

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 June 10, 2024. The hearing will begin at 2:00 p.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 the proposed repeal and replacement to **5.7.37 NMAC, NEW MEXICO OPPORTUNITY SCHOLARSHIP PROGRAM**

Join via Microsoft Teams:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODAwNjIwOGEtMDU3Ni00OGI5LWI1YjYtNjg3NDc4NmYxYWFl%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: 954 438 951#

Purpose:

The purpose of the proposed repeal and replacement of 5.7.37 NMAC is to align with criteria established in S.B. 239 57th Leg., 1st Sess. (N.M. 2024). S.B. 239 removed college credits earned by high school students under the dual credit program from counting toward the credit hour cap for the New Mexico Opportunity Scholarship Program. In addition, the Department proposes changes which clarify other scholarship eligibility requirements, procedures for students with disabilities, duration of the scholarship, scholarship amounts and the award packaging process.

Summary of proposed rule:

The proposed rule includes updates to the objective to align with new criteria regarding dual credit. Various definitions are updated or removed. Sections are renamed, added and reorganized for clarity. References are updated accordingly. Changes are made to the amount of scholarship section to specify the order in which the award is to be packaged and specified dollar amounts and calculation processes for sector awards are removed. Fluidity in the cost of post-secondary education requires flexibility within the rule for the Department to determine the amounts. The Department also proposes changes which clarify other scholarship eligibility requirements, procedures for students with disabilities and duration of the scholarship. Various grammatical and stylistic changes included.

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 “Data, Reports & Rules” 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 June 10, 2024 from 2:00 p.m. until 3:00 p.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 June 6, 2024.** 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. 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.