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AN ACT

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

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:

(1) "bureau of Indian education school"  
means a school located in New Mexico that is under the  
control of the bureau of Indian education of the United  
States department of the interior;

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

(3) "dual credit program" means a program  
offered by a public post-secondary educational institution or  
tribal college that allows high school students to enroll in

1 dual credit courses;

2 (4) "high school" means a school offering  
3 one or more of grades nine through twelve or their equivalent  
4 and that is a school district, charter school,  
5 state-supported school, bureau of Indian education school,  
6 private school or home school; and

7 (5) "tribal college" means a tribally,  
8 federally or congressionally chartered post-secondary  
9 educational institution located in New Mexico that is  
10 accredited by the north central association of colleges and  
11 schools.

12 B. To be eligible to participate in a dual credit  
13 program, the student shall be a school-age person as that  
14 term is defined in the Public School Code and:

15 (1) except as provided in Subsection C of  
16 this section, be enrolled in a school district, charter  
17 school or state-supported school in one-half or more of the  
18 minimum course requirements approved by the public education  
19 department for public school students or, if a student in a  
20 bureau of Indian education school, private school or home  
21 school, be receiving at least one-half of the student's  
22 instruction at the student's high school; and

23 (2) obtain permission from the student's  
24 school counselor, school principal or head administrator of  
25 the high school that the student primarily attends prior to

1 enrolling in a dual credit course.

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

7 D. The high school that the student primarily  
8 attends shall pay the cost of the required textbooks and  
9 other course supplies for the post-secondary course the  
10 student is enrolled in through purchase arrangements with the  
11 bookstore at the public post-secondary educational  
12 institution or tribal college or through other cost-efficient  
13 methods. The student shall return the textbooks and unused  
14 course supplies to the high school when the student completes  
15 the course or withdraws from the course.

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

19 F. The higher education department shall revise  
20 procedures in the higher education funding formula to address  
21 enrollments in dual credit courses and to encourage  
22 institutions to waive tuition for high school students taking  
23 those courses.

24 G. The higher education department and the public  
25 education department shall adopt and promulgate rules to

1 implement a dual credit program that specify:

2 (1) post-secondary courses that are eligible  
3 for dual credit;

4 (2) conditions that apply, including:

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

7 (b) the semesters in which dual credit  
8 courses may be taken;

9 (c) the nature of high school credit  
10 earned;

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

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

15 (3) accommodations or other arrangements  
16 applicable to special education students;

17 (4) the contents of the uniform master  
18 agreement that govern the roles, responsibilities and  
19 liabilities of the high school, the public post-secondary  
20 educational institution or tribal college and the student and  
21 the student's family;

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

24 (6) the means by which school districts,  
25 charter schools and state-supported schools are required to

1 inform students and parents about opportunities to  
2 participate in dual credit programs during student  
3 advisement, academic support and formulation of annual next  
4 step plans, as well as other methods; and

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

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

9 (b) the participating high schools,  
10 public post-secondary educational institutions and tribal  
11 colleges;

12 (c) the courses taken and grades  
13 earned;

14 (d) the high school graduation rates  
15 for participating school districts, charter schools and  
16 state-supported schools;

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

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

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

1 (1) student achievement in secondary  
2 education;

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

5 (3) high schools, public post-secondary  
6 educational institutions and tribal colleges.

7 I. The departments shall make an annual report,  
8 including recommendations, to the governor and the  
9 legislative education study committee.

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

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

14 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

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

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

25 C. The higher education department shall not

1 recommend an appropriation greater than three hundred  
2 twenty-five dollars (\$325) for each full-time-equivalent  
3 student for any community college that levies a tax at a rate  
4 less than two dollars (\$2.00), unless a lower amount is  
5 required by operation of the rate limitation provisions of  
6 Section 7-37-7.1 NMSA 1978 upon a rate of at least two  
7 dollars (\$2.00) on each one thousand dollars (\$1,000) of net  
8 taxable value, as that term is defined in the Property Tax  
9 Code, or any community college that reduces a previously  
10 authorized tax levy, except as required by the operation of  
11 the rate limitation provisions of Section 7-37-7.1 NMSA 1978.

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

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

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

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

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

17 "22-1-2.1. HOME SCHOOL--REQUIREMENTS.--Any person  
18 operating or intending to operate a home school shall:

19 A. submit a home school registration form made  
20 available by the department and posted on the department's  
21 web site to notify the department within thirty days of the  
22 establishment of the home school and to notify the department  
23 on or before August 1 of each subsequent year of operation of  
24 the home school;

25 B. maintain records of student disease



1 immunization or a waiver of that requirement; and

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

4 SECTION 4. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2014. \_\_\_\_\_

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