

1 SENATE BILL 158

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

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7  
8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9  
10 AN ACT

11 RELATING TO EDUCATION; PROVIDING DUAL CREDIT PROGRAM PARITY FOR  
12 ALL HIGH SCHOOL STUDENTS; CLARIFYING LANGUAGE; UPDATING HOME  
13 SCHOOL REGISTRATION REQUIREMENTS.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "21-1-1.2. DUAL CREDIT FOR HIGH SCHOOL AND POST-SECONDARY  
19 CLASSES.--

20 A. As used in this section:

21 (1) "bureau of Indian education [~~high~~] school"  
22 means a school located in New Mexico that is under the control  
23 of the bureau of Indian education of the United States  
24 department of the interior;

25 (2) "dual credit course" means a post-

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1 secondary course that may be academic or career-technical but  
2 not remedial or developmental and specified in a rule  
3 promulgated pursuant to Paragraph (1) of Subsection G of this  
4 section for which a student simultaneously earns credit toward  
5 high school graduation and a post-secondary degree or  
6 certificate;

7 [~~(2)~~] (3) "dual credit program" means a  
8 program offered by a public post-secondary educational  
9 institution or tribal college that allows high school students  
10 to enroll in [~~college-level~~] dual credit courses; [~~offered by a~~  
11 ~~public post-secondary educational institution or tribal college~~  
12 ~~that may be academic or career-technical but not remedial or~~  
13 ~~developmental, and simultaneously to earn credit toward high~~  
14 ~~school graduation and a post-secondary degree or certificate;~~  
15 and]

16 (4) "high school" means a school offering one  
17 or more of grades nine through twelve or their equivalent and  
18 that is a school district, charter school, state-supported  
19 school, bureau of Indian education school, private school or  
20 home school; and

21 [~~(3)~~] (5) "tribal college" means a tribally,  
22 federally or congressionally chartered post-secondary  
23 educational institution located in New Mexico that is  
24 accredited by the north central association of colleges and  
25 schools.

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

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

12                   (2) obtain permission from [~~a~~] the student's  
13 school counselor, [~~the~~] school principal or [~~the~~] head  
14 administrator of [~~a charter school, state-supported school or~~  
15 ~~bureau of Indian education~~] the high school that the student  
16 primarily attends prior to enrolling in a dual credit course.

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

22           D. The [~~school district, charter school, state-~~  
23 ~~supported school or bureau of Indian education~~] high school  
24 that the student primarily attends shall pay the cost of the  
25 required textbooks and other course supplies for the post-

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1 secondary course the student is enrolled in through purchase  
2 arrangements with the bookstore at the public post-secondary  
3 educational institution or tribal college or through other  
4 cost-efficient methods. The student shall return the textbooks  
5 and unused course supplies to the [~~school district, charter~~  
6 ~~school, state-supported school or bureau of Indian education~~]  
7 high school when the student completes the course or withdraws  
8 from the course.

9 E. A public post-secondary educational institution  
10 or tribal college that participates in a dual credit program  
11 shall waive all general fees for dual credit courses.

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

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

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

22 (2) conditions that apply, including:

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

25 (b) the semesters in which dual credit

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1 courses may be taken;

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

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

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

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

10 (4) the contents of the uniform master  
11 agreement [~~developed in collaboration with school districts,~~  
12 ~~charter schools, state-supported schools, bureau of Indian~~  
13 ~~education high schools, public post-secondary educational~~  
14 ~~institutions and tribal colleges]~~ that govern the roles,  
15 responsibilities and liabilities of the [~~school district,~~  
16 ~~charter school, state-supported school or bureau of Indian~~  
17 ~~education]~~ high school, the public post-secondary educational  
18 institution or tribal college and the student and the student's  
19 family;

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

22 (6) the means by which [~~public high] school~~  
23 districts, charter schools and state-supported schools are  
24 required to inform students and parents about opportunities to  
25 participate in dual credit programs during student advisement,

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1 academic support and formulation of annual next step plans, as  
2 well as other methods; and

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

5 (a) the number of students taking dual  
6 credit courses;

7 (b) the participating [~~school districts,~~  
8 ~~charter schools, state-supported schools, bureau of Indian~~  
9 ~~education~~] high schools, public post-secondary educational  
10 institutions and tribal colleges;

11 (c) the courses taken and grades earned;

12 (d) the high school graduation rates for  
13 participating school districts, charter schools and state-  
14 supported schools [~~and bureau of Indian education high~~  
15 ~~schools~~];

16 (e) the public post-secondary  
17 educational institutions and tribal colleges that participating  
18 students ultimately attend; and

19 (f) the cost of providing dual credit  
20 courses.

21 H. The higher education department and the public  
22 education department shall evaluate the dual credit program in  
23 terms of its accessibility to students statewide and its effect  
24 on:

25 (1) student achievement in secondary

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1 education;

2 (2) student enrollment and completion of  
3 higher education; and

4 (3) [~~school districts, charter schools, state-~~  
5 ~~supported schools, bureau of Indian education~~] high schools,  
6 public post-secondary educational institutions and tribal  
7 colleges.

8 I. The departments shall make an annual report,  
9 including recommendations, to the governor and the  
10 [~~legislature~~] legislative education study committee.

11 J. The provisions of this section do not apply to  
12 the New Mexico military institute."

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

15 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

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

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

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

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

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

22           F. A community college board may establish and  
23 grant gratis scholarships to students who are residents of New  
24 Mexico in an amount not to exceed the matriculation fee or  
25 tuition and fees, or both. The gratis scholarships are in

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

16 ~~[G. A student in a home school or private school~~  
17 ~~who meets the eligibility criteria in rules promulgated by the~~  
18 ~~public education department and higher education department may~~  
19 ~~apply for dual credit courses, provided that the student pays~~  
20 ~~the full cost of dual credit courses.]"~~

21 SECTION 3. Section 22-1-2.1 NMSA 1978 (being Laws 1985,  
22 Chapter 21, Section 2, as amended) is amended to read:

23 "22-1-2.1. HOME SCHOOL--REQUIREMENTS.--Any person  
24 operating or intending to operate a home school shall:

25 A. ~~[within thirty days of its establishment]~~ submit

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1 a home school registration form made available by the  
2 department and posted on the department's web site to notify  
3 the [state superintendent] department within thirty days of the  
4 establishment of [a] the home school [within thirty days of its  
5 establishment] and to notify the [state superintendent in  
6 writing] department on or before [April 1] August 1 of each  
7 subsequent year of operation of the home school [district from  
8 which the home school is drawing students];

9 B. maintain records of student disease immunization  
10 or a waiver of that requirement; and

11 C. provide instruction by a person possessing at  
12 least a high school diploma or its equivalent."

13 SECTION 4. EFFECTIVE DATE.--The effective date of this  
14 provisions of this act is July 1, 2014.