

## NOTICE OF PROPOSED RULEMAKING

**Public Hearing.** The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing in Mabry Hall located at the Jerry Apodaca Education Building, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501, on April 19, 2018, from 9:00 a.m. to 11:00 a.m. (MDT). The purpose of the public hearing is to receive public input on the proposed amendment to 6.11.2 NMAC, Rights and Responsibilities of the Public Schools and Public School Students. At the hearing, the PED will provide a verbal summary statement on record. Attendees who wish to speak will be given three (3) minutes to make a statement concerning the rule changes on record. Written comment will also be accepted at the hearing.

**Rule Change Information.** The purpose of this proposed rule change is to provide parameters on the use of restraint and seclusion techniques in schools through required school-specific policies and procedures. These school-specific policies and procedures include procedures for documentation and parent or guardian notification when restraint or seclusion techniques are used on a student, in compliance with Section 22-5-4.12 NMSA 1978. The proposed rule change requires school-level safety plans to include policies and procedures for the proper use of restraint and seclusion techniques and provides specific requirements and considerations for discipline of students experiencing homelessness.

**The statutory authorizations include the following:**

**Section 22-2-1 NMSA 1978** grants the authority of the secretary to adopt, promulgate, and enforce rules.

**Section 22-2-2 NMSA 1978** grants the PED the authority to properly and uniformly enforce the provisions of the Public School Code.

**Section 22-5-4.12 NMSA 1978** grants schools the authority to permit restraint or seclusion techniques.

**Title VII-B of the McKinney-Vento Homelessness Assistance Act (42 U.S.C. 11431 et seq.)** grants each state educational agency the authority to ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

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

**Public Comment.** Interested parties may provide comment on the proposed amendment of this state rule at the public hearing or may submit written comments, or both, to Jamie Gonzales, Policy Division, New Mexico Public Education Department, Room 101, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501, or by electronic mail at [rule.feedback@state.nm.us](mailto:rule.feedback@state.nm.us), or fax to (505) 827-6681. All written comments must be received no later than 5:00 p.m. (MDT) on the date of the public hearing. The PED encourages the early submission of written comments. The public comment period is from March 13, 2018 to April 19, 2018 at 5:00 p.m. (MDT).

Copies of the proposed rules may be accessed through the New Mexico Public Education Department's website under the "Public Notices" link at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>, or may be obtained from Jamie Gonzales by contacting her at (505) 827-7889 during regular business hours.

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Jamie Gonzales at (505) 827-7889 as soon as possible before the date set for the public hearing. The PED requires at least ten (10) calendar days advance notice to provide any special accommodations requested.