

### NOTICE OF PROPOSED RULEMAKING

**NOTICE IS HEREBY GIVEN** that the New Mexico Higher Education Department (NMHED or department) will hold a public rulemaking hearing on November 16, 2018. The hearing will begin at 4:00 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 repeal of **5.5.5 NMAC CLOSURE OF PUBLIC INSTITUTIONS** and replace with **5.5.5 NMAC, CLOSURE AND STUDENT COMPLAINT PROCEDURES FOR PUBLIC INSTITUTIONS**.

#### **Purpose:**

The Department proposes to repeal and replace 5.5.5 NMAC. The Department proposed to rename the part as Closure and Student Complaint Procedures for Public Institutions. The new title accommodates for the inclusion of procedures to help facilitate resolution to student complaints. The proposed rule replacement modifies regulations for institutional closure by developing more specific criteria. Regulations and procedures in the proposed rule replacement are applicable to public higher education institutions established under Article 12, Section 11 of the Constitution of New Mexico and any other public branch community colleges, community colleges, or technical vocational institutions operating within and receiving financial support from the state of New Mexico.

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

The Department proposes adoption of a replacement rule 5.5.5 NMAC. The proposed rule replacement provides oversight, standards, regulations, and the administrative process for institutions that seek to substantially relocate or permanently close, and are public institutions operating within and receiving financial support from the state of New Mexico. The new rule establishes requirements for notices, plans, reports, procedures and standards related to teach-out agreements, and student records. Additional provisions related to student complaint procedures have been included. The proposed rule replacement retains some provisions of 5.5.5 NMAC, however seeks to provide clarification through changes to definitions, section reorganization, and the addition of new provisions.

**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](mailto:HigherEd.Info@state.nm.us) or (505) 476-8411.

A public hearing will be held from 4:00 p.m. until 4:30 p.m. at NMHED on November 16, 2018. Any person who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or [HigherEd.Info@state.nm.us](mailto:HigherEd.Info@state.nm.us). Written comments must be received no later than 4:00 p.m. on November 15, 2018.** Please note that any written 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 9-25-8 NMSA 1978, Section 21-1-26 NMSA 1978, Section 21-2-5 NMSA 1978, and Section 21-1B-5.1 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.