

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or Department) will hold a public video/telephonic rulemaking hearing on August 18, 2020. The hearing will begin at 10:00 a.m. and will be held via GoToMeeting. The purpose of the rulemaking hearing is to take public comment regarding proposed amendments to **5.99.1 NMAC, PUBLIC AND PRIVATE POST-SECONDARY INSTITUTIONS OPERATING UNDER THE INTERSTATE DISTANCE EDUCATION ACT.**

Join via video:
<https://global.gotomeeting.com/join/821888813>

Join via telephone:
+1 (872) 240-3212

Access Code:
821-888-813

Amendments:

5.99.1.7 NMAC, DEFINITIONS
5.99.1.10 NMAC, INSTITUTIONS EXEMPT FROM DISTANCE EDUCATION AUTHORIZATION
5.99.1.12 NMAC, DISTANCE EDUCATION AUTHORIZATION APPLICATION REQUIREMENTS
5.99.1.16 NMAC, SARA INSTITUTIONS
5.99.1.18 NMAC APPLICABLE SARA FEES, SURETY BOND

Purpose:

Pursuant to Section 2.1 of the NC-SARA Manual by January 1, 2021 NC-SARA member states shall develop and implement a means to hear and internally resolve appeals from institutions for which they deny initial participation or renewal of participation in NC-SARA. The proposed amendment updates definitions and modifies section 5.99.1.18 NMAC to include the proposed appeal process. The proposed amendment also adds criteria for exemption from obtaining distance education authorization for chartered, nonprofit religious institutions. In addition, the amendment sets a minimum surety bond amount for private post-secondary educational institutions and additional document requirements for any for profit institutions with student gross tuition revenues of \$100,000 or more.

Summary of proposed changes:

The amendment to Section 5.99.1.7 NMAC add the definitions “State portal agent”. Subsequent definitions in the section are renumbered to accommodate for the proposed definition.

The amendment to Section 5.99.1.10 NMAC adds criteria for exemption from obtaining distance education authorization for chartered, nonprofit religious institutions.

The amendment to Section 5.99.1.12 NMAC adds a minimum surety bond amount for private post-secondary educational institutions and the requirement that for profit institutions with student gross tuition revenues of \$100,000 or more submit a letter of good standing from the Office of the Secretary of State of New Mexico and proof of registration with the New Mexico Taxation and Revenue Department.

The amendment to Section 5.99.1.16 NMAC consists of non-substantive formatting corrections to conform with current legislative styles.

The amendment to Section 5.99.1.18 NMAC proposes to rename the section to accommodate for the addition of an appeal process. Pursuant to Section 2.1 of the NC-SARA Manual the amendment to 5.99.1.19 NMAC develops and

implements a means to hear and internally resolve appeals from institutions that have been denied initial participation or renewal of participation in NC-SARA.

Details for Obtaining a Copy, Public Hearing and Comments: The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the “Events” section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd.Info@state.nm.us or (505)476-8411.

A public hearing will be held on August 18, 2020 from 10:00 a.m. until 10:30 a.m. via GoToMeeting. Any person who is or may be affected by this proposed rule may participate. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or HigherEd.Info@state.nm.us. Written comments must be received no later than 4:00 p.m. on August 14, 2020.** Please note that any written or verbal comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-1 et seq. NMSA 1978, Section 21-1-26 NMSA 1978 and Section 21-23B-1 et seq. NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 476-8411 or email HigherEd.Info@state.nm.us ten (10) business days prior to the hearing.