

NEW MEXICO HIGHER EDUCATION DEPARTMENT



October 5, 2011

VIA EMAIL KMay@tcsg.edu
Technical College System of Georgia
Attn.: Kathy May
Coordinator of Academic Services

Re: NM State Authorization Requirements for Public Out-of-State Institutions

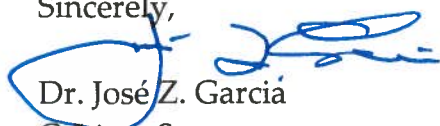
Dear Ms. May:

The New Mexico Higher Education Department (NMHED) has received numerous inquiries pertaining to the federal Program Integrity Rule and how it relates to 34 CFR § 600.9 and state authorization provisions. NMHED has analyzed the PIR implications at the state level and provides the following context and guidelines for your institution.

Effective July 1, 2011, and in accordance with the federal rule, NMHED understands that all institutions offering distance education must make a good faith effort to meet state authorization requirements where a student resides. New Mexico statutory authority **requires program approval** of public out-of-state institutions. NMSA 1978, §21-25-1 - §25-25-5. In order to ensure full compliance with the federal regulation, NMHED is currently reviewing our state approval process to ensure it reflects appropriate oversight and desired outcomes. Therefore, public out-of-state institutions are given a one year waiver from meeting this New Mexico statutory requirement until June 30, 2012.

We expect to have the approval process posted to our website, as referenced below, by early **April 2012**. If you have any questions to this regard, please contact Stephanie Ellis via email at Stephanie.Ellis@state.nm.us or phone at 505-476-8442.

Sincerely,


Dr. José Z. García
Cabinet Secretary

May, Kathy

From: Vigil, Diane, NMHED <Diane.Vigil@state.nm.us>
Sent: Friday, October 14, 2011 10:13 AM
To: May, Kathy
Subject: NM State Authorization Requirements for Public Out-of-State Institutions
Attachments: Technical College System of Georgia 10-5-11.docx.pdf

Dear Ms. May:

This letter is sent to you in response your email message received on October 4, 2011, inquiring of approval for out-of-state higher education institutions providing on-line or distance education in the State of New Mexico. Please contact this office if you have additional questions about this topic. Thank you, Diane

*Diane Vigil-Hayes
Private & Proprietary School Administrator/Compliance Officer
NM Higher Education Department
2048 Galisteo Street
Santa Fe, NM 87505
476-8418
www.hed.state.nm.us*

May, Kathy

From: May, Kathy
Sent: Tuesday, October 04, 2011 3:31 PM
To: 'stephanie.ellis@state.nm.us'
Subject: Out of state distance education regulations - New Mexico
Attachments: CollegesAddresses.xls

Dear Ms. Stephanie A. Ellis

I am sure you are aware that in October 2010, the U.S. Department of Education released regulations requiring out of state institutions offering distance education to students within another state to determine if authorization is needed by each state in which the institution is offering distance education.

In my role as Academic Affairs Coordinator (Georgia Virtual Technical Connection) for the Technical College System of Georgia, I am asking what the public 25 Technical Colleges within the State of Georgia need to do to obtain approval to teach distance education courses in the state of New Mexico?

As background, the Technical College System of Georgia (TCSG) consists of **25 public technical colleges** offering technical certificates of credit to two year degrees. Each technical college has a president and all technical college presidents' report to the TCSG Commissioner. The Commissioner reports to the Governor of Georgia and to the Technical College System of Georgia State Board. The State Board of the Technical College System of Georgia is responsible for establishing standards, regulations and policies for the operation of the Technical College System of Georgia. The 25 public technical colleges within the Technical College System of Georgia are supported by taxation from local and state funds from the state of Georgia.

All 25 technical colleges within the state of Georgia are accredited by accrediting agencies recognized by the United States Department of Education. The 25 public technical colleges in Georgia are accredited by either one or two or by both of the accrediting bodies listed below:

- 1) the regional accrediting body the **Commission on Colleges of the Southern Association of Colleges and Schools**
- 2) the national accrediting body the **Council on Occupational Education.**

Please provide me with direction as to the steps necessary to obtain the needed authorization from the state of New Mexico or directions on the process to be exempt from authorization as courses/programs are distance education delivery. Please include all associated costs.

I am very interested in the possibility of TCSG obtaining permission/exemption from your state on behalf of all of our 25 technical colleges as opposed to each technical college seeking individual approval/exemption.

Please see the following links and the attached file listing our technical colleges:

[§ 20-4-10. State Board of the Technical College System of Georgia established; members; officers](#)

[§ 20-4-14. Technical College System of Georgia established; powers and duties](#)

Kathy T. May

Coordinator of Academic Services
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