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State Capitol North, 325 Don Gaspar, Suite 200  
Santa Fe, New Mexico 87501  
Phone: (505) 986-4591 Fax: (505) 986-4338  
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July 25, 2011

**MEMORANDUM**

**TO:** Legislative Education Study Committee

**FR:** Kevin Force, J.D.

**RE: UPDATES: HIGHER EDUCATION DEPARTMENT (HED): DUAL CREDIT PROGRAM: PARTICIPATION OF TRIBAL COLLEGES AND SECONDARY SCHOOLS**

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**INTRODUCTION**

In 2010, legislation was enacted (Laws 2010, Chapter 36) to amend, effective July 10, 2010, provisions relating to the state’s dual credit program to include Bureau of Indian Education (BIE) high schools and tribal colleges.

Subsequently, the Public Education Department (PED) revised department rules<sup>1</sup> to:

- expand the definition of “district” to “Local Education Agency” (LEA) to include BIE high schools; and
- include “tribal colleges” in the formal definition of postsecondary institution.

Addressed in this report are the following topics:

- the dual credit uniform master agreement;
- BIE high schools’ and tribal colleges’ participation;

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<sup>1</sup> Prior to these amendments, in order to avoid conflicting or duplicative rules, the HED repealed its dual credit rules, replacing them with a cross-reference to the PED regulations, effective May 14, 2010. PED and HED will collaborate on any further amendments to these rules.

- potential challenges and issues; and
- background.

## **DUAL CREDIT UNIFORM MASTER AGREEMENT**

Both state law and agency rules require the use of a uniform master agreement, a document signed by representatives of the secondary and postsecondary schools that enumerates the responsibilities of the parties involved that includes:

- a requirement to waive tuition and general fees for high school students participating in their dual credit program;
- a requirement that BIE high schools pay for the cost of textbooks and other required course supplies for postsecondary courses that students enroll in through purchase agreements with the appropriate college bookstore, or other cost-efficient methods;
- a requirement to report various data about each student and their participation in the dual credit program, including:
  - the name of the student;
  - the student’s school;
  - the student’s grades;
  - dual credit coursework; and
  - the student’s unique state student identification (ID) number; and
- an appendix that lists:
  - the courses approved for dual credit between the two schools; and
  - the current course code information in the Student Teacher Accountability Reporting System (STARS) at PED.

In addition to the course and student eligibility requirements, PED rules require each student wishing to participate in the dual credit program to complete a student request form, which requires a variety of standard demographic information, including the PED-issued STARS ID number. One potential barrier to implementation of this requirement in the case of BIE high school students is the fact that these students are not assigned this unique ID number (see “Potential Challenges and Issues,” below).

## **BIE HIGH SCHOOLS’ AND TRIBAL COLLEGES’ PARTICIPATION**

LESC staff attempted to contact administrators at all eligible BIE high schools<sup>2</sup> and tribal colleges<sup>3</sup> to discuss their participation in the program; unfortunately, because of the time of year,

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<sup>2</sup> BIE high schools in New Mexico include: Navajo Preparatory School, Shiprock Northwest High School, Alamo Day School, Pine Hill School, To’hajiilee-He Day School, Wingate High School, Santa Fe Indian School, and Mescalero Apache School.

<sup>3</sup> Eligible tribal colleges in the New Mexico include the Institute for American Indian Arts (IAIA), Diné College, and Navajo Technical College. Southwestern Indian Polytechnic Institute (SIPI) lost its accreditation with the Higher Learning Commission of the North Central Association of Colleges and Schools in August of 2010, which is required by both statute and rule for a tribal college to be eligible to participate in the dual credit program.

very few of the high school administrators were available. However, based on information gleaned from conversations with those administrators who were available, and the PED website, the following is a brief overview of BIE high school and tribal college participation in the dual credit program to date.

### **BIE High Schools**

- **Navajo Preparatory School** was approached by San Juan College about executing a memorandum of agreement, but found the college's curriculum to be too "vocational" and not in keeping with the college-preparatory nature of the school. Currently, Navajo Prep is considering an agreement with Navajo Community College in Shiprock.
- **Santa Fe Indian School** has executed an agreement with the Institute of American Indian Arts (IAIA), and, according to IAIA, has pre-registered about 30 students for dual credit courses in the coming semester. According to PED, Santa Fe Indian School has also submitted agreement course *appendices* with Northern New Mexico Community College and Santa Fe Community College, but has not submitted fully executed, signed agreements with these schools.
- **Shiprock Northwest High School** originally attempted to participate in the dual credit program via IDEAL-New Mexico, but found it unsatisfactory. Thereafter, the school attempted to negotiate an agreement with the nearby Diné College branch, but Diné College declined. Currently, Shiprock is negotiating with San Juan College.
- **To'hajiilee-He Day School** has entered into an agreement with Central New Mexico Community College. According to PED staff, this school is the only BIE high school that has executed a completed current, valid agreement that includes STARS course code information.

### **Tribal Colleges**

- **Diné College** has executed a memorandum of agreement with Central Consolidated Schools. However, according to PED staff, Diné College has not submitted this agreement to the department for approval.
- **Navajo Technical College** has agreements with Gallup-McKinley County Public Schools and Navajo Pine High School, and is working on an agreement with Central Consolidated Schools and waiting for PED approval of an agreement with Ft. Wingate High School.
- **IAIA** has agreements with Albuquerque Public Schools, Bernalillo High School, Santa Fe Indian School, Santa Fe Public Schools, Native American Community Academy, and Walatowa Charter High School. IAIA had approximately 40 students, none of whom were BIE students, enrolled in their dual credit program in the previous school year, but has at least 30 students from Santa Fe Indian School alone pre-registered for the coming school year.

Based on all currently available information:

- only Santa Fe Indian School and IAIA have both executed memoranda of agreement and have students already active in a dual credit program, or expect to have students enrolled in a program in the coming school year;

- Santa Fe Indian School and IAIA appear to constitute the only BIE school/tribal college partnership in the dual credit program thus far; and
- according to PED staff, Santa Fe Indian School’s agreement with IAIA does not include STARS course code information and is therefore incomplete.

## **POTENTIAL CHALLENGES AND ISSUES**

### **Unique Student ID Numbers and Other Reporting Requirements**

PED does not keep any course enrollment data, including dual credit data, for BIE schools. BIE schools do not report to PED and do not assign students PED’s unique identification number. Neither are BIE schools assigned a PED school code. Because the department tracks dual credit data using those two codes, PED is not able to track their dual credit participation.

While the amendments to law and rule resulting from the passage of the 2010 legislation included BIE high schools and tribal colleges within the broad purview of the dual credit program, the provisions did not address this essential difference between public school students and their counterparts in tribal schools. Despite the ongoing progress toward integrating these students into the program, this issue has not yet been fully addressed. However, according to representatives from the Higher Education Department (HED) and PED, the issue has been noted, and in an effort to help resolve the situation, HED is seeking a College Access Challenge Grant (CACG)<sup>4</sup> to help fund implementation of a system to track students from BIE high schools.

### **Tuition**

According to HED staff, because tribal colleges are not funded through the higher education funding formula, a different method for reimbursing tribal colleges that waive tuition for dual credit students is necessary. As a result, there is no mechanism for the reimbursement of tribal colleges.

According to HED staff:

- while the dual credit statute requires colleges that participate in the dual credit program to waive tuition for their high school students, there is no statutory or regulatory requirement that HED reimburse these schools;
- the only thing required of HED in this situation is that the department “revise procedures in the higher education funding formula to address enrollments in dual credit courses and to encourage institutions to waive tuition for high school students taking those courses;” and
- since tribal colleges are not included in the higher education funding formula, it is uncertain how the issue of reimbursement to those institutions should be addressed.

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<sup>4</sup> The State Service Office of the US Department of Education administers the CACG program, the purpose of which is to “foster partnerships among federal, state, and local governments and philanthropic organizations through matching challenge grants that are aimed at increasing the number of low-income students who are prepared to enter and succeed in postsecondary education.”

## **Textbooks**

Like other secondary schools participating in the dual credit program, BIE high schools are required to provide the textbooks for their students and are subject to the same circumstances that affect other secondary schools. During the 2010 interim, the committee heard a staff report about the status of the dual credit program, which indicated that frequent changes to postsecondary syllabi and curricula can result in different books and materials being required for the same course from year to year, leaving high schools with extra books of dubious utility, as well as extra expense. To help avoid this result, postsecondary institutions that participate in dual credit programs are directed by rule and the uniform master agreement to “make every effort to adopt textbooks for at least three years,” thus ameliorating some of this financial burden placed on the high schools.

That report noted that the timeliness of reimbursements from PED has been another prominent issue. Information needed for PED to approve high schools’ requests for reimbursement is not available for the second semester until the fiscal year is over. This has an effect on the amount of reimbursements requested, and will continue to do so unless the funds become non-reverting; only by making the funds non-reverting will HED and PED have the time to gather the required information to make thorough decisions about allowable and appropriate expenditures and then reimburse districts for their second-semester expenses. Unfortunately, the dual credit course materials appropriation for FY 12 will still revert at the end of the fiscal year, thus it will probably continue to affect reimbursement requests from secondary schools.

## **Transportation**

According to PED rule and the uniform master agreement, the student is responsible for transportation to the location of the dual credit course, although depending upon the time and course location, the student may have access to transportation through the student’s school or district if the dual credit course is offered during the school day. As one high school administrator pointed out, many BIE schools are located in rural areas and transportation to and from a post secondary school with which a student’s high school has an agreement may be quite problematic, both practically and financially.

## **BACKGROUND**

Dual credit programs allow high school students to take courses offered through a postsecondary educational institution and earn credit at the high school level and the college level simultaneously. Dual credit is frequently said to fulfill a number of purposes and produce a number of benefits, among them:

- providing high school students an introduction to college life;
- affording high school students access to college-level material;
- shortening the time – and thereby the expense – required to complete a postsecondary degree;
- suggesting college as a possibility for students who had not previously considered it;
- enhancing the academic and vocational offerings of the school district; and
- leading to better completion rates for students in both high school and college.

In 2007, the LESC endorsed successful legislation to create, for the first time, a dual credit program in state law. With LESC-endorsed amendments in 2008 and 2010, current law:

- defines the term “dual credit program” as “a program that allows high school students to enroll in college-level courses offered by a public postsecondary educational institution or tribal college that may be academic or career-technical but not remedial or developmental, and simultaneously to earn credit toward high school graduation and a postsecondary degree or certificate;”
- establishes two eligibility criteria for students wishing to participate in the program:
  - enrollment in a regular public school, charter school, state-supported school or BIE high school in one-half or more of the minimum course requirements; and
  - permission from a school counselor, the school principal, or the head administrator of a charter school or BIE high school;
- requires the school district, charter school, state-supported school or BIE high school to pay for required textbooks and any course supplies through purchase arrangements with the bookstore at the postsecondary institution or some other cost-efficient method;
- required the public postsecondary educational institution or tribal college to waive all general fees;
- requires HED to revise procedures in the higher education funding formula to address enrollments in dual credit courses and to encourage institutions to waive tuition for students taking those courses; and
- requires HED and PED to promulgate rules to evaluate the dual credit program and to make annual reports, including recommendations, to the governor and the Legislature.

Finally, in 2010, the Legislature passed HB 90, bringing BIE schools and tribal colleges into the dual credit program.

Among related requirements, PED rule, promulgated in association with HED established the Dual Credit Council, a six-member group that hears appeals from secondary or postsecondary schools and that considers issues not covered by the rules. Other provisions in the rule require:

- the cabinet secretaries of HED and PED to appoint individuals to serve on the council;
- the council to consist of an equal number of HED and PED staff with the council chairs alternating between the departments every two years;
- the council to administer an appeals process for LEAs, including school districts and BIE high schools, and postsecondary institutions to address issues outside the scope of the uniform master agreement; and
- the council to issue recommendations to the department secretaries on issues not addressed in the agreement, which the secretaries of HED and PED act upon jointly.