

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

Specific statutory or other authority authorizing rulemaking:

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.

Rule adoption date:

January 4, 2024

Rule effective date:

January 16, 2024

Reasons for adopting rule: The purpose of the proposed rulemaking is to provide for the safety of students during extreme heat conditions and to modify the pre-trip inspection requirements to include electric buses.

Rule information: The proposed amendment of the emergency rule places in permanent rule new requirements for loading and unloading school buses during heat advisories or excessive heat warnings. The rule also includes appropriate exceptions for electric buses in the pre-trip bus inspection checklist.

Reasons for any change between the published proposed rule and the final rule:

The Department reviews and considers all written and oral feedback received during the public comment period. The Department received one comment for this rule. No changes were made to the proposed rule for adoption in response to public comment. For more detail on the changes between the proposed rule and the rule as adopted, reasons for changes, or information as to why the Department may not have accepted comments or suggested changes, please see "6.41.4 NMAC_Response to Public Comment," attached.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Gregory Frostad

Check if authority has been delegated

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Title:

Assistant Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:



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01/04/2024

Response to Public Comment
6.41.4 NMAC, Standard for Providing Transportation for Eligible Students

RULE CHANGES	
Section	Change
No changes	No changes

Public Comment Period: November 7 – December 18

The New Mexico Public Education Department (PED) received 1 public comment for 6.41.4 NMAC, Standard for Providing Transportation for Eligible Students. All substantive comments have been summarized below. Comments that are not substantive in nature or fall outside the scope of the rule have not been included.

Support for the proposed rule	
Summary of Comments	PED Response
Public comment included concern that locally chartered charter schools were being stricken from the scope of the rule.	Locally chartered charter schools” are included in the rule by virtue of their being a part of the local school district that authorizes them; they are not “local education agencies,” themselves. The proposed amendment makes a necessary correction to this error, which improperly included locally chartered charter schools in the definition of “local education agency” but has no effect on either the scope of the rule or its application to locally chartered charter schools.