

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:
 The Rehabilitation Act of 1973, as amended, 34 CFR Part 361, Sections 9-24-8, 22-2-1, 22-2-2, 22-13-13, 22-14-8, and 22-14-12 NMSA 1978, and New Mexico Rules of Civil Procedure, District Court Rule 1-074.

Rule adoption date:
 09/09/24

Rule effective date:
 09/24/24

Reasons for adopting rule:
 At a public hearing on 8/20/2024 the Public Education Department agreed to repeal 6.101.2 NMAC, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation, and replace it with 6.101.2 NMAC, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation, adopted September 12, 2024 and effective September 24, 2024.

Rule information:
 The proposed repeal and replace of this rule establishes mediation and fair hearing processes for applicants for or recipients of vocational rehabilitation services who wish to appeal a determination made by the NMDVR.

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 "6.101.2 NMAC_Response to Public Comment," attached.

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

Name:

Candice Castillo

Check if authority has been delegated

Title:

Deputy Cabinet Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:

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09/09/24

Response to Public Comment

6.101.2 NMAC, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation

RULE CHANGES	
Section	Change
6.101.2 NMAC	<ul style="list-style-type: none">• No changes.

Response to Public Comment
6.101.2 NMAC, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation

Public Comment Period: July 16,2024-August 20, 2024

The New Mexico Public Education Department (PED) received no public comment for this rule.

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Summary of Comments	PED Response
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