

## NOTICE OF LIMITED REHEARING IN RULEMAKING

**Public Rehearing.** The New Mexico Public Education Department (PED) gives notice that it will conduct a public rehearing on Friday, November 12, 2021 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 rehearing is subject to change due to concerns surrounding COVID-19 and in accordance with Governor Michelle Lujan Grisham's Executive Order 2021-049, 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; or with any executive order that supersedes Executive Order 2021-049. Continuous updates on rehearing changes and Zoom information will be provided on the PED website. The purpose of the public rehearing is to receive input on the portion of the proposed rule amendment covering the omitted word in 6.29.1 NMAC, General Provisions, and, in particular, the department-approved English language proficiency screening assessment in Subsection M of Section 6.29.1.9 NMAC, General Provisions, where the word "screening" was omitted. At the rehearing, 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 change. Written comment will also be accepted at the hearing.

### Explanation of Purpose of Text

The purpose of the proposed amendment to **Subsection M of Section 6.29.1.9 NMAC, General Provisions**, is to make a correction and include the omitted word – "screening" – from the previous amendment to 6.29.1 NMAC, General Provisions, which the PED formally adopted on December 15, 2020.

### Summary of Text

The proposed amendment to **Subsection M of Section 6.29.1.9 NMAC, General Provisions**, includes the omitted word – "screening" – to Subparagraph (a) of Paragraph (2) of Subsection M of Section 6.29.1.9 NMAC, General Provisions, to read as follows: "English language learners. Students who have limited English language skills (i.e., students who are "English language learners") as determined by the department-approved English language proficiency screening assessment shall participate in the statewide assessment program. The following considerations specify how assessment shall be conducted."

### Statutory Authorization(s):

Sections 9-24-8, 22-2-2, 22-2C-3, and 22-13-1.1 NMSA 1978.

No technical information served as a basis for this proposed rule change.

**Public Comment.** Interested parties may provide comment at the public rehearing 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](mailto:rule.feedback@state.nm.us), or by fax to (505) 827-6520. Written comments must be received no later than 5 p.m. (MDT) on Friday, November 12, 2021. The PED encourages the early submission of written comments. The public comment period is from Tuesday, September 28, 2021 to Friday, November 12, 2021 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.