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AN ACT

RELATING TO EDUCATION; PROVIDING FOR DUAL CREDITS TOWARD HIGH SCHOOL GRADUATION AND A POST-SECONDARY DEGREE OR CERTIFICATE; SPECIFYING REQUIREMENTS AND CONDITIONS; PROVIDING FOR DATA COLLECTION AND EVALUATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. DUAL CREDIT FOR HIGH SCHOOL AND POST-SECONDARY CLASSES.--

A. As used in this section, "dual credit program" means a program that allows high school students to enroll in college-level courses offered by a public post-secondary educational institution that may be academic or career-technical but not remedial or developmental, and simultaneously to earn credit toward high school graduation and a post-secondary degree or certificate.

B. To be eligible to participate in a dual credit program, the student shall:

(1) be enrolled in a regular public school or charter school in one-half or more of the minimum course requirements approved by the public education department for public school students; and

(2) obtain permission from a school counselor, the school principal or head administrator of a charter school prior to enrolling in a dual credit course.

1 C. The school district or charter school that the
2 student attends shall pay the cost of the required textbooks
3 and other course supplies for the post-secondary course the
4 student is enrolled in through purchase arrangements with the
5 bookstore at the public post-secondary educational
6 institution or other cost-efficient methods. The student
7 shall return the textbooks and unused course supplies to the
8 school district when the student completes the course or
9 withdraws from the course.

10 D. A public post-secondary educational institution
11 that participates in a dual credit program shall waive all
12 general fees for dual credit courses.

13 E. The higher education department shall revise
14 procedures in the higher education funding formula to address
15 enrollments in dual credit courses and to encourage
16 institutions to waive tuition for high school students taking
17 those courses.

18 F. The higher education department and the public
19 education department shall adopt and promulgate rules to
20 implement a dual credit program that specify:

21 (1) post-secondary courses that are eligible
22 for dual credit;

23 (2) conditions that apply, including:

24 (a) the required academic standing and
25 conduct of students enrolled in dual credit courses;

1 (b) the semesters in which dual credit
2 courses may be taken;

3 (c) the nature of high school credit
4 earned;

5 (d) any caps on the number of courses,
6 location of courses and provision of transcripts; and

7 (e) an appeals process for a student
8 who is denied permission to enroll in a dual credit course;

9 (3) accommodations or other arrangements
10 applicable to special education students;

11 (4) the contents of the uniform master
12 agreement, developed in collaboration with school districts,
13 charter schools and the public post-secondary educational
14 institutions, that govern the roles, responsibilities and
15 liabilities of the school district or charter school, the
16 institution and the student and the student's family;

17 (5) provisions for expanding dual credit
18 opportunities through distance learning and other methods;

19 (6) the means by which public high schools
20 are required to inform students and parents about
21 opportunities to participate in dual credit programs during
22 student advisement, academic support and formulation of
23 annual next step plans, as well as other methods; and

24 (7) provisions for collecting and
25 disseminating annual data, including:

1 (a) the number of students taking dual
2 credit courses;

3 (b) the participating school districts,
4 charter schools and public post-secondary educational
5 institutions;

6 (c) the courses taken and grades
7 earned;

8 (d) the high school graduation rates
9 for participating school districts and charter schools;

10 (e) the public post-secondary
11 educational institutions that participating students
12 ultimately attend; and

13 (f) the cost of providing dual credit
14 courses.

15 G. The higher education department and the public
16 education department shall evaluate dual credit programs in
17 terms of their accessibility to students statewide and their
18 effect on student achievement in secondary education, on
19 student enrollment and completion of higher education and on
20 school districts and public post-secondary educational
21 institutions. The departments shall make an annual report,
22 including recommendations, to the governor and the
23 legislature.

24 Section 2. Section 21-13-19 NMSA 1978 (being Laws 1968,
25 Chapter 70, Section 2, as amended) is amended to read:

1 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

2 A. For those students in community colleges taking
3 college-level courses, full-time-equivalent students shall be
4 defined and computed by the higher education department in
5 the same manner in which it defines and computes
6 full-time-equivalent students for all other college-level
7 programs within its jurisdiction.

8 B. No student shall be included in any
9 calculations made under the provisions of this section if the
10 student is enrolled in a course the cost of which is totally
11 reimbursed from federal, state or private sources.

12 C. The higher education department shall not
13 recommend an appropriation greater than three hundred
14 twenty-five dollars (\$325) for each full-time-equivalent
15 student for any community college that levies a tax at a rate
16 less than two dollars (\$2.00), unless a lower amount is
17 required by operation of the rate limitation provisions of
18 Section 7-37-7.1 NMSA 1978 upon a rate of at least two
19 dollars (\$2.00) on each one thousand dollars (\$1,000) of net
20 taxable value, as that term is defined in the Property Tax
21 Code, or any community college that reduces a previously
22 authorized tax levy, except as required by the operation of
23 the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

24 D. The higher education department shall require
25 from the community college such reports as the department

1 deems necessary for the purpose of determining the number of
2 full-time-equivalent students at the community college
3 eligible to receive support under this section.

4 E. A community college board shall establish
5 tuition and fee rates for its respective institutions for
6 full-time, part-time, resident and nonresident students, as
7 defined by the higher education department.

8 F. A community college board may establish and
9 grant gratis scholarships to students who are residents of
10 New Mexico in an amount not to exceed the matriculation fee
11 or tuition and fees, or both. The gratis scholarships are in
12 addition to the lottery tuition scholarships authorized in
13 Section 21-13-10 NMSA 1978 and shall be granted to the full
14 extent of available funds before lottery tuition scholarships
15 are granted. The number of scholarships established and
16 granted pursuant to this subsection shall not exceed three
17 percent of the preceding fall semester enrollment in each
18 institution and shall not be established and granted for
19 summer sessions. The president of each institution shall
20 select and recommend to the community college board of the
21 president's institution, as recipients of scholarships,
22 students who possess good moral character and satisfactory
23 initiative, scholastic standing and personality. At least
24 thirty-three and one-third percent of the gratis scholarships
25 established and granted by each community college board each

1 year shall be granted on the basis of financial need.

2 G. A student in a home school or private school
3 who meets the eligibility criteria in rules promulgated by
4 the public education department and higher education
5 department may apply for dual credit courses, provided that
6 the student pays the full cost of dual credit courses."

7 Section 3. Section 21-14-1 NMSA 1978 (being Laws 1957,
8 Chapter 143, Section 1, as amended) is amended to read:

9 "21-14-1. BRANCH COMMUNITY COLLEGE EDUCATIONAL PROGRAM
10 AND ENROLLMENT DEFINED.--

11 A. "Branch community college educational program",
12 for the purposes of Chapter 21, Article 14 NMSA 1978,
13 includes either the first two years of college education or
14 organized vocational and technical curricula of not more than
15 two years' duration designed to fit individuals for
16 employment in recognized occupations, or both.

17 B. The calculation of full-time-equivalent student
18 population for the purposes of Chapter 21, Article 14 NMSA
19 1978 shall include students enrolled in college-level courses
20 and students enrolled in vocational and technical courses
21 taught by a branch community college that is recognized by
22 the instructional support and vocational education division
23 of the public education department as an area vocational
24 school or in courses that are approved by the secretary of
25 public education. Students enrolled in a course the cost of

1 which is totally reimbursed from federal, state or private
2 sources shall not be included in the calculation of
3 full-time-equivalent student population."

4 Section 4. Section 21-14A-2 NMSA 1978 (being Laws 1982,
5 Chapter 42, Section 2, as amended) is amended to read:

6 "21-14A-2. DEFINITIONS.--As used in the Off-Campus
7 Instruction Act:

8 A. "off-campus instruction program" means either
9 the first two years of college education or organized
10 vocational and technical curricula of not more than two
11 years' duration designed to fit individuals for employment in
12 recognized occupations, or both; and

13 B. "full-time-equivalent student" includes
14 students enrolled in college-level courses and students
15 enrolled in vocational and technical courses taught by an
16 off-campus instruction program. Students enrolled in a
17 course the cost of which is totally reimbursed from federal,
18 state or private sources shall not be included in the
19 calculation of full-time-equivalent student population."

20 Section 5. Section 21-16-10 NMSA 1978 (being Laws 1968,
21 Chapter 59, Section 3, as amended) is amended to read:

22 "21-16-10. APPROPRIATION--DISTRIBUTION.--

23 A. The higher education department shall recommend
24 an appropriation for each technical and vocational institute
25 based upon its financial requirements in relation to its

1 authorized program and its available funds from
2 non-general fund sources; provided, the recommended
3 appropriation shall be an amount not less than three hundred
4 twenty-five dollars (\$325) for each full-time-equivalent
5 student.

6 B. The higher education department shall by rule
7 provide for the method for calculating the number of
8 full-time-equivalent students in technical and vocational
9 institutes. No student shall be included in any calculation
10 of the number of full-time-equivalent students if the student
11 is enrolled in a course, the cost of which is totally
12 reimbursed from federal, state or private sources.

13 C. The higher education department shall not
14 recommend an appropriation greater than three hundred
15 twenty-five dollars (\$325) for each full-time-equivalent
16 student for any technical and vocational institute that
17 levies a tax at a rate less than two dollars (\$2.00), unless
18 a lower amount is required by operation of the rate
19 limitation provisions of Section 7-37-7.1 NMSA 1978 upon a
20 rate approved by the electors of at least two dollars (\$2.00)
21 on each one thousand dollars (\$1,000) of net taxable value,
22 as that term is defined in the Property Tax Code, or any
23 technical and vocational institute that reduces a previously
24 authorized tax levy, except as required by the operation of
25 the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

1 D. The board may establish and grant gratis
2 scholarships to students who are residents of New Mexico in an
3 amount not to exceed the matriculation fee or tuition and
4 fees, or both. The gratis scholarships are in addition to the
5 lottery tuition scholarships authorized in Section 21-16-10.1
6 NMSA 1978 and shall be granted to the full extent of available
7 funds before lottery tuition scholarships are granted. The
8 number of scholarships established and granted pursuant to
9 this subsection shall not exceed three percent of the
10 preceding fall semester enrollment in the technical and
11 vocational institute and shall not be established and granted
12 for summer sessions. The president of the technical and
13 vocational institute shall select and recommend to the board
14 as recipients of scholarships students who possess good moral
15 character and satisfactory initiative, scholastic standing and
16 personality. At least thirty-three and one-third percent of
17 the gratis scholarships established and granted by the board
18 each year shall be granted on the basis of financial need."