

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 July 13, 2021. The hearing will begin at 9:30 a.m. and will be held via Microsoft Teams. The purpose of the rulemaking hearing is to take public comment regarding proposed amendments to **5.100.5 NMAC, EXEMPTION UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.**

Join via Microsoft Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_Y2IwYjk1NDktODI0Yi00Zjg1LTlhNGUtMzh1Y2I1M2E1ODg2%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22c327f958-5970-4536-8f6b-03d48b60d29e%22%7d

Or call in (audio only)

+1 (505) 312-4308

Phone Conference ID: 173 431 256#

Amendments:

5.100.5.6 NMAC, OBJECTIVE

Purpose:

The purpose of the proposed rule change is to include and list the exceptions to the Post-Secondary Educational Institution Act. The amendment includes the addition of an exemption for chartered, nonprofit religious non-degree and degree granting institutions whose sole purpose is to train students in religious disciplines to prepare them to assume a vocational objective relating primarily to religion. The amendment also adds provisions regarding the requirements for exemption of non-accredited private post-secondary educational institutions that offer a degree program.

Summary of proposed changes:

The amendment to Section 5.100.5.6 NMAC adds a listing of various operations which are excepted under the Post-Secondary Educational Institution Act. The addition of the listing is for clarity. The listing includes provisions relating to an exemption for chartered, nonprofit religious non-degree and degree granting institutions whose sole purpose is to train students in religious disciplines to prepare them to assume a vocational objective relating primarily to religion. Lastly, the amendment adds requirements for exemption of non-accredited private post-secondary educational institutions that offer a degree program.

Details for Obtaining a Copy, Public Hearing and Comments: 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 July 13, 2021 from 9:30 a.m. until 10:00 a.m. via Microsoft Teams. 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 July 9, 2021.** 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.