

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/18/09

SPONSOR Munoz LAST UPDATED _____ HB _____

SHORT TITLE Middle College High School Dual Credit SB 577

ANALYST Varela

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Higher Education Department (HED)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 577 amends the Dual Credit for High School and Post Secondary Classes (Section 21-1-1.2 NMSA 1978) to add a definition of mid-college high school as a charter school that provides a seamless continuity between high school and college by providing simultaneous enrollment in and academic credit for high school and a postsecondary educational institution. It also adds mid-college high schools to a section of the statute that excludes the New Mexico Military Institute (NMMI) from the Dual Credit program.

FISCAL IMPLICATIONS

This bill carries no appropriation.

According to HED, by receiving the tuition directly, UNM-Gallup would receive funds immediately rather than the two-year lag that results from the tuition credit.

SIGNIFICANT ISSUES

PED reports that since there is only one middle college high school in the state, this bill would exempt that school from the dual credit requirements but apply the rules to all other dual credit schools. Dual credit programs that allow high school students to enroll in college-level courses are based upon mutual agreements between post-secondary schools and high schools. Although the bill can exempt middle college high schools from the dual credit rules, it cannot compel post-secondary schools to enter into agreements with middle college high schools that do not follow the established rules.

According to PED, the bill cannot provide an exemption from the requirements of the federal NCLB law that courses that are not taken for college credit be taught by “highly qualified teachers”. Allowing students at middle college high schools to be taught by persons who do not meet the federal requirements may result in a loss of federal funding.

College course curricula are not all aligned with the New Mexico Content and Standards. Significant work would need to be done to insure that all college courses would be aligned. Middle college student enrollment cannot supersede the requirement of both federal and state law that admissions to the school must be by lottery. The middle college cannot require the student to pass college entrance requirements before they are selected to the school by lottery. The college must insure that special education students and English Language Learners enrolled in a full-time middle college program will receive all services required under federal and state laws.

HED reports that there is apparently only one mid-college high school in New Mexico. It is located on the campus of the University of New Mexico-Gallup and enrolls approximately 60 students in grades 10-12.

The UNM-Gallup website for the Middle College High School indicates that:

The Middle College High School is a unique concept in educational programming. While enrolled full time in the Middle College High School, students take college classes that satisfy the requirements of a high school degree while earning college credits at the same time (concurrent enrollment). In this way, upon earning their high school degree, students have also made significant progress towards a college degree. As a public school, students are not charged tuition for any classes. Similarly, all books are paid for by the Middle College High School.

Currently, all the courses at the Middle College High School are taught by UNM-Gallup except Spanish, driver’s education and a job share experience.

The tuition and fees for a resident undergraduate full-time student published for UNM-Gallup for fall 2008 totaled \$730.80 per semester or \$1,461.60 per year. For 60 full-time students the tuition and fees would calculate approximately \$90 thousand. The Middle College High School also rents office and classroom space from UNM-Gallup at \$15/square foot for about \$30 thousand per year.

According to HED, it appears that this bill may subsidize a charter school for placing students into classes at UNM-Gallup without actually offering many courses. Statute 21-1-1.2.B.(1) requires that students taking dual credit courses should be enrolled at least half time in regular

high school courses. A second problem is that the Dual Credit Statute prohibits remedial or developmental courses to be taught as dual credit. Some of the courses taken under “simultaneous enrollment” from Middle College High School are remedial. However, the Middle College High School reports that for 2009-2010 it will teach as high school courses any courses classified as remedial by UNM-Gallup.

A recent application to the Public Education Commission for another mid-college high school was denied in part because all courses were “simultaneous enrollment” courses that raised questions of alignment with State Standards and “highly qualified” instructors (www.ped.state.nm.us/pec/dl09/PEC_Hearing_MeetingMinutes_9-12-08_NOT%20APPROVED.pdf)

NMMI was apparently excluded from the dual credit program because it is a private high school and public postsecondary institution. The middle college high schools are public charter schools.

ADMINISTRATIVE IMPLICATIONS

NMHED and PED might be called upon to monitor the impact of the approval “simultaneous enrollment” and to ensure that courses submitted for dual credit actually are at college level and meet required standards.

TECHNICAL ISSUES

PED notes that the New Mexico Military Institute (NMMI), a high school and junior college state-supported school, is already exempted from the provisions of the Dual Credit Act in Section 21-1-1.2J NMSA 1978 and the legislation seeks to include middle college high schools in that exemption. However, NMMI is also exempted from Section 22-2-2D NMSA 1978, which provides for the Department’s authority to prescribe courses of instruction and graduation requirements in all other public schools. This legislation could create a conflict with Section 22-2-2D NMSA 1978.

OTHER SUBSTANTIVE ISSUES

HED reports that simultaneous enrollment is often used as part of the definition of dual credit. However, it appears that in this instance the use of the term "simultaneous enrollment" is to avoid many of the rules that have been defined for dual credit.

PV/svb