

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 1111g(1)(E) and 1112c(5)(B) of ESEA, Section 722g(J)(iii) of the McKinney-Vento Act, and Sections 22-2-1, 22-2-2, 22-8-26, 22-10A-5, 22-16-2, 22-16-4, and Subsection D of Section 9-24-8 NMSA 1978.

Rule adoption date:

08/04/2023

Rule effective date:

08/04/2023

Reasons for adopting rule:

The purpose of this rule is to allow local education agencies to determine whether a bus equipped with air conditioning needs to remain on when a heat advisory or excessive heat warning is issued by the National Weather Service.

Rule information:

The rule allows local education agencies, in counties where a heat advisory or excessive heat warning issued by the National Weather Services is in effect, to review the circumstances and determine whether a bus equipped with air conditioning shall remain on for the duration of the heat advisory or excessive heat warning when loading or unloading students. The rule requires local education agencies to first consider and implement practicable alternatives and to reference any guidance or resource documents issued by the department involving best practices for maintaining student safety during heat advisories or excessive heat warnings.

This rule is promulgated as an emergency rule. Pursuant to Section 14-4-5.6 NMSA 1978, State Rules Act, Emergency rule, PED finds that following the non-emergency rulemaking procedures in enacting updated school improvement designations and requirements would cause an imminent peril to the public health, safety or welfare of public school students.

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

Name:

Gregory Frostad

Check if authority has been delegated

Title:

Assistant Secretary of Policy, Research and Technology

Signature: (BLACK ink only OR Digital Signature)

Date signed:

08/04/2023

DocuSigned by:



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