

## NOTICE OF PROPOSED RULEMAKING

**Public Hearing.** The New Mexico Public Education Commission (PEC) gives notice that it will conduct a public hearing on Friday, March 24, 2023 beginning at 9:15 a.m. (MDT) via Zoom and in -person in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501. The purpose of the public hearing is to receive and review public input, discuss and take final action on the proposed new rule, **6.2.9 NMAC - Public Education Commission Procedures Related to State Charter Schools.** At the hearing, the PEC will provide a verbal summary statement on record of the proposed rule, take input, and review comments received and review the most updated draft of the proposed rule. The PEC will then discuss and take possible action to adopt the rule on this same date.

### Explanation and Summary of Purpose of Text

The PEC is establishing rules for the adoption of policies and processes and time-lines for high stakes decisions of the PEC related to the state chartered schools that it authorizes. The PEC is considering establishing the rule in one of two ways. 1) by creating a new rule, 6.2.9 NMAC, or 2) adding new provisions to Title 6, Primary and Secondary Education; Chapter 80, Alternative Education – Charter School, Part 4; Charter School Application and Appeal Requirements; 6.80.4 NMAC. For option 2, the existing text of 6.80.4 NMAC would not be changed, rather new provisions would be added. Both versions are posted on the website and contain the same proposed new text.

The proposed rule contains the following substantive sections:

Schedule for commission policy-making,  
Policy review,  
Out-of-cycle policy-making; emergency circumstances,  
State charter school evaluation,  
Annual site visit and annual report,  
Correcting unsatisfactory performance and rescission of notice of possible non-renewal,  
Renewal,  
Intervention ladder, and  
Revocation or suspension

**Statutory Authorization(s):** Subsection B of Section 22-8B-2 NMSA 1978, Sections 22-8B-5.3, 22-8B-16, and Subsection A of Section 14-4-2 NMSA 1978.

No technical information serves as a basis for this proposed rule.

**Public Comment on the Proposed Rule.** Interested parties may provide public comment as follows:

#### Written comment:

To Perea, Sharyn, PED  
New Mexico Public Education Department,  
300 Don Gaspar Avenue, Santa Fe, New Mexico 87501 or by electronic mail to [sharyn.perea@ped.nm.gov](mailto:sharyn.perea@ped.nm.gov)  
To be received on or before 5:00 p.m. (MST) on March 15, 2023

#### Oral comment, virtual location.

Agendas and Zoom information for each meeting will be posted at <https://webnew.ped.state.nm.us/bureaus/public-education-commission/2023-public-education-commission-meeting-information/> at least 72 hours prior to each meeting.

#### Oral Comment, in-person location

Mabry Hall  
Jerry Apodaca Education Building

300 Don Gaspar Avenue, Santa Fe, New Mexico 87501

February 16, 2023, 10:00 a.m. Working session of the PEC

March 23, 2023, 10:00 a.m. Working session of the PEC

March 24, 2023, 9:15 a.m. Hearing on the Proposed Rule

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 Perea, Sharyn, New Mexico Public Education Department, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501, by electronic mail to [sharyn.perea@ped.nm.gov](mailto:sharyn.perea@ped.nm.gov) as soon as possible before the date set for the working sessions or public hearing. The PEC requires at least 10 calendar days advance notice to provide any special accommodations requested.

The PEC may discuss and take action on the proposed rule on March 24, 2023.

Copies of the proposed rule may be accessed through the PEC website

<https://webnew.ped.state.nm.us/bureaus/public-education-commission/policies-and-processes/>

or may be obtained from Julia Barnes, attorney for the PEC, [jhbnm1@gmail.com](mailto:jhbnm1@gmail.com) or at (505) 470-7349 during regular business hours.