

NEW MEXICO HIGHER EDUCATION DEPARTMENT



MICHELLE LUJAN GRISHAM
GOVERNOR

STEPHANIE RODRIGUEZ
ACTING CABINET SECRETARY

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To: All AEFLA-funded Adult Education Programs
From: New Mexico Higher Education Department, Adult Education Division
Re: Local Program Guidance: Program Participation

NMHED-AE Guidance on Program Participation:

Residency and Formal Program Enrollment Requirements

Context:

With the increasing availability of distance education options, local AEFLA-funded programs are receiving more requests to serve people outside their geographic program locations. Federal WIOA legislation clearly articulates the intention to serve *U.S. residents* with barriers to employment, but federal law is silent on the issue of states serving residents of other states, leaving related policy and practice decisions in the hands of each individual state. In making such decisions, states must consider their “Maintenance of Effort” investment required to receive federal AEFLA dollars. If a state invests its own money in local Adult Education programs, it has a reasonable expectation this money will be used to serve its own state residents.

A common exception is often made for people living close to the border in neighboring states. For New Mexico, this would include residents of Texas, Arizona, Colorado, and Oklahoma. New Mexico “border students” may not have readily-accessible services in their state of residence, or they may work in New Mexico, making a local New Mexico program much more accessible than other options. Since there is no federal statutory guidance on this matter, each state determines its own practices and policies.

With the aforementioned increased availability of distance education options, local AEFLA-funded programs are also seeing more frequent requests from people who wish to “audit” program classes (i.e. attend distance classes without being formally enrolled and engaging in all activities otherwise required), whether for their own benefit or to support a friend or family member who is formally enrolled. While NMHED-AE appreciates both the interest and intentions reflected, the bottom line is

that AEFLA dollars must be spent serving eligible, enrolled participants and in accordance with statutory requirements.

NMHED-AE Guidance:

- ❖ Non-U.S. residents *may not* be served by AEFLA-funded programs.
 - A New Mexico resident who is stationed abroad or temporarily traveling (say, at the time of program registration) but will be back at a New Mexico residence prior to program start may be eligible for enrollment.
 - NMHED-AE acknowledges that a prospective student's provision of a permanent New Mexico address is sufficient for an AEFLA-funded program's "due diligence" regarding initial verification of both country and state residency during enrollment. (See below for guidance regarding "border students".)

- ❖ The decision regarding whether or not to serve a "border student" who lives out of state must be made on a case-by-case basis and in consultation with the state office.
 - Local program leadership may decide to enroll "border students" if:
 - The prospective student works in New Mexico, or
 - Lives within 100 miles of the state border and does not have reasonable access to an Adult Education program in their home state. In such cases, the local NM program considering the border student's request to enroll must take responsibility to contact the prospective student's state of residence to ensure that a better option is not in fact available.

- ❖ Students who are not formally enrolled in AEFLA-funded programs *may not* regularly attend any AEFLA-funded courses or receive AEFLA services. One-time guest appearances in class and similar are left to the discretion of the local program.

- ❖ For any unique residency situation and enrollment request not specifically addressed in this Guidance Memo, the local program's enrollment decision must be made in consultation with the state office.