

## NOTICE OF PROPOSED RULEMAKING

**NOTICE IS HEREBY GIVEN** that the New Mexico Higher Education Department (NMHED) will hold a public rulemaking hearing on December 7, 2017. The hearing will begin at 3:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed rulemaking adopting a new rule 5.100.8 NMAC, CLOSURE OR SUBSTANTIAL CHANGE TO LOCATION UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.

The New Mexico Higher Education Department is proposing adoption of rule 5.100.8 NMAC, which includes the following sections: 5.100.8.1: ISSUING AGENCY; 5.100.8.2: SCOPE; 5.100.8.3: STATUTORY AUTHORITY; 5.100.8.4: DURATION; 5.100.8.5: EFFECTIVE DATE; 5.100.8.6: OBJECTIVES AND GENERAL PRINCIPLES; 5.100.8.7: DEFINITIONS; 5.100.8.8: NOTICE; 5.100.8.9: PLAN FOR CLOSURE OR SUBSTANTIAL CHANGE TO LOCATION; 5.100.8.10: TEACH-OUT AGREEMENTS; 5.100.8.11: RECORDS MAINTENANCE; 5.100.8.12: FINAL EXECUTION REPORT.

### **Purpose:**

Section 21-23-1 et seq. NMSA 1978 (The Postsecondary Educational Institution Act) was amended in 2013. Whereas by statute the Department is charged with oversight of all private post-secondary educational institutions operating within the state, the Department proposes to adopt new rule 5.100.8 NMAC to accommodate for changes in the Postsecondary Education Institution Act. The proposed new rule focuses on closures of any postsecondary educational institution pursuant to the Postsecondary Education Institution Act.

### **Summary of proposed rule:**

The Department proposes adopting new rule 5.100.8NMAC. The new proposed rule provides oversight, standards, regulations, and the administrative process an institution will follow when closing a postsecondary educational institution operating in the state pursuant to the Post-Secondary Educational Institution Act.

**Details for Obtaining a Copy, Public Hearing and Comments:** The proposed rules are available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rules are also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the proposed rules be sent to you by mail or e-mail, please contact [michelle.casias@state.nm.us](mailto:michelle.casias@state.nm.us) or 505-476-8409.

A public hearing will be held from 3:00 p.m. until 4:00 p.m. at NMHED on December 7, 2017. Any person who is or may be affected by these proposed rules may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or [michelle.casias@state.nm.us](mailto:michelle.casias@state.nm.us). Written comments must be received no later than 5:00 p.m. on December 1, 2017.** 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 Sections 21-23-1 et seq. NMSA 1978 and Section 9-25-8 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 505-476-8409 ten (10) business days prior to the hearing.