

Rule -making Process started December 21, 2021

<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>Required posting 30 days</p> <p>Posted for 64 days</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>Required posting for 30 days</p> <p>Posted for 43 days</p> <p>Corrected to show that the hearing today ends at 12:00, not 5:00</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>Required posting 30 days</p> <p>Posted for 64 days</p>
<p>4) sending it by electronic mail to persons who</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>Notice sent 64</p>

<p>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>Bev Friedman sent the notice and draft rule to those who get notices from the PEC on Dec 16, 2021</p>	<p>days before this hearing</p>
<p>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</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>Notice sent 64 days before this hearing</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>Notice sent 64 days before this hearing</p>
<p>7) providing it to the New Mexico legislative council for distribution to appropriate</p>	<p>Sent to Raul Burciaga and Amy Chavez Romero for distribution to the appropriate interim committees on December 22, 2021</p>	<p>58 days notice given</p>

interim and standing legislative committees		
8) Publication in the state registry	Published December 28, 2021 State Registry, Volume XXXII, Volume 24 <a href="https://www.srca.nm.gov/nmac/nmregister/pdf/xxxii24.pdf">https://www.srca.nm.gov/nmac/nmregister/pdf/xxxii24.pdf</a>	Required to be posted 30 days before a hearing  Published 52 days before the hearing
Previous opportunities for public comment	1) Written comments were accepted until February 1, 2022 2) We held two public comment periods at the January, 2022 and February, 2022 working session.	
Open Meetings Act	This hearing was published according to the Open Meetings Acts along with the regular meeting of the Public Education Commission.  The PEC considered comments from Patricia Matthews Senator Daniel Ivey-Soto Chris Mechels	2/18/22
Action Taken	The PEC did not take action on the rule, but instead postponed taking action to resolve the rule issue with the PED	2/18/22
AG Opinion	On December 6, 2022, the Attorney General issued an opinion that the PEC is required to do rule-making, has the authority to do so and does not need to do so through PED	12/6/22
	The rule may be acted on for a 2-year period. We are within that 2-year period.	