

**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 June 7, 2022. The hearing will begin at 11:00 a.m. and will be held via Microsoft Teams. The purpose of the hearing is to take public comment regarding proposed rulemaking adopting a new rule **5.7.37 NMAC NEW MEXICO OPPORTUNITY SCHOLARSHIP PROGRAM.**

Join via Microsoft Teams:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZjVhNzI1NjUtZWm4OC00YWE1LWJjODAtMWEyMDlmYmMzMGUw%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](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjVhNzI1NjUtZWm4OC00YWE1LWJjODAtMWEyMDlmYmMzMGUw%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: 411 429 44#

**Purpose:**

The Department proposes adoption of new rule 5.7.37 NMAC. The new proposed rule establishes regulations and procedures for the New Mexico Opportunity Scholarship Program created by S.B.140, 55th Leg., 1st Sess. (N.M. 2022). The purpose of the program is to provide financial support to qualified New Mexico students who are enrolled at an eligible New Mexico public post-secondary educational institution or tribal college. The scholarship is intended to help defray the cost of tuition and fees.

**Summary of proposed rule:**

The proposed rule defines recent graduate learners and returning students learners and includes a section which details the requirements for initial and continuing eligibility for each. The section also details the provisions for students with disabilities seeking approval of reduced credit hours, the probationary process for students who have not met the eligibility requirements and the petition process for students who are seeking to reinstate the scholarship following termination. The proposed rule includes sections which establish the duration of the scholarship and the calculation of award amounts. In addition, the proposed rule includes a section which provides procedures for administration of the program by New Mexico public post-secondary educational institutions or tribal colleges and procedures for administration of the program by the Department. Lastly, the proposed rule provides criteria for termination of the scholarship.

**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 June 7, 2022, from 11:00 a.m. until 12:00 p.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 June 3, 2022.** 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 and Chapter 42, Laws of 2022.

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.