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PUBLIC NOTICE

BOARD OF BARBERS AND COSMETOLOGISTS REGARDING APPROVAL FOR DISTANCE LEARNING AND EDUCATION DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

Due to the public health emergency declared by Governor Michelle Lujan Grisham in Executive Order 2020-004, and in response to a directive from the New Mexico Higher Education Department (NMHED) and the Department of Health advisory for social distancing, the Board of Barbers and Cosmetologists (Board) is issuing the following public notice:

- The NMHED has assessed that the public health emergency indicates that state-authorized private post-secondary educational institutions may need to cease face-to-face instruction to protect the well-being of students, staff and faculty.
- The State of New Mexico, through NMHED, is granting an emergency waiver to all state-authorized private post-secondary educational institutions to offer distance education to prevent the spread of COVID-19.

The emergency waiver grants immediate approval for distance education within New Mexico through April 30, 2020. The provisions in 16.34.8.22 of the New Mexico Administrative Code, must be followed:

16.34.8.22 DISTANCE EDUCATION: It is recognized that delivery of relevant course content can be achieved in a variety of methods including online learning and distance education. Programs such as Instructor training may be completely accomplished via distance learning. Practitioner programs are limited to no more than twenty-five percent of the program content online. The following standards should apply when schools choose to use distance learning methods.

A. The school must notify the board and obtain approval before offering any distance learning courses.

B. The school must determine if the student has the requisite skills and competencies to succeed in a distance learning environment prior to enrollment.

C. The school must make available to students the necessary textbooks, supplementary educational materials and equipment needed to fulfill the program requirements.

D. The school must establish measurable and achievable performance outcomes that shall be compared to similar subject matter and objectives whether offered through traditional or distance methods.

E. The school must specify the expected knowledge, skills, and competency levels that students will achieve in a distance learning course.

F. The school shall effectively oversee the distance learning course and ensure it meets the objectives and mission of the school.

G. The school is responsible for the quality of courses of study offered through distance learning and the achievement of expected acceptable outcomes for each student irrespective of any contractual arrangements, partnerships, or consortia entered into with third parties for provision of components of a distance learning course.

[16.34.8.22 NMAC - N, 07/16/2004]

- The Board is requiring qualifying institutions offering qualified programs leading to licensure to notify the Board and NMHED of any newly implemented distance education methods.
- NMHED and the Board will provide instructions to request approval for continued distance education beyond that date if it becomes necessary.
- If your institution does not have the ability to offer distance learning options to students, and if scheduled classes are postponed instead, your institution must notify NMHED, the Board, and all relevant state agencies of such plans as soon as possible.
- Institutions shall notify its students about any changes in instructional methods and send a copy of such notifications and any other pertinent information to the Board and any relevant state agencies.
- Parameters of Immediate Approval - All state-authorized private post-secondary educational institutions with a physical presence in New Mexico may use any of the following distance education methods within New Mexico:
 - Web services such as Google Classroom
 - Collaborative platforms such as Microsoft Teams
 - Video conferencing such as Google Meet, Zoom or GoToMeeting
 - Audio conferencing

Compliance with approving Agencies

New Mexico state-authorized private post-secondary educational institutions that require approval by other agencies must ensure they remain in compliance with the standards, regulations, or rules of those approving agencies. These are:

- Accrediting Agencies
- U.S. Department of Education
- Private post-secondary educational institutions approved for Title IV funding, please see the following link:

<https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19>

Private post-secondary educational institutions offering programs leading to licensure shall be granted this emergency waiver with any of the listed distance education methods described above.