

NOTICE OF PROPOSED RULEMAKING

Public Hearing

The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing for the following proposed rulemaking on Wednesday, June 21, 2023, from 1:30 p.m. to 2:30 p.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501:

- Amendment to **6.29.5 NMAC, English Language Development;**
- Amendment to **6.32.2 NMAC, Guidelines for Implementing Bilingual Multicultural Education Programs;**
- Repeal and replace of **6.63.8 NMAC, Licensure in Athletic Coaching, 7-12;** and
- New rule **6.2.9 NMAC, Public Education Commission State Charter School Procedures**
- Repeal and replace of **6.2.8 NMAC, Operational Bylaws of the Professional Practices and Standards Council**

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. To submit written comment, please see the Public Comment section of this notice.

Explanation of Purpose of Rulemaking, Summary of Text, and Statutory Authority, by Proposed Rule

6.29.5 NMAC, English Language Development

- **Explanation:** The purpose of the proposed rulemaking is to formalize instructional requirements for designated and integrated English language development as outlined in federal obligations to English language learners.
- **Summary:** The proposed repeal and replace of this rule adds description for designated and integrated English language development and includes updates necessary under new rulemaking guidelines.
- **Statutory Authority:** Sections 9-24-8, 22-2-1, 22-2-2, and 22-2C-3 NMSA 1978.

6.32.2 NMAC, Guidelines for implementing Bilingual Multicultural Education Programs

- **Explanation:** The purpose of the proposed rulemaking is to establish an opportunity for students who do not speak their heritage language to obtain instruction with a focus on language acquisition prior to receiving content instruction in the home/heritage language of the Bilingual Multicultural Education Program.
- **Summary:** The proposed repeal and replace of this rule adds language acquisition as an option under instructional requirements and includes updates necessary under new rulemaking guidelines.
- **Statutory Authority:** Sections 9-24-8, 22-2-1, 22-2-2, 22-23-1 NMSA 1978.

6.63.8 NMAC, Licensure in Athletic Coaching, 7-12

- **Explanation:** The purpose of the proposed rulemaking is to align existing coaching licensure requirements with legislation.
- **Summary:** The proposed repeal and replace of this rule mandates current certification cardiopulmonary resuscitation, including use of an automated external defibrillator, for all licensed coaches.
- **Statutory Authority:** Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978.

6.2.9 NMAC, Public Education Commission State Charter School Procedures

- **Explanation:** The purpose of the proposed rulemaking is to establish the procedures, forms, and protocols in relation to state-chartered charter schools.
- **Summary:** The proposed new rule establishes the Public Education Commission state charter school procedures, including for the review and evaluation of state charter school applications and renewals.
- **Statutory Authority:** Sections 9-24-8, 22-2-1, and 22-2-2, and 22-8B-5.3 NMSA 1978.

6.2.8 NMAC, Operational Bylaws of the Professional Practices and Standards Council

- **Explanation:** The purpose of the proposed rulemaking is to change the rule’s chapter name from, “State Board of Education Commission and Advisory Boards,” to, “Public Education Department Commissions and Advisory Boards.” This is to align this rule’s chapter name with the new proposed rule, 6.2.9 NMAC, Public Education Commission State Charter School Procedures.
- **Summary:** The proposed repeal and replace changes the rule’s chapter name and has technical cleanup.
- **Statutory Authority:** Sections 9-24-8, 22-2-1, and 22-2-2 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

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@ped.nm.gov

Written comments must be received no later than 5 p.m. (MDT) on Wednesday, June 21, 2023. The PED encourages the early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, May 16, 2023, to Wednesday, June 21, 2023, 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 Denise Terrazas at (505) 470-5303 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 Denise Terrazas at (505) 470-5303 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.