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.

Specific statutory or other authority authorizing rulemaking:
Sections 9-24-8, 22-2-1, 22-2-2, and 22-13-31.2 NMSA 1978.

Rule adoption date:
July 20, 2023

Rule effective date:
July 31, 2023

Reasons for adopting rule:
The purpose of the rulemaking is to align existing coaching licensure requirements with 22-13-31.2 NMSA 1978, which requires all licensed coaches employed by school districts to have current certification in cardiopulmonary resuscitation. The statute requires that the certification program include training regarding the use of automated external defibrillators.

Rule information:
The rule mandates current certification cardiopulmonary resuscitation, including use of an automated external defibrillator, for all licensed coaches.

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. For more detail on the changes between the proposed rule and the rule as adopted, reasons for changes, or information as to why the Department may not have accepted comments or suggested changes, please see "6.63.8 NMAC_Response to Public Comment," attached.

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

Gregory Frostad

Check if authority has been delegated

X

Title:

Assistant Secretary of Policy, Research and Technology

Signature: **(BLACK ink only OR Digital Signature)**

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[signature]

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Date signed:

07/20/2023

RULE CHANGES	
Section	**Change**
6.63.8.8 Requirements	• Added the sentences: "Certification shall include in-person, hands-on training. Schools shall verify that their coaches maintain current certification in CPR with AED training."

Response to Public Comment
6.63.8 NMAC, Licensure in Athletic Coaching, 7-12

Public Comment Period: May 16, 2023, to June 21, 2023

The New Mexico Public Education Department (PED) received public comments from 2 organizations for 6.63.8 NMAC, Licensure in Athletic Coaching, 7-12. 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.

Certification	
Summary of Comments	**PED Response**
The Department should specify that only hands-on certification in cardiopulmonary resuscitation (CPR), including training in the use of an automated external defibrillator (AED), should be accepted.	The Department considered this suggestion and added the requirement that the CPR/AED certification shall be in-person and hands-on.
Questions regarding the process for collecting and approving certification, specifically whether schools should be responsible for ensuring coaches keep their CPR/AED certification up to date.	Section 22-13-31.2 NMSA 1978 requires all licensed coaches employed by school districts to maintain current CPR/AED certification. Because coaching licenses are defined in Department rule, to comply with the law, the Department has included the requirement of current CPR certification in the requirements for licensure. In response to public comment, the Department has also added the requirement that schools shall verify that coaches maintain current CPR/AED training.
Concerns that the implementation timeline was too short.	Because Senate Bill 450, School Coach CPR & AED Training, codified as Section 22-13-31.2 NMSA 1978, became effective June 16, 2023, the effective date of the requirements was not within the Department's control.