

Comments on Draft 5 55 6 of NMAC: General Education Curriculum

5.55.6.8 General Requirements

B. The department, in consultation with faculty, will develop and maintain the general education curriculum, which is designed to provide students with knowledge and the transferable essential skills that are essential to success.

The Steering Committee specifically assigned certain skills to content areas in the concern that if skills were not assigned to content areas, some skills would not receive adequate coverage in general education. If this assignment is not in the rule, how will HED ensure that skills are all represented in an institution's GE program?

F. A student shall only be required to fulfill the general education curriculum requirements that are effective at the time in which the student enrolls as a first-time freshman.

This does not allow for catalogs to expire, which most institutions have provisions for. Can this be re-worded: "A student shall only be required to fulfill the general education curriculum requirements *specified in the catalog in effect that are effective* at the time in which the student enrolls as a first-time freshman. *If that catalog expires while the student is enrolled, the student shall follow institutional processes for selecting a new catalog.*"

5.55.6.11 Certification of General Education Courses

A. The department shall create and make available a certification form to be used by institutions to request the certification of a new general education course.

This form will be crucial in defining essential skill distribution if HED does not define this distribution in the rule.

5.55.6.13 Transfer of General Education Courses

D. If a student transfers and has not completed the 31 credit hours of the general education curriculum for an associate's, other than an applied associate's of science, or bachelor's degree, the courses taken as part of the general education and the content areas fulfilled shall be noted on the transcript.

- (1) Courses that have been taken within the fixed 22 credit hours will transfer as fulfilling the content area for which they are approved.
- (2) Courses taken within the flexible nine shall transfer as meeting the receiving institution's flexible nine general education requirement.
- (3) Transfer students who have not completed the flexible nine will be subject to the receiving institution's flexible nine policy.

Suggested clarification: (3) Transfer students who have not completed the flexible nine will be subject to the receiving institution's flexible nine policy **for the credits remaining in the flexible 9.**

MEMORANDUM

Date: May 4, 2018

To: NM HED

From: NMSU Community College Academic Vice Presidents' Council

RE: NM Proposed Rules 5.5.2., 5.5.6, 5.55.5, 5.55.6 and 5.55.7

The NMSU Community College Academic Vice Presidents' Council recognizes the proposed rules identified above as a concerted effort by the NM Legislator and HED to be strategic and responsible in managing the financial resources of NM that are used to support New Mexico's institutions of higher education. We can see that there are benefits to NM citizens of having statewide coordination of higher education offerings. We offer the following comments, questions and suggestions with the intent of supporting this effort in a way that is manageable and realistic for the institutions, and hopefully for the state. Our overarching comments and concerns on the compiled rules are included below. Specific questions/suggested changes are provided on the attached documents, by rule. We apologize in advance for the formatting oddities that resulted from transitioning the documents into editable word documents.

A primary concern of the Council is the proposed implementation date of June 2018.

- This is an extremely aggressive timeline and will challenge most, if not all institutions to implement. It is not evident that consideration has been given to the institutional internal timelines for regular recurring institutional functions (e.g. academic catalog publication requirements and timelines), for developing the technical capabilities to comply with the Rules, or for diverting institutional resources to address the unforeseen complexities in implementing some of these processes.
- It also appears that the state is not well positioned for immediate implementation. For example, submission and review processes, forms, timelines, etc. at the state level are not yet established.

A second area of concern includes the submission and approval process and timeline.

- First, while processes and timelines are described for the institutions, no equivalent processes or timelines are described regarding how or when institutions will receive a response from the HED regarding the status/approval of the institutions' submissions. Institutions will need to know the expected timeframe so they can plan accordingly.
- Second, we believe a condensed timeline for submitting proposals to HED is more manageable to incorporate into existing institutional timelines, which are frequently dictated by the academic calendar and the timeliness and stability of information we must provide to students regarding curricular and program offerings and requirements. For example, the 3-month advance notification of the intent to propose a new program coupled with the 9-month advance window to propose the program/etc., essentially

adds one year to an already lengthy approval process within each institution, which in some cases includes HLC approval. Existing approval processes can easily take 1 year, and the proposed timetable for state approval process adds at least 1 additional year to that process.

- The additional time that may be required for new degree programs is of particular concern for 2-year institutions which must be able to respond quickly and proactively to the work force needs of in our community and for the future.

Another area of concern noted by the Council applies to the proposed approval/review committees.

- Cabinet Secretaries may not be best positioned to determine needed degree and certificate programs. This arrangement puts our highest state government officials managing a distantly removed level of application.
- The proposed NMCAC is offered as a means to provide multiple services (general education, meta majors, common course numbering), but is only called to meet 2 times each year. We are concerned that NMCAC will not be able to accomplish all that is intended in two meetings each year.

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 May 16, 2018. The hearing will begin at 3:00 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 adoption of new rule 5.55.6 NMAC, **GENERAL EDUCATION CURRICULUM**.

Purpose:

The purpose of the proposed new rule is to accommodate for changes to Section 21-1B-1 et seq. NMSA 1978 (Post-Secondary Education Articulation Act) that occurred during the 2017 regular New Mexico legislative session. Whereas by statute the New Mexico Higher Education Department has the authority to adopt rules and regulations for the establishment, maintenance, and oversight of a comprehensive statewide general education curriculum that consists of lower-division college-level courses designed to provide a foundation for a liberal education, the department proposes new rule 5.55.6 NMAC, **GENERAL EDUCATION CURRICULUM**.

Summary of proposed rule:

The department proposes a new part number and name for the regulation of a statewide general education curriculum. The proposed rule establishes the following related to the statewide general education curriculum: a process by which the general education curriculum may be reviewed and revised; the New Mexico Curriculum and Articulation Committee; standards by which the department will maintain the general education curriculum; a process by which institutions may seek certification of new general education courses; factors for reviewing the certification of general education courses; how general education courses will transfer between institutions; complaint procedures for transfer students; and reporting requirements for institutions. Every public higher education institution receiving funding from the state of New Mexico shall be subject to the proposed new rule.

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 "Recent Posting" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact core.competencies@state.nm.us or 505-476-8407.

A public hearing will be held from 3:00 p.m. until 4:00 p.m. at NMHED on May 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 core.competencies@state.nm.us. Written comments must be received no later than 5:00 p.m. on May 11, 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 and Section 21-1B-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 505-476-8407 or email core.competencies@state.nm.us ten (10) business days prior to the hearing.

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TITLE 5 **POST-SECONDARY EDUCATION**
CHAPTER 55 **PUBLIC POST-SECONDARY EDUCATION GENERAL PROVISIONS**
PART 6 **GENERAL EDUCATION CURRICULUM**

5.55.6.1 **ISSUING AGENCY:** New Mexico Higher Education Department (NMHED) .
[5.55.6.1 NMAC - N, XX/XX/XX.XX]

5.55.6.2 **STATUTORY AUTHORITY:** Section 9-25-8 NMSA 1978 and Section 21-18-1 et seq. NMSA 1978.
[5.55.6.2 NMAC - N, XX/XX/XXXX]

5.55.6.3 **SCOPE:** The provisions of 5.55.6 NMAC apply to all public higher education institutions operating within and receiving financial support from the state of New Mexico.
[5.55.6.3 NMAC - N, XX/XX/XXXX]

5.55.6.4 **DURATION:** Permanent.
[5.55.6.4 NMAC - N, XX/XX/XXXX]

5.55.6.5 **EFFECTIVE DATE:** June 12, 2019, unless a later date is cited at the end of a section.
[5.55.6.5 NMAC - N, XX/XX/XX.XX]

5.55.6.6 **OBJECTIVE:**

A. Establish and maintain a statewide general education curriculum that includes a comprehensive array of lower-division college-level courses designed to provide a foundation for a well-rounded education.

B. Establish a process by which courses are submitted, reviewed and approved by the department to be included within the general education curriculum.

[5.55.6.6 NMAC - N, XX/XX/XX.XX]

5.55.6.7 **DEFINITIONS:**

A. **"Department"** means the New Mexico higher education department.

B. **"Essential skills"** means the transferable skills set by the department, in consultation with faculty, that are essential to success in education and the workforce.

C. **"Faculty"** means the current members of the faculty at the public post-secondary institutions operating within and receiving financial support from the state of New Mexico.

D. **"Flexible nine"** means the nine credit hours set by each public post-secondary institution to be included within the institution's general education requirements for all bachelor's degrees and all associate's degrees, other than associate's in applied science.

E. **"Flexible three"** means the three credit hours set by each public post-secondary institution to be included within the institution's general education requirements for all associate's in applied science degrees.

F. **"General education course"** means a course that has been approved by the New Mexico curriculum and articulation committee as fulfilling the requirements of a content area that is part of the general education curriculum.

G. **"General education curriculum"** or **"general education"** means a program that imparts knowledge to students and develops essential skills necessary for success in education and the workforce.

H. **"Institution"** means a public higher education institution operating within and receiving financial support from the state of New Mexico.

I. **"New general education course"** means a course that differs from currently approved courses at the proposing institution.

[5.55.6.7 NMAC - N, XX /X X /XXXX]

5.55.6.8 **GENERAL REQUIREMENTS:**

A. The department shall adopt a general education curriculum of at least 30 credit hours for all bachelor's degrees and all associate's degrees, other than associate's in applied science, that includes broad content areas of learning. The department shall adopt a general education curriculum of at least 15 credit hours for all associate's in applied science degrees that includes broad content areas of learning.

5.55.6 NMAC

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- B. The department, in consultation with faculty, will develop and maintain the general education curriculum, which is designed to provide students with knowledge and the transferable essential skills that are essential to success.
 - C. The department shall maintain and publish a list of the courses approved to be part of the general education curriculum.
 - D. Each institution shall publish and make available to students the general education curriculum and approved courses it offers that fulfill the requirement of the general education curriculum.
 - E. Each institution shall have an assessment plan for its general education program on file with the department. The assessment plan shall outline the program's practices, intentions, and process for demonstrating institutional effectiveness.
 - F. A student shall only be required to fulfill the general education curriculum requirements that are effective at the time in which the student enrolls as a first-time freshman. A student may elect to follow the requirements of any revisions to the general education curriculum that occur after the student enrolls as a first-time freshman.
 - G. Students should consult advisors at their institution regarding which specific courses fulfill the general education curriculum and degree requirements. The general education curriculum may fulfill requirements of meta-majors or transfer modules, as defined in 5.55.7 NMAC.
 - H. A single course may fulfill both general education curriculum and degree requirements.
 - I. A student who has completed the general education curriculum is not exempted from courses that are required for their chosen degree that are also general education courses.
 - J. When a student completes the credit hours of the general education curriculum, a notation shall be made on the student's transcript that shows that the student has completed the general education curriculum.
 - K. Any tribal college or tribal university may participate in the general education curriculum, upon execution of a memorandum of understanding with the department expressing its intent to implement the general education curriculum. If a tribal college or university has executed a memorandum of understanding with the department, the tribal college or tribal university shall be considered an institution for purposes of the Subsection H of 5.55.6.7 NMAC.
- [5.55.6.8 NMAC - N, XX/XX/XXXX]

5.55.6.9 NEW MEXICO CURRICULUM AND ARTICULATION COMMITTEE: The department will convene and chair, as a non-voting member, a statewide committee of faculty to advise the department on issues related to articulation and curriculum, such as common course numbering, general education curriculum, meta-majors, transfer modules, degree programs, or any other matters related to curriculum.

- A. The New Mexico curriculum and articulation committee (NMCAC) shall consist of at least one representative from each institution. The representative should also be a member of the institution's curriculum committee.
 - (1) Each institution will have one vote on matters brought before the committee. In case of a tie vote, the committee chair shall cast the tie-breaking vote.
 - (2) The NMCAC may form subcommittees upon the request of any committee member. Subcommittees may seek subject matter experts to review or study a specific matter. Subcommittees shall report findings and make recommendations to the NMCAC membership.
 - B. The NMCAC will meet at least twice during the academic year.
- [5.55.6.9 NMAC - N, XX/XX/XXXX]

5.55.6.10 GENERAL EDUCATION CURRICULUM:

- A. By August 1, 2019, each institution shall adopt the following 31 credit hour statewide general education curriculum for all bachelor's degrees and all associate's degrees, other than associate's in applied science:
 - (1) at least 22 credit hours of courses in the following six content areas:
 - (a) communications;
 - (b) mathematics;
 - (c) science;
 - (d) social and behavioral science;
 - (e) humanities; and
 - (f) creative and fine arts.
 - (2) each institution shall develop a flexible nine which may be from:

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Comment [1]: This will take some time to work out at each institution.

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Comment [2]: See comment on "B" below regarding the number of meetings per year, the role of this committee, and the representative that will serve on the committee

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Comment [3]: We have serious concerns that this committee is being tasked with a number of things to do (GE, CC Numbering, meta majors), and doubt that this can all be effectively accomplished in 2 meetings per year. Also, the timing of the meetings can impact the timeline for accomplishing some of the tasks – these should be regularly scheduled.

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Comment [4]: Implementation date is a concern, given that this is the same timeline proposed for common course numbering. Would

or

- (a) the content areas listed in Paragraph (1) of Subsection A of 5.55.6.10, NMAC;
- (b) other content areas such as foreign languages, interdisciplinary studies, business, engineering, information technology or any other content area that the institution deems appropriate.

B. By August 1, 2019, each institution shall adopt the following 15 credit hour statewide general education curriculum for all associate's in applied science degrees:

- (1) at least 12 credit hours from four of the following six content areas:
 - (a) communications;
 - (b) mathematics;
 - (c) science;
 - (d) social and behavioral science;
 - (e) humanities; and
 - (f) creative and fine arts.
- (2) each institution shall develop a flexible three which may be from:
 - (a) the content areas listed in Paragraph (1) of Subsection B of 5.55.6.10, NMAC; or
 - (b) other content areas such as foreign languages, interdisciplinary studies, business, engineering, information technology or any other content area that the institution deems appropriate.

C. The general education curriculum, including content areas, essential skills, and courses, shall be reviewed every five years by the NMCAC. The NMCAC shall make recommendations to the department regarding any necessary revisions. The department shall make the final determination regarding any revisions to the general education curriculum.

(5.55.6.10 NMAC - N, XX/XX/XXXX)

5.55.6.11 CERTIFICATION OF GENERAL EDUCATION COURSES:

A. The department shall create and make available a certification form to be used by institutions to request the certification of a new general education course.

B. Completed certification forms shall be submitted to the department by the institution's chief academic officer or designee only after receiving approval by the chief academic officer.

C. If the certification form is submitted on or before the deadline published by the department, consideration of the certification form shall be placed on the next NMCAC meeting agenda. If the institution submits the certification form after the published deadline, consideration of the certification form will be postponed until the subsequent NMCAC meeting.

D. The department shall conduct an initial review of the certification form to determine whether it has been correctly and fully completed. The department may request additional information from the institution for use in its initial review. If the department determines that the certification form has met the initial review criteria, the department shall submit the certification form and all supporting material to the NMCAC and require that the certification form be considered by NMCAC. If the department determines that a certification form is not correctly and fully completed, the department shall return the certification form to the institution with recommendations as to how deficiencies may be remedied. A certification form shall not be presented to the NMCAC until the department has completed initial review and determines that the certification form is correctly and fully completed.

E. In reviewing the certification form and supporting materials, the NMCAC may request more information from the institution. If additional information is requested, the institution shall submit the additional information by the deadline set by the department. If the additional information is not received by the deadline, consideration of the certification form will be postponed to the subsequent NMCAC meeting.

F. The department shall have a representative present during the advisory committee meeting to present the certification form. The department shall not make any recommendation to NMCAC regarding the certification.

G. A representative from the applicant institution shall be present during the NMCAC meeting and shall be prepared to respond to questions presented by NMCAC members.

H. NMCAC shall consider the certification form, any supporting materials, and information presented during its meeting. The chair shall conduct a roll call or written vote. Each institution shall cast a single vote. Based on the majority vote, NMCAC may approve, deny, table, or send the request to a subcommittee for further review. The vote shall be certified by the committee chair and the department shall issue official notice of the NMCAC decision to the institution.

I. An institution must receive notice of the NMCAC decision from the department before the institution publishes and makes available to students the courses it offers that fulfill the requirements of the general

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Comment [5]: Again, this committee is charged with multiple responsibilities that are likely not realistic to accomplish in 2 meetings per year.

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Comment [6]: What is the timeframe for this? Catalog publication dates may become an issue.

education curriculum. Courses that are approved to be part of the general education curriculum shall be designated as general education by a notation in the course description in the institution's course catalog.

J. Institutions will notify the department if any approved general education courses will no longer be offered at least 30 days prior to the time the course will no longer be offered.

K. The department shall update the general education curriculum inventory to reflect all changes.
[5.55.6.11 NMAC - N, XX/XX/XXXX]

5.55.6.12 FACTORS CONSIDERED IN CERTIFICATION FORM REVIEW

A. Each institution shall have an assessment plan for its general education program on file with the department by August 1, 2019. The assessment plan must include the goals of the program, how the goals are addressed in the curriculum, student learning outcomes, and assessment methods.

B. Each institution shall articulate how the course integrates essential skills to achieve the student learning outcomes of the course.

C. Each course shall include at least three of the following essential skills:

- (1) communication;
- (2) critical thinking;
- (3) information and digital literacy;
- (4) quantitative reasoning; and
- (5) personal and social responsibility.

D. The certification form will be evaluated based on criteria published by the department.

[5.55.6.12NMAC - N, XX/XX/XXXX]

5.55.6.13 TRANSFER OF GENERAL EDUCATION COURSES:

A. For each general education course approved by NMCAC, its credits shall transfer as fulfilling general education curriculum requirements at any institution to which they are transferred.

B. A student who has completed the 31 credit hours of the general education curriculum for an associate's or bachelor's degree and transfers to a different institution to continue an associate's or bachelor's degree shall have all previously completed general education courses accepted by the receiving institution as fulfilling the general education curriculum for an associate's or bachelor's degree.

C. A student who has completed the 15 credit hours of the general education curriculum for an associate's of applied science and transfers to a different institution to continue an associate's of applied science shall have all previously completed general education courses accepted by the receiving institution as fulfilling the general education curriculum for an associate's of applied science.

D. If a student transfers and has not completed the 31 credit hours of the general education curriculum for an associate's, other than an applied associate's of science, or bachelor's degree, the courses taken as part of the general education and the content areas fulfilled shall be noted on the transcript.

(1) Courses that have been taken within the fixed 22 credit hours will transfer as fulfilling the content area for which they are approved.

(2) Courses taken within the flexible nine shall transfer as meeting the receiving institution's flexible nine general education requirement.

(3) Transfer students who have not completed the flexible nine will be subject to the receiving institution's flexible nine policy.

E. If a student transfers and has not completed the 15 credit hours of the general education curriculum for an associate's of applied science degree, the courses taken as part of the general education and the content areas fulfilled shall be noted on the transcript.

(1) Courses that have been taken within the fixed 12 credit hours will transfer as fulfilling the content area for which they are approved.

(2) Courses taken within the flexible three shall transfer as meeting the receiving institution's flexible three general education requirement.

(3) Transfer students who have not completed the flexible three will be subject to the receiving institution's flexible three policy.

F. When making decisions affecting transfer students, receiving institutions should assure that transfer students are treated equally to those students originating their post-secondary studies at the institution.

[5.55.6. NMAC - N, XX/XX/XXXX]

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Comment [7]: 90 days is too long in terms of removing courses from the catalog and course schedule.

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Comment [8]: We do not know if we have the technology (or if it is readily available) to do this – research on Banner will be required, and this could take some time to accomplish.

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Comment [9]: Again, we do not know if our technology is capable of doing this – research will be required.

5.55.6.14 COMPLAINTS RELATED TO THE TRANSFER OF GENERAL EDUCATION CURRICULUM:

- A. Institutions shall establish appropriate policies and practices for receiving and resolving complaints from students or other complainants regarding the transfer of general education curriculum. Such policies shall include at least the following components:
 - (1) Complainants shall be required to first seek resolution of their complaint directly within the institution.
 - (2) A time frame within which the institution will investigate the complaint and respond to the complainant shall be specified.
 - (3) The institution shall assure that an impartial party will be involved in consideration of the complaint.
 - (4) The institution shall assure that no adverse action will be taken against the student or complainant as a result of registering the complaint.
 - (5) The institution shall identify the department as the agency to be contacted in cases where the complaint remains unresolved.
- B. When a student or other complainant contacts the department with a complaint, the department will require that the complaint be submitted in writing. The complaint must include a summary of the process followed by the complainant in an attempt to resolve the complaint through the institution's internal procedures.
- C. Following receipt of a written complaint, the department will contact the relevant institution to ascertain whether or not the complaint is bona fide, that is, whether or not the institution's internal complaint process has been followed sufficiently to warrant filing of the complaint with the department.
- D. Upon determination that the complainant has not followed the institution's internal process to a sufficient extent, the department shall refer the complainant to the institution to follow the institution's complaint procedure.
- E. Upon determination that the complaint is bona fide, the department will request a response to the complaint from the institution, summarizing its position and justification for its course of action. Such response shall be provided in writing to the department within 10 days of receipt by the institution.
- F. The department will conduct an analysis of the complaint, considering all information submitted by both parties, and may at its discretion solicit additional information relevant to the complaint. The analysis will be consistent with the general principles and other specifications of 5.55.6 NMAC.
- G. The department will render its decision as to the appropriateness of the actions of the parties to each complaint. If a student's articulation complaint includes commonly numbered courses or courses contained in a meta-major or transfer module and is upheld, the receiving institution shall reimburse the student the complete cost, including tuition, books and fees, of each course the student was required to repeat at the receiving institution. [5.55.6. NMAC - N, XX/XX/XXXX]

5.55.6.15 REPORTING:

- A. An institution shall report annually to the department by August 31.
- B. An institution shall report on a form provided by the department.
- C. The department shall use the information and data provided by the institutions to prepare its annual report to the legislative finance committee and the governor regarding the status of articulation and transfer, which includes common course numbering, general education, meta-majors, and transfer modules.

HISTORY OF 5.55.6 NMAC: [RESERVED]

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Comment [10]: Where is the form, when will it be available?
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