

NOTICE OF PROPOSED RULEMAKING

Public Hearing

The New Mexico Public Education Department (PED) gives notice on Thursday, October 26, 2023, that it will conduct a public hearing for the following proposed rulemaking on Monday, December 18, 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 and Replace of 6.10.5 NMAC, School Calendar Requirements

Repeal of 6.30.12 NMAC, K-5 Plus Schools

Repeal of 6.30.16 NMAC, Extended Learning Time Program

New Rule 6.19.4 NMAC, Accreditation Procedures

Repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation

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

6.10.5 NMAC, School Calendar Requirements

Explanation: The purpose of the proposed rulemaking is to incorporate changes enacted by House Bill 130 (HB130), K-12 Plus Program, from the 2023 Legislative session.

Summary: The proposed repeal and replace establishes requirements for the length of a school year and day, instructional hours for students, and professional work hours for teachers.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-2-8.1, 22-8-23.14, 22-13-1, 22-13-1.1, 22-13C-10, and 22-22-1 et seq. NMSA 1978.

6.30.12 NMAC, K-5 Plus Schools

Explanation: The proposed repeal of this rule is consistent with the repeal of the K-5 Plus program in statute (Chapter 22, Article 13D NMSA 1978) by HB130, enacted during the 2023 Legislative session.

Summary: This proposed rulemaking repeals 6.30.12 NMAC, K-5 Plus Schools.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978; Chapter 19 Section 5 Laws 2023.

6.30.16 NMAC, Extended Learning Time Program

Explanation: The proposed repeal of this rule is consistent with the repeal of the Extended Learning Time program in statute (Section 22-8-23.10 NMSA 1978) by HB130, enacted during the 2023 Legislative session.

Summary: This proposed rulemaking repeals 6.30.16 NMAC, Extended Learning Time Program.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978; Chapter 19 Section 5 Laws 2023.

6.19.4 NMAC, Accreditation Procedures

Explanation: The purpose of the proposed new rule is to establish procedures for the PED accreditation of schools, including private schools and BIE schools seeking state accreditation, and to effect requirements for reporting to PED by private schools and BIE schools not seeking state accreditation.

Summary: For all schools within its scope, this rule outlines the annual accreditation review requirements, details of the annual accreditation cycle, procedures for administrative appeal, consequences of failure to submit required reports to PED, and consequences of receiving disapproval accreditation status. This rule includes procedures for

PED approval of accrediting entities.

Statutory Authority: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.

6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation

Explanation: The purpose of the proposed repeal of the rule is to place the accreditation procedures and requirements for all types of schools in one new rule with significantly greater scope, 6.19.4 NMAC, Accreditation Procedures.

Summary: This proposed rulemaking repeals 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 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 Monday, December 18, 2023. The PED encourages the early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, November 7, 2023, to Monday, December 18, 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 Policy 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.