

Armijo, Alicia, HED

From: OLEA, MARTIN <molea1@cnm.edu>
Sent: Friday, June 3, 2022 2:09 PM
To: Info, HigherEd, HED
Subject: [EXTERNAL] Written Comments for Rule Hearing - 5.7.37 NMAC, New Mexico Opportunity Scholarship Program
Attachments: CNM Comments for 5.7.37 NMAC.pdf
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Hello HED Staff,

Attached are CNM's written comments for Rule Hearing- 5.7.37 NMAC, New Mexico Opportunity Scholarship Program. Please feel free to reach me at molea1@cnm.edu or 505-728-7944 if you have any questions concerning this document.

Sincerely,

Martín Olea
Policy Liaison
Central New Mexico Community College
molea1@cnm.edu
(505) 224-4000 ext. 54539

New Mexico Higher Education Department
2044 Galisteo St #4,
Santa Fe, NM 87505

RE: 5.7.37 NMAC-Comments for Proposed Rulemaking-Opportunity Scholarship Program

Dear Sir/Madam:

Central New Mexico Community College (CNM) submits the following written comments in response to the New Mexico Higher Education Departments notice for a public rulemaking hearing to be held on June 7th, 2022 concerning the Opportunity Scholarship Program. CNM is advocating for further clarification for the following sections to best serve the needs of our students and support higher education institutions.

5.7.37.10 Amount of Scholarship

(5) (c) three hundred eighty dollars (\$380) per scholarship per program semester for a student enrolled at a community college

\$380 per program semester per student is insufficient to cover basic tuition and fees at CNM. As it stands, a CNM student taking 12 credit hours would be charged \$929 one term (\$756 in tuition and \$173 in fees). The \$380 per scholarship program will not cover basic tuition and fees for students at CNM. It is unclear what the \$380 amount is based on and why it is so low. CNM's tuition is among the lowest of its peers and continues to be extremely affordable for New Mexicans. CNM recommends that this amount reflect the full cost of tuition and basic fees or that HED please clarify the rationale as we may be misunderstanding this section of the rule.

5.7.37.10 Amount of Scholarship

Fees- course-specific fees levied in an amount not to exceed \$50 per credit hour or as otherwise approved by the department on a course-by-course basis.

The proposed draft as written limits fees to \$50 per credit hour or approved case by case. CNM has over 142 course fees with some specialized and advanced technical education courses requiring additional costs to maintain program integrity to meet the specific needs of industry.

5.7.37.8 (1)

Residency Requirements

CNM believes there needs to be further clarification of what specific residency waivers would make a student eligible for the Opportunity Scholarship based on the residency classification criteria. (there are 11 listed waivers in Subsection K of the Residency administrative code **5.7.18.10**).

5.7.37.6 (B)

The scholarship may also be awarded to qualified students enrolled in [...] the summer semester.



CNM believes there needs to be further clarification. Does inclusion of the word “may” mean summer enrollment is not required? In section **5.7.37.8 (C.b)** it indicates to continue eligibility, maintains consecutive enrollment and meets earned credit hour criteria as provided in **paragraphs (3) through (5) of Subsection A of 5.7.37.8.**

5.7.37.8(A)(5)

Qualified students may enroll in no less than three credit hours, but not more than nine credit hours in the summer semester;

CNM recommends more detail and clarification for rules on this section. This is a concern for CNM, as we support full-time enrollment in the summer term. Does this mean if students enrollment is greater than 9 hours in the summer would be construed as failing conditions for continuing eligibility?

5.7.37.8(B)(3)

During the 16 months after graduation, completion of the requirements of a home-based or non-public-school primary educational program, or receipt of a high school equivalency credential recognized by the state of New Mexico

CNM recommends adding and defining “high school graduation” in this section.

5.7.37.8(C)

Continuing eligibility. Upon satisfaction of the initial eligibility requirements, the scholarship will be re-awarded to a recent graduate learner during the second semester of continuous enrollment and re-awarded to a returning student learner during the second continuous semester of enrollment. A student’s continuing eligibility shall be determined on a semester basis.

***(1) An opportunity scholarship award may be re-awarded to a student who:
[...] (b) maintains consecutive enrollment and meets earned credit hour criteria as provided in Paragraphs (3) through (5) of Subsection A***

CNM recommends clear definitions for this section. The term “continuous enrollment” is used in this section, while the term “consecutive enrollment” is used in subsection **(1)(b)**. The terms are not defined. CNM could not find any corresponding “continuous enrollment” eligibility language in the Lottery rules. There is also language present on the “three-semester maximum for community college study.”

5.7.37.8(C)(1)(b)(i)

receipt of a transfer transcript for sufficient documentation for eligibility

CNM recommends clarification on whether “transfer transcript” is understood to mean an instrument passed between financial aid offices for the purposes of documenting continuing eligibility, and not the standard academic transcript used for transfer of credit.

5.7.37.8(C)(2)(c)



in no case shall eligibility extend beyond 90 attempted credit hours for completion of an associate degree

CNM recommends further clarification on this point as many students seek second associate degrees. CNM Rules don't appear to preclude pursuing a second associate degree, which will be important because of CNM's proactive graduation practices. If there is any reason to believe students will be required to transfer to a four-year school upon completion of their first associate's, participating students would need to be made aware of proactive graduation practices.

Section 5.7.37.6(C)

This section specifies a four-term limit, commensurate with Legislative Lottery, but this is difficult to reconcile with the 90-credit hour limit in section **5.7.39(C)**. Further clarification is needed.

5.7.37.9(C)

Scholarships may continue for an eligible student for up to 90 attempted credit hours for the completion of an associate degree.

CNM recommends further clarification as the previous comments for--

5.7.37.8(C)(2)(c). It is also not clear whether hours attempted prior to inception of Opportunity Scholarship, or attempted otherwise are ineligible and count toward the 90-hour limit.

5.7.37.9 (B)

Scholarships may be provided to an eligible student seeking one or more credit-bearing workforce certificates. A scholarship for a credit-bearing workforce certificate may only be awarded where data indicates that the certificate is in high demand by New Mexico employers as determined by the department in consultation with the New Mexico workforce solutions department.

CNM recommends clarification on how institutions will give input on certificates to HED and whether institutions internal data will be taken into account to corroborate what is considered "In high demand."

Conclusion

For the reasons detailed above, we strongly encourage the following changes and clarifications of the proposed rule to best maximize this opportunity for all New Mexicans. Please do not hesitate to contact me at 505-728-7944 or molea1@cnm.edu to answer any questions you may have.

Sincerely,



Martín Olea
Policy Liaison
Central New Mexico Community College



Armijo, Alicia, HED

From: Julia Ruetten <jruetten@NMHSC.com>
Sent: Friday, June 3, 2022 9:55 AM
To: Info, HigherEd, HED
Subject: [EXTERNAL] Public Comment re: 5.7.37 NMAC Proposed Rule
Attachments: 6.3.22_NMHA_5.7.37 NMAC Proposed Rule Comment Letter.pdf

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Good morning,

On behalf of the New Mexico Hospital Association, and its President and CEO, Troy Clark, please find attached our comment letter regarding the proposed rule 5.7.37 NMAC.

Should there be any questions regarding our comments please reach out to Troy or me.

Thank you,
Julia

Julia Ruetten

Director of Government Regulation & Reimbursement Policy
New Mexico Hospital Association
505-340-9489 (cell)
jruetten@nmhsc.com



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SENT VIA EMAIL

June 3, 2022

New Mexico Higher Education Department
2044 Galisteo Street, Suite 4
Santa Fe, NM 87505

Sent to HigherEd.Info@state.nm.us

RE: Proposed Rule – 5.7.37 NMAC – New Mexico Opportunity Scholarship Program

To Whom It May Concern:

On behalf of our 47 New Mexico hospital members and the thousands of dedicated New Mexicans they employ, the New Mexico Hospital Association submits for your consideration the following comments regarding the 5.7.37 NMAC – New Mexico Opportunity Scholarship Program proposed rule (proposed rule).

We applaud the State Legislature, Governor Lujan Grisham, and New Mexico Higher Education Department (Department) officials for advocating for and implementing solutions to make higher education obtainable for more New Mexicans. As the COVID-19 pandemic laid bare, our state needs more healthcare workers. From respiratory therapists to emergency medical technicians to nurses of all practice levels, our member hospitals and their patients depend on well-educated and trained healthcare professionals. Expanding the healthcare workforce pipeline is our top priority, and we know that “growing our own” local future healthcare professionals is critical to addressing our state’s healthcare worker shortage.

We are pleased that the Opportunity Scholarship Program (Program) allows returning student learners to benefit from its financial assistance. Our members’ combined experiences tell us that not all healthcare professionals take a linear route through their education. Some decide to make a mid-career change to enter healthcare, while others work their way through progressively higher skilled healthcare positions, and each path requires higher education completion.

To that end, we respectfully request the Department further define “familial support” in 5.7.37.7(G) “Independent student.” As written, it is unclear if a spouse’s income would be deemed “familial support.” When read in conjunction with 5.7.37.10(E), which provides that scholarship award preference be given to independent students before other students, it would appear that married returning student learners may be disadvantaged, even with established

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financial need. If this is the correct understanding of “familial support,” then it is a significant barrier to attaining higher education for many returning student learners. In this instance, we request the Department interpret “familial support” in such a way that supports returning student learners with established financial need, regardless of marital status.

Although the Opportunity Scholarship Program is intended to support qualified students through the completion of a certificate or degree, the funding allocated by the Legislature is non-recurring which, unfortunately, means it is available for only one year without additional legislative action. With this in mind, in this first year of the Program we request the Department prioritize students who 1) are in a program (both certificate and degree-bearing, not only certificate as provided for in the proposed rule) “where data indicates the certificate or degree is in high demand as determined in consultation with the New Mexico department of workforce solutions,” and 2) until recurring funding is available, are within two or three semesters of completion of their program of study. These criteria would ensure that in its initial year, the Program’s investments support students who can enter the workforce in high demand fields, including healthcare, within 12 months.

Lastly, we request the Department consider adding a requirement that Opportunity Scholarship recipients agree to live and work in New Mexico for a length of time equivalent to the length of time the scholarship was received. Financial assistance in return for service would support the “grow your own” concept mentioned above and help to close the gap on unmet workforce needs in healthcare and other fields. New York’s Excelsior Scholarship program can serve as a model (NYS Education Law §669-h(4)(e)). Whether it can be incorporated into the proposed rule or requires statutory change, we hope the Department will embrace this idea as part of the Program and advocate for its inclusion either way.

We fully support the objectives and purposes outlined in the proposed rule and hope the Opportunity Scholarship Program opens the door for more New Mexicans to pursue higher education and embark upon careers in healthcare. We appreciate the efforts of the Department to draft this rule and the opportunity to share our comments on this important issue. Please do not hesitate to contact me with any questions at tclark@nmhsc.com.

Sincerely,



Troy Clark
President and CEO