

**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 9:30 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 **5.100.6 NMAC, REGISTRATION UNDER THE POST-SECONDARY EDUCATIONAL INSTITUTION ACT.**

Join via Microsoft Teams:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ODRhZGQ2ZmItMGMwOC00YzllWFllODYtNDc0YmE3YmJjY2M4%40thread.v2/0?content=%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_ODRhZGQ2ZmItMGMwOC00YzllWFllODYtNDc0YmE3YmJjY2M4%40thread.v2/0?content=%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: 101 312 397#

**Purpose:**

The purpose of the proposed amendment to 5.100.6.16 NMAC is to add institutional requirements for record maintenance and retention. The rule seeks to proactively address the problem of recovering student transcripts in the event of the closure of a private post-secondary educational institution by adding requirements relating to digitalization and servicing of transcripts.

**Summary of proposed rule:**

The proposed amendment to 5.100.6.16 NMAC adds a requirement that the institution report the percentage of digitalized records and provide a plan to digitalize any non-digitalized records within twelve months. The amendment requires institutions to provide information on the process to obtain access to transcripts through the custodian of record. If the process is not satisfactory, the proposed rule would require the institution to hire a professional digital credential firm to manage its student transcripts or provide transcripts to the New Mexico Higher Education Department which would become the custodian of record. Conditions relating to the Department serving as custodian of record are provided. Language that is elaborated on in new Subsections is removed from Subsection A of 5.100.6.16 NMAC. Grammatical corrections are made.

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

A public hearing will be held on October 4, 2023 from 9:30 a.m. until 10:00 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](mailto: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](mailto:HigherEd.Info@hed.nm.gov) ten (10) business days prior to the hearing.