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HOUSE BILL 740

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY
Nora Espinoza

AN ACT

RELATING TO EDUCATION; ESTABLISHING ELIGIBILITY FOR STUDENTS
ENROLLED IN A HOME SCHOOL, PRIVATE SCHOOL OR BUREAU OF INDIAN
EDUCATION SCHOOL TO PARTICIPATE IN THE DUAL CREDIT PROGRAM.

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

Section 1. Section 21-1-1.2 NMSA 1978 (being Laws 2007,
Chapter 227, Section 1, as amended) is amended to read:

"21-1-1.2. 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-

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1 secondary degree or certificate.

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

4 (1) except as provided in Subsection C of this
5 section, be enrolled in a regular public school, charter
6 school, ~~[or]~~ state-supported school, home school, private
7 school or bureau of Indian education school in one-half or more
8 of the minimum course requirements approved by the public
9 education department for public school students; and

10 (2) obtain permission from a school counselor,
11 the school principal or head administrator of a charter school,
12 private school or state-supported school; principal of a bureau
13 of Indian education school; or parent of a home school student
14 prior to enrolling in a dual credit course.

15 C. A student who has met the eligibility criteria
16 provided for in Subsection B of this section in a fall or
17 winter semester, and who has not graduated or earned a general
18 educational development certificate, may take courses for dual
19 credit during the immediately succeeding summer semester.

20 D. The school district, charter school or
21 state-supported school that the student attends shall pay the
22 cost of the required textbooks and other course supplies for
23 the post-secondary course the student is enrolled in through
24 purchase arrangements with the bookstore at the public
25 post-secondary educational institution or other cost-efficient

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1 methods. The student shall return the textbooks and unused
2 course supplies to the school district when the student
3 completes the course or withdraws from the course.

4 E. The school district in which the student's
5 parent or legal guardian resides shall pay the cost of the
6 required textbooks and other course supplies for the post-
7 secondary course that the home school, private school or bureau
8 of Indian education school student is enrolled in through an
9 allocation from the instructional material bureau of the public
10 education department pursuant to the Instructional Material
11 Law. The student shall return the textbooks and unused course
12 supplies to the school district when the student completes the
13 course or withdraws from the course.

14 [~~E-~~] F. A public post-secondary educational
15 institution that participates in a dual credit program shall
16 waive all general fees for dual credit courses.

17 [~~F-~~] G. The higher education department shall
18 revise procedures in the higher education funding formula to
19 address enrollments in dual credit courses and to encourage
20 institutions to waive tuition for high school students taking
21 those courses.

22 [~~G-~~] H. The higher education department and the
23 public education department shall adopt and promulgate rules to
24 implement a dual credit program that specify:

- 25 (1) post-secondary courses that are eligible

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1 for dual credit;

2 (2) conditions that apply, including:

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

5 (b) the semesters in which dual credit
6 courses may be taken;

7 (c) the nature of high school credit
8 earned;

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

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

13 (3) accommodations or other arrangements
14 applicable to special education students;

15 (4) the contents of the uniform master
16 agreement, developed in collaboration with school districts,
17 charter schools, state-supported schools, the home school
18 parent, the private school, the bureau of Indian education
19 school and the public post-secondary educational institutions
20 that govern the roles, responsibilities and liabilities of the
21 school district, charter school, ~~[or]~~ state-supported school,
22 private school or bureau of Indian education school; the
23 institution; and the student and the student's family;

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

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

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

8 (a) the number of students taking dual
9 credit courses;

10 (b) the participating school districts,
11 charter schools, state-supported schools, home school students,
12 private schools and bureau of Indian education schools and
13 public post-secondary educational institutions;

14 (c) the courses taken and grades earned;

15 (d) the high school graduation rates for
16 participating school districts, charter schools, [~~and~~] state-
17 supported schools, home school students, private schools and
18 bureau of Indian education schools;

19 (e) the public post-secondary
20 educational institutions that participating students ultimately
21 attend; and

22 (f) the cost of providing dual credit
23 courses.

24 [~~H.~~] I. The higher education department and the
25 public education department shall evaluate the dual credit

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1 program in terms of its accessibility to students statewide and
2 its effect on:

3 (1) student achievement in secondary
4 education;

5 (2) student enrollment and completion of
6 higher education; and

7 (3) school districts, charter schools, state-
8 supported schools, home school students, private schools,
9 bureau of Indian education schools and public post-secondary
10 educational institutions.

11 [~~F.~~] J. The departments shall make an annual
12 report, including recommendations, to the governor and the
13 legislature.

14 [~~J.~~] K. The provisions of this section do not
15 apply to the New Mexico military institute."

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

18 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

19 A. For those students in community colleges
20 taking college-level courses, full-time-equivalent students
21 shall be defined and computed by the higher education
22 department in the same manner in which it defines and
23 computes full-time-equivalent students for all other college-
24 level programs within its jurisdiction.

25 B. No student shall be included in any

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1 calculations made under the provisions of this section if the
2 student is enrolled in a course the cost of which is totally
3 reimbursed from federal, state or private sources.

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

16 D. The higher education department shall require
17 from the community college such reports as the department
18 deems necessary for the purpose of determining the number of
19 full-time-equivalent students at the community college
20 eligible to receive support under this section.

21 E. A community college board shall establish
22 tuition and fee rates for its respective institutions for
23 full-time, part-time, resident and nonresident students, as
24 defined by the higher education department.

25 F. A community college board may establish and

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

19 G. A student in a home school, [~~or~~] private
20 school or bureau of Indian education school who meets the
21 eligibility criteria in rules promulgated by the public
22 education department and higher education department may
23 apply for dual credit courses, provided that the student pays
24 the full cost of dual credit courses, except for textbook
25 costs, which shall be paid from the allocation to the fund

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from which dual credit textbooks are paid."

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