

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 October 4, 2023. The hearing will begin at 9:00 a.m. and will be held via Microsoft Teams and in person at the New Mexico Higher Education Department. The purpose of the 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_ZGVhYThjZTgtNzc4OC00OTc0LWFINGYtZWU3ZjIwYjJjYzVI%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: 377 376 228#

Purpose:

The purpose of the proposed amendment is to align exemptions under the Post-Secondary Educational Institution Act with existing regulations in 5.99.1 NMAC PUBLIC AND PRIVATE POST-SECONDARY INSTITUTIONS OPERATING UNDER THE INTERSTATE DISTANCE EDUCATION ACT. Section 10, Subsection D of 5.99.1 NMAC provides that an institution is exempt from distance education authorization if the institution offers distance education courses on a military base or vessel if enrollment in such courses is limited to active and reserve military personnel and their spouses and dependents. The proposed amendment to 5.100.5 NMAC also provides for institutions to qualify for an exemption if they offer educational programs to military veterans and their spouses and dependents and civilians employed full-time on a military base in New Mexico and their spouses and dependents.

Summary of proposed rule:

The amendment to Section 6 of 5.100.5 NMAC adds an exemption for institutions operating on a military base in New Mexico and offering educational programs to active military personnel, military reserve personnel, military veterans, and civilians employed full-time on the military base and the spouses and dependents of active military personnel, military reserve personnel, military veterans, and civilians employed full-time on the military base.

Details for Obtaining a Copy, Public Hearing and Comments: The proposed rule is posted on the NMHED website and may be accessed at <http://www.hed.nm.gov> 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@hed.nm.gov or (505)476-8411.

A public hearing will be held on October 4, 2023 from 9:00 a.m. until 9:30 a.m. via Microsoft Teams and in person at the NMHED Office located at **2044 Galisteo Street, Suite 4, Santa Fe, NM 87505**. 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@hed.nm.gov. **Written comments must be received no later than 4:00 p.m. on October 2, 2023.** 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 21-21R-1 et seq. 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@hed.nm.gov ten (10) business days prior to the hearing.