

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 July 8, 2019. The hearing will begin at 9:00 a.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 amendments to **5.7.5 NMAC, TEACHER LOAN REPAYMENT PROGRAM.**

Amendments:

5.7.5.2 NMAC, SCOPE

5.7.5.6 NMAC, OBJECTIVE

5.7.5.7 NMAC, DEFINITIONS

5.7.5.9 NMAC, TEACHER ELIGIBILITY

5.7.5.10 NMAC, LOAN REPAYMENT AWARD CRITERIA; CONTRACT TERMS; PAYMENT

5.7.5.11 NMAC, CONTRACTS AND ENFORCEMENT

5.7.5.12 NMAC, TEACHER LOAN REPAYMENT FUND CREATED AND METHOD OF PAYMENT

5.7.5.14 NMAC, REPORTS

Purpose:

The purpose of the proposed rule change is to define high need teacher positions for the Teacher Loan Repayment Program. The proposed rule change also modifies applicant eligibility criteria and contract provisions for approved participants. The proposed amendments are based upon changes that were made to the program through the enactment of H.B.275, 54th Leg., 1st Sess. (N.M. 2019). Based on H.B. 275, teachers are now required to have taught three years in New Mexico to be considered for funding. In addition, the maximum amount for the loan repayment awards and the maximum number of contracts allowable per participant have been set in Statute, award priorities have been revised and repayment provisions in the event a program participant does not complete a contract have been removed. References to “high-risk teaching positions” are changed throughout the rule to “high-need teaching position”.

Summary of proposed changes:

The amendment to Section 5.7.5.2 NMAC is a non-substantive change to create consistency in language throughout the rule.

The amendment to Section 5.7.5.6 NMAC updates the term “high-risk” teaching positions to “high-need” teaching positions.

The amendment to Section 5.7.5.7 NMAC changes the defined term “high-risk teacher need teacher positions” to “high-need teacher position” and updates the definition to include the new criteria for a high-need teacher position established by H.B. 275.

The amendment to Section 5.7.5.9 NMAC updates the term “high-risk” teaching positions to “high-need” teaching positions. The amendment also adds the provision that an applicant have taught for three years to be considered for the program pursuant to H.B. 275. Non-substantive grammatical changes are made.

Amendments to 5.7.5.10 NMAC clarify the award process to establish award preference to high-priority applicants. In addition, the amendment establishes preference in awards shall also be made to minorities pursuant to new criteria in H.B. 275. The amendment adds language defining how award amounts are to be determined and sets the maximum number of allowable contracts per participant. The maximum award amount per year is defined in rule and language is added to clarify that awards are to be made annually upon certification the teacher has completed a full year of teaching. Additional contract provision are included based on conditions established by H.B. 275 including payments being made following a full year of satisfactory teaching. All provisions regarding repayment in the event a program participant does not complete a contract are removed.

The amendment to 5.7.5.11 NMAC removes language which described penalties for default on a program contract. The section is retitled for clarity.

Amendment to 5.7.5.12 removes language which referred to repayment of awards and interest as a result of a participant's defaulted contract being credited to the Teacher Loan Repayment Program fund. Additional language is included to clarify that money in the fund is subject to appropriation by the Legislature.

Amendments to 5.7.5.14 update the criteria to be reported by the Department pursuant to changes included in H.B. 275.

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 "Events" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact HigherEd.Info@state.nm.us or (505)476-8411.

A public hearing will be held from 9:00 a.m. until 10:00 a.m. at NMHED on July 8, 2019. 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 HigherEd.Info@state.nm.us. Written comments must be received no later than 4:00 p.m. on June 28, 2019.** 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 NMSA 1978, Section 21-1-26 NMSA 1978, and Section 21-22H-1 through 21-22H-9 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@state.nm.us ten (10) business days prior to the hearing.