

NOTICE OF EMERGENCY RULEMAKING

This is an emergency rulemaking to 6.41.4 NMAC, effective August 4, 2023.

Public Notice. The New Mexico Public Education Department (PED) gives notice it is amending 6.41.4 NMAC, Standard for Providing Transportation for Eligible Students, filed December 31, 1998, by emergency rule, adopted and effective August 4, 2023. The amendment adds language that allows school buses to remain on while a heat advisory, issued by the National Weather Services, is in effect.

The rule is promulgated as an emergency rule. Pursuant to Section 14-4-5.6 NMSA 1978, State Rules Act, Emergency rule, PED finds that following the non-emergency rulemaking procedures in enacting updated school improvement designations and requirements would cause an imminent peril to the public health, safety or welfare of public school students. This emergency process is temporary as it does not permanently amend or repeal the existing rule. The emergency rule will only remain in effect until a permanent rule takes effect under a normal rule making process.

Rule Information. The purpose of this rule is to add language that allows school buses to remain on while a heat advisory, issued by the National Weather Services, is in effect.

Statutory Authority. Sections 1111g(1)(E) and 1112c(5)(B) of ESEA, Section 722g(J)(iii) of the McKinney-Vento Act, and Sections 22-2-1, 22-2-2, 22-8-26, 22-10A-5, 22-16-2, 22-16-4, and Subsection D of Section 9-24-8 NMSA 1978.

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

A public comment period and a public hearing, pursuant to Section 14-4-5.3 NMSA 1978, State Rules Act, Public Participation, Comments, and Rule Hearings, will be held to adopt a permanent rule within 180 days of the effective date of August 4, 2023, for 6.41.4 NMAC, pursuant to Section 14-4-5.6 NMSA 1978, State Rules Act, Emergency rule.

Copies of the rule may be accessed through the New Mexico Public Education Department's website under the "Proposed Rules" link at <https://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/> or may be obtained from Denise Terrazas by contacting her at (505) 470-5303 during regular business hours.

Individuals with disabilities who require the above information in an alternative format are asked to contact Denise Terrazas at (505) 470-5303.