

Armijo, Alicia, NMHED

From: Armijo, Alicia, NMHED
Sent: Thursday, June 13, 2019 10:04 AM
To: Ochoa, Andrea; Rommel, Harrison, NMHED
Cc: Liggett, Sandy, NMHED; Info, HigherEd, NMHED
Subject: RE: [EXT] Rule Feedback

Good morning Andrea Ochoa,

This email is to confirm receipt of your comments regarding the proposed rule for 5.7.5 NMAC TEACHER LOAN REPAYMENT PROGRAM.

Thank You,

Alicia Armijo

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NM SARA Coordinator
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New Mexico Higher Education Department
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From: Ochoa, Andrea [mailto:Andrea.Ochoa@nmlegis.gov]
Sent: Thursday, June 13, 2019 8:33 AM
To: Rommel, Harrison, NMHED <Harrison.Rommel@state.nm.us>
Cc: Armijo, Alicia, NMHED <Alicia.Armijo@state.nm.us>; Liggett, Sandy, NMHED <Sandy.Liggett@state.nm.us>
Subject: RE: [EXT] Rule Feedback

Thank you Harry, for your prompt response. Following are the issues that were identified, some substantive, some not. Let me know if you have any questions or want to chat about any of these.

Pursuant to 5.7.5.9 (B) NMAC, “applicants shall declare their intent to practice as a teacher in a high-need teacher position” to be eligible for a loan repayment award; although, 5.7.5.10 (A)(2) states “award amounts for other teachers shall be based on the need for a teacher position that can be filled by the applicant.” Pursuant to Chapter 193, repayment awards will be prioritized for designated high-need teacher positions; however, working in a designated high-need teacher position is not a requirement for eligibility.

Pursuant to 5.7.5.6 NMAC “The objective and purpose of 5.7.5 NMAC is to increase the number of teachers in designated high-need teacher positions in public schools through an education loan repayment program.” Chapter 193 requires loan repayment awards to be prioritized for high-need teacher positions, though the program is not solely for these individuals.

The proposed amendment to 5.7.5 NMAC includes a definition for “designated high-need teacher positions” as “a teaching position in a public school that is low-performing” whereas it should read “a teaching position in a public school that is low-performing.” Additionally, the definition does not mention that the position is “for teachers who are minorities” as is stated in Chapter 193. Although teachers who are racial or ethnic minorities are included in the rule, they are not included in the definition to align with the definition established in statute. Pursuant to the State Rules Act, Sections 14-4-5.7 NMSA 1978, a word or phrase that is defined in applicable statute should not be defined in rule. (“Loan” and “department” are also defined in statute and in rule, but we did not identify issues other than wording inconsistencies)

Section 5.7.5.9 (A) NMAC reads, “To be considered for the program an applicant must” a comma should be inserted after program.

-Andrea

From: Rommel, Harrison, NMHED [<mailto:Harrison.Rommel@state.nm.us>]
Sent: Thursday, June 13, 2019 8:11 AM
To: Ochoa, Andrea <Andrea.Ochoa@nmlegis.gov>
Cc: Armijo, Alicia, NMHED <Alicia.Armijo@state.nm.us>; Liggett, Sandy, NMHED <Sandy.Liggett@state.nm.us>
Subject: Re: [EXT] Rule Feedback

Hi Andrea,

Alicia Armijo is our primary contact regarding NMAC updates. I have also copied in Sandy Liggett our new General Counsel. Please copy me in as well with your feedback on the TLRP rules.

Thanks!

From: "Ochoa, Andrea" <Andrea.Ochoa@nmlegis.gov>
Date: Thursday, June 13, 2019 at 8:08 AM
To: "Rommel, Harrison, NMHED" <Harrison.Rommel@state.nm.us>
Subject: [EXT] Rule Feedback

Good morning Harry,

Rachel and I have identified some issues in the proposed amendments to 5.7.5 NMAC, Teacher Loan Repayment Program. Can you tell me who drafted the rule so I can let them know what we found? I understand our staff used to contact your general counsel. Since it is a different person now, I'm not sure if they have the same responsibilities regarding rulemaking. I just want to check in with you before I break protocol or contact someone who does not know what I'm talking about. Let me know if you can help.

Thanks!

Andrea L. Ochoa | Senior Fiscal Analyst | [Legislative Education Study Committee](#) | (505) 986-4502

