

NEW MEXICO HIGHER EDUCATION DEPARTMENT



April 29, 2011

Board of Regents of the University System of Georgia
Attn.: Linda M. Noble, Ph.D.
Associate Vice Chancellor for Faculty Affairs
270 Washington Street, S.W.
Atlanta, GA 30334-1450

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

Dear Dr. Noble:

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 PRI 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. Garcia
Cabinet Secretary

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