

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 9:30 a.m. and will be held via GoToMeeting. The purpose of the rulemaking hearing is to take public comment regarding proposed amendments to **5.100.7 NMAC, LICENSURE UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.**

Join via video:
<https://global.gotomeeting.com/join/846459853>

Join via telephone:
1 (224) 501-3412

Access Code:
846-459-853

Amendments:

5.100.7.7 NMAC, DEFINITIONS
5.100.7.9 NMAC, TYPES OF LICENSURE
5.100.7.10 NMAC, APPLICATION REQUIREMENTS
5.100.7.11, REVIEW COMMITTEE
5.100.7.14, REPORTING REQUIREMENTS
5.100.7.16, PENALTY

Purpose:

Several of the proposed amendments are based upon changes resulting from the signing of H.B. 17, 55th Leg., 1st Sess. (N.M. 2020). Amendments modify or add definitions. Criteria pertaining to provisional licensure status are added and the requirement that an institution must reapply for a provisional license for a minimum of two consecutive years is removed. The amendments add information which must be provided to students prior to the signing of an enrollment agreement and requires that the institution maintain record they provided the information. The time frame for degree-granting institutions to obtain accreditation with an accrediting agency recognized is expanded. The number of annual committee review meetings is lowered. Reporting requirements are added to ensure information is made available to prospective students and records are maintained. Additional reporting provisions are added. The length of time an institution must remain on a provisional status in the event of a missed renewal is reduced.

Summary of proposed changes:

The amendments to Section 5.100.7.7 NMAC add the definitions “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 amendments to Section 5.100.7.9 NMAC update requirements relating to provisional licensure status of a degree granting institution seeking accreditation status. The requirement that an institution must reapply for a provisional license for a minimum of two consecutive years is removed.

The amendment to 5.100.7.10 NMAC lists additional information which must be provided to students prior to the signing of an enrollment agreement and requires that the institution maintain record they provided the information. Paragraphs within the Subsection are renumbered to accommodate for the proposed provisions and a non-substantive formatting correction is made to conform to current legislative styles at the direction of the Commission

of Public Records. The time frame for degree-granting institutions to obtain accreditation with an accrediting agency recognized is expanded.

The amendment to 5.100.7.11 NMAC also lowers the minimum number of annual committee review meetings.

The amendment to 5.100.7.14 NMAC adds reporting conditions and lists specific items the institution must report on an annual basis. In addition, the amendment adds a provision that the institution must maintain records of their efforts to provide the information to prospective student for at least five years after the student enrolls at the institution.

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 9:30 a.m. until 10:00 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 ten (10) business days prior to the hearing.