

### 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 9:00 a.m. and will be held via GoToMeeting. The purpose of the rulemaking hearing is to take public comment regarding proposed amendments to **5.100.6 NMAC, REGISTRATION UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.**

Join via video:  
<https://global.gotomeeting.com/join/848917661>

Join via telephone:  
1 (872) 240-3412

Access Code:  
848-917-661

#### **Amendments:**

5.100.6.7 NMAC, DEFINITIONS  
5.100.6.13 NMAC, MATERIALS AND INFORMATION  
5.100.6.20 NMAC, REPORTING REQUIREMENTS

#### **Purpose:**

The purpose of the proposed rule change is to incorporate new requirements implemented through the signing of H.B.17, 55<sup>th</sup> Leg., 1<sup>st</sup> Sess. (N.M. 2020).

#### **Summary of proposed changes:**

The amendments to Section 5.100.6.7 NMAC add the definitions “Career School”, “Enrollment agreement”, “Private post-secondary educational institution” and “Prospective student”. Other definitions in the section are renumbered to accommodate for the proposed definitions. The definition “Post-secondary educational institution” or “post-secondary institution” is modified to clarify operation is from a physical site in New Mexico, through distance education, correspondence or in person.

The amendment to Section 5.100.6.13 NMAC removes the Subsection B “Enrollment agreement” as the provisions are included in Section 5.100.6.11 NMAC. The Subsection is replaced with “Information provided to students” which lists information that must be provided prior to the signing of an enrollment.

The amendment to 5.100.6.20 NMAC adds reporting conditions and lists specific items the institution must report on an annual basis.

**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 9:00 a.m. until 9:30 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 21-23-1 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](mailto:HigherEd.Info@state.nm.us) ten (10) business days prior to the hearing.