5:00 p.m. (MDT). The PED will review all feedback received during the public comment period and issue communication regarding a final decision of the proposed rulemaking at a later date.

Copies of the proposed rules may be obtained from Gregory Frostad at (505) 470-5752 during regular business hours or may be accessed through the PED Policy and Legislative Affairs webpage titled, "Proposed Rules," at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Gregory Frostad at (505) 470-5752 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.