

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 August 18, 2023. The hearing will begin at 9:00 a.m. and will be held via Microsoft Teams. The purpose of the hearing is to take public comment regarding proposed amendments to **5.7.37 NMAC, NEW MEXICO OPPORTUNITY SCHOLARSHIP PROGRAM.**

Join via Microsoft Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzQ5NGQwY2QtYTlHMS00YjU2LWIyMTctNzk2NTA2MTUxNmRl%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: 224 993 802#

Purpose:

The purpose of the proposed amendment is to clarify differences in how scholarship funds are distributed to recent graduate learners and returning student learners. A definition for cumulative grade point average is added. Language is added regarding eligibility for active members of the New Mexico National Guard. A reference to the definition of “full-time” for students with disabilities is removed as it is not applicable. The amendment removes inaccurate language regarding the Department’s ability to authorize credit hours beyond 90 attempted credit hours for completion of an associate degree or 160 attempted credit hours for completion of a bachelor’s degree.

Summary of proposed rule:

The amendment to Section 5.7.37.3 NMAC updates the Statutory Authority. Section 5.7.37.6 NMAC is reorganized for better clarity. Information regarding returning student learners and recent graduate learners is separated into different Subsections. Information about the credit hour requirements is removed as it is already included in Section 5.7.37.8 NMAC. Language is added to clarify that recent graduate learners are eligible to receive Opportunity Scholarship funds during the qualifying semester or summer semesters after any available state and institutional aid has been awarded. Language is added to clarify that if sufficient funding exists in the Opportunity Scholarship Program Fund it may be used to supplement, but not supplant New Mexico Legislative Lottery Tuition Scholarship awards. In Section 5.7.37.7 a definition for cumulative grade point average is added. Subsequent definitions are re-lettered. References in the rule that would be affected by the re-lettering are updated to directly refer to the applicable definition. In Section 5.7.37.8 language is added regarding eligibility for active members of the New Mexico National Guard. A reference to the definition of “full-time” for students with disabilities is removed as it is not applicable. The amendment removes inaccurate language regarding the Department’s ability to authorize credit hours beyond 90 attempted credit hours for completion of an associate degree or 160 attempted credit hours for completion of a bachelor’s degree. In Section 5.7.37.10 NMAC language that clarifies differences in how scholarship funds are distributed to recent graduate learners and returning student learners is added. Various grammatical and stylistic changes are made through the rule.

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 or (505)476-8411.

A public hearing will be held on August 18, 2023 from 9:00 a.m. until 9:30 a.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@hed.nm.gov.** **Written comments must be received no later than 4:00 p.m. on August 17, 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 and Section 21-21R-1 et seq.

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.