

NOTICE OF PROPOSED RULEMAKING

Public Hearing. The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing on Tuesday, August 25, 2020 from 10 a.m. to 12 p.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501. The location of the public hearing may be subject to change due to the concerns surrounding COVID-19 and in accordance with Governor Michelle Lujan Grisham's Executive Order 2020-004, Declaration of a Public Health Emergency; and Executive Order 2020-053, Renewing the State of Public Health Emergency Initially Declared in Executive Order 2020-004, Other Powers Invoked in That Order, and All Other Orders and Directives Contained in Executive Orders Tied to the Ongoing Public Health Emergency. Continuous updates on hearing changes and Zoom information will be provided on the PED website. The purpose of the public hearing is to receive public input on the proposed amendment of 6.80.4 NMAC, Charter School Application and Appeal Requirements; and repeal of 6.101.2, NMAC, Fair Hearings Related to Vocational Rehabilitation, to be replaced with 6.101.2 NMAC, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation. At the hearing, the PED will provide a verbal summary statement on record. Attendees who wish to provide public comment on record will be given three (3) minutes to make a statement concerning the rule changes. Written comment will also be accepted at the hearing.

Explanation of Purpose and Summary of Text

The purpose of the proposed amendment of **6.80.4 NMAC, Charter School Application and Appeal Requirements**, is to require additional assurances in a start-up charter school application, including assurances relating to the establishment of an executive director's equity council; the development of a culturally and linguistically relevant framework; and a plan for the displacement of students, teachers, and other employees who will not attend or be employed in the charter school. Additionally, the proposed amendment allows a chartering authority to deny an application for a proposed charter school on tribal land, if the proposed charter school fails to receive approval from the tribal government prior to the authorizer's decision on the proposed charter school. The chartering authority may also refuse to renew a charter for a charter school located on tribal land, if the charter school failed to comply with ongoing tribal consultation requirements. Moreover, if the chartering authority suspends, revokes, or does not renew the charter of a charter school located on tribal land, the chartering authority and charter school are required to consult with the tribe. Finally, the proposed amendment removes the requirement that the Charter Schools Division review, analyze, outline, and set forth a recommendation and report to the Secretary regarding charter school appeals.

The purpose of the proposed repeal of **6.101.2 NMAC, Fair Hearings Related to Vocational Rehabilitation**, to be replaced with **6.101.2 NMAC, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation**, is to establish a means by which an individual who has applied for or is a recipient of vocational rehabilitation services can appeal or request mediation of the following: a determination of a counselor concerning the furnishing or denial of services; or any action or inaction of the division of vocational rehabilitation or the director of vocational rehabilitation. A request for a fair hearing or mediation is to be construed liberally to allow a client to seek redress for Division of Vocational Rehabilitation (DVR) decisions that affect their case.

Statutory Authorization(s):

Sections 9-24-8, 22-2-1, 22-2-2, 22-8-1 et seq., 22-8B-1 et seq., 22-14-8, and 22-14-12 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 to John Sena, Policy Division, New Mexico Public Education Department, 300 Don Gaspar Avenue, Room 121, Santa Fe, New Mexico 87501, by electronic mail to rule.feedback@state.nm.us, or by fax to (505) 827-6520. All written comments must be received no later than 5 p.m. (MDT) on Tuesday, August 25, 2020. The PED encourages the early submission of written comments. The public comment period is from July 14, 2020 to August 25, 2020 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 at a later date.

Copies of the proposed rules may be accessed through the page titled, "Rule Notification," on the PED's website at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>, or may be obtained from John Sena at (505) 570-7816 during regular business hours.

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 John Sena at (505) 570-7816 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.