

## 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 Tuesday, October 17, 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:

#### **Repeal of 6.10.8 NMAC, Compulsory School Attendance**

#### **Repeal and replace of 6.12.4 NMAC, Tobacco, Alcohol, and Drug Free Schools**

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

#### **6.10.8 NMAC, Compulsory School Attendance**

**Explanation:** The purpose of the proposed rulemaking is to repeal a rule that was promulgated because of the Compulsory School Attendance Act, which was repealed in 2019. The Compulsory School Attendance Act was replaced with the Attendance for Success Act.

**Summary:** The proposed repeal removes the rule, which was based on the repealed Compulsory Attendance Act, from the New Mexico Administrative Code.

**Statutory Authority:** Sections 9-24-8, 22-2-1, 22-2-2, and 22-12A-1 et seq. NMSA 1978.

#### **6.12.4 NMAC, Tobacco, Alcohol, and Drug Free Schools**

**Explanation:** The purpose of the proposed rulemaking is to update existing rule to reflect contemporary terminology regarding tobacco delivery devices and to add language detailing enforcement of the rule.

**Summary:** The proposed repeal and replace of this rule is to add language to include electronic tobacco delivery devices, e-cigarettes, and nicotine liquid containers to existing rule.

**Statutory Authority:** Sections 9-24-8, 22-2-1, 22-2-2, and 22-5-4.4 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 or e-mail.

#### 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 Tuesday, October 17, 2023. The PED encourages the early submission of written comments.

### Public Comment Period

The public comment period is from Tuesday, September 12, 2023, to Tuesday, October 17, 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 rule may be obtained from Denise Terrazas at (505) 470-5303 during regular business hours or may be accessed through the PED Police 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.