

## Concise Explanatory Statement For Rulemaking Adoption:

### Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

At a public hearing on August 30, 2022, the Public Education Department agreed to repeal 6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12, filed 12/14/2000, and replace it with 6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12, adopted 09/15/2022 and effective 09/27/2022.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Jacqueline Costales, Ed.S.

Check if authority has been delegated



Title:

Deputy Secretary of Teaching, Learning, and Assessment (Interim)

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:

Jacqueline Costales

09/15/2022

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Specific statutory or other authority authorizing rulemaking:  
Sections 9-24-8, 22-2-1, 22-2-2, and 22-10A-17 NMSA 1978.

Rule adoption date:  
September 15, 2022

Rule effective date:  
September 27, 2022

Reasons for adopting rule:  
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.

Reasons for any change between the published proposed rule and the final rule:  
The department reviewed and considered all written and oral feedback received during the public comment period. Changes between the published proposed rule and the adopted rule include minor corrections on the history notes of each section. For more detail on the changes between the proposed rule and the rule as adopted, reasons for changes, and information as to why the Department may not have accepted comments or suggested changes, please see "6.63.11 NMAC, Response to Public Comment," attached.

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Title:

Deputy Secretary of Teaching, Learning, and Assessment (Interim)

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:  
*Jacqueline Costales*  
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09/15/2022

Response to Public Comment  
6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12

RULE CHANGES	
Section	Change
6.63.11.2 – 6.63.11.10 Rule history notes.	<ul style="list-style-type: none"><li>• Corrected the section numbers in the history notes.</li></ul>

Response to Public Comment  
6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12

**Public Comment Period:** July 26, 2022, to August 30, 2022

The New Mexico Public Education Department (PED) received 1 public comment for 6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12. All substantive comments have been summarized below. Comments that are not substantive in nature or fall outside the scope of the rule have not been included.

<b>Licensure Requirements</b>	
<b>Summary of Comments</b>	<b>PED Response</b>
The comment PED received noted support for the proposed rule changes; by widening the eligibility criteria for licensure, it would help meet the needs of the growing population of individuals who require vocational rehabilitation services.	PED recognizes the need for more licensed vocational rehabilitation counselors and supports efforts that can help address the needs of individuals who require vocational rehabilitation services.