

1 SENATE BILL 943

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 Cynthia Nava

5  
6  
7  
8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9  
10 AN ACT

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

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

17 Section 1. [NEW MATERIAL] DUAL CREDIT FOR HIGH SCHOOL AND  
18 POST-SECONDARY CLASSES.--

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

.166191.2

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

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

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

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

10           C. The school district or charter school that the  
11 student attends shall pay the cost of the required textbooks  
12 and other course supplies for the post-secondary course the  
13 student is enrolled in through purchase arrangements with the  
14 bookstore at the public post-secondary educational institution  
15 or other cost-efficient methods. The student shall return the  
16 textbooks and unused course supplies to the school district  
17 when the student completes the course or withdraws from the  
18 course.

19           D. A public post-secondary educational institution  
20 that participates in a dual credit program shall waive all  
21 general fees for dual credit courses.

22           E. The higher education department shall revise  
23 procedures in the higher education funding formula to address  
24 enrollments in dual credit courses and to encourage  
25 institutions to waive tuition for high school students taking

.166191.2

1 those courses.

2 F. The higher education department and the public  
3 education department shall adopt and promulgate rules to  
4 implement a dual credit program that specify:

5 (1) post-secondary courses that are eligible  
6 for dual credit;

7 (2) conditions that apply, including:

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

10 (b) the semesters in which dual credit  
11 courses may be taken;

12 (c) the nature of high school credit  
13 earned;

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

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

18 (3) accommodations or other arrangements  
19 applicable to special education students;

20 (4) the contents of the uniform master  
21 agreement, developed in collaboration with school districts,  
22 charter schools and the public post-secondary educational  
23 institutions, that govern the roles, responsibilities and  
24 liabilities of the school district or charter school, the  
25 institution and the student and the student's family;

.166191.2

underscored material = new  
[bracketed material] = delete

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

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

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

10 (a) the number of students taking dual  
11 credit courses;

12 (b) the participating school districts,  
13 charter schools and public post-secondary educational  
14 institutions;

15 (c) the courses taken and grades earned;

16 (d) the high school graduation rates for  
17 participating school districts and charter schools;

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

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

23 G. The higher education department and the public  
24 education department shall evaluate dual credit programs in  
25 terms of their accessibility to students statewide and their

.166191.2

underscored material = new  
[bracketed material] = delete

1 effect on student achievement in secondary education, on  
2 student enrollment and completion of higher education and on  
3 school districts and public post-secondary educational  
4 institutions. The departments shall make an annual report,  
5 including recommendations, to the governor and the legislature.

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

8 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

9 A. For those students in community colleges taking  
10 college-level courses, full-time-equivalent students shall be  
11 defined and computed by the [~~commission on~~] higher education  
12 department in the same manner in which it defines and computes  
13 full-time-equivalent students for all other college-level  
14 programs within its jurisdiction.

15 B. No student shall be included in any calculations  
16 made under the provisions of this section if the student is  
17 enrolled in a course the cost of which is totally reimbursed  
18 from federal, state or private sources. [~~The public school~~  
19 ~~district shall transfer to the community college the tuition~~  
20 ~~and fees for any student who, during the term, is counted in~~  
21 ~~the membership of the public school district and will receive~~  
22 ~~high school credit for coursework at the community college.]~~

23 C. The [~~commission on~~] higher education department  
24 shall not recommend an appropriation greater than three hundred  
25 twenty-five dollars (\$325) for each full-time-equivalent

.166191.2

underscored material = new  
[bracketed material] = delete

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

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

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

20 F. A community college board may establish and  
21 grant gratis scholarships to students who are residents of New  
22 Mexico in an amount not to exceed the matriculation fee or  
23 tuition and fees, or both. The gratis scholarships are in  
24 addition to the lottery tuition scholarships authorized in  
25 Section 21-13-10 NMSA 1978 and shall be granted to the full

.166191.2

underscored material = new  
[bracketed material] = delete

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

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

16 "21-14-1. BRANCH COMMUNITY COLLEGE EDUCATIONAL PROGRAM  
17 AND ENROLLMENT DEFINED.--

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

24 B. The calculation of full-time-equivalent student  
25 population for the purposes of Chapter 21, Article 14 NMSA 1978

.166191.2

underscored material = new  
[bracketed material] = delete

1 shall include students enrolled in college-level courses and  
2 students enrolled in vocational and technical courses taught by  
3 a branch community college that is recognized by the  
4 instructional support and vocational education division of the  
5 public education department as an area vocational school or in  
6 courses that are approved by the ~~[state board of]~~ secretary of  
7 public education. Students enrolled in a course the cost of  
8 which is totally reimbursed from federal, state or private  
9 sources shall not be included in the calculation of full-time-  
10 equivalent student population. ~~[The public school district~~  
11 ~~shall transfer to the branch community college the tuition and~~  
12 ~~fees for any student who, during the term, is counted in the~~  
13 ~~membership of the public school district and will receive high~~  
14 ~~school credit for coursework at the branch community college.]"~~

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

17 "21-14A-2. DEFINITIONS.--As used in the Off-Campus  
18 Instruction Act:

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

24 B. "full-time-equivalent student" includes students  
25 enrolled in college-level courses and students enrolled in

.166191.2

underscored material = new  
[bracketed material] = delete

1 vocational and technical courses taught by an off-campus  
2 instruction program. Students enrolled in a course the cost of  
3 which is totally reimbursed from federal, state or private  
4 sources shall not be included in the calculation of full-time-  
5 equivalent student population. [~~The public school district~~  
6 ~~shall transfer to the parent institution the tuition and fees~~  
7 ~~for any student who, during the term, is counted in the~~  
8 ~~membership of the public school district and will receive high~~  
9 ~~school credit for coursework at the off-campus site.]"~~

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

12 "21-16-10. APPROPRIATION--DISTRIBUTION.--

13 A. The [~~commission on~~] higher education department  
14 shall recommend an appropriation for each technical and  
15 vocational institute based upon its financial requirements in  
16 relation to its authorized program and its available funds from  
17 non-general fund sources; provided, the recommended  
18 appropriation shall be an amount not less than three hundred  
19 twenty-five dollars (\$325) for each full-time-equivalent  
20 student.

21 B. The [~~commission on~~] higher education department  
22 shall by rule provide for the method for calculating the number  
23 of full-time-equivalent students in technical and vocational  
24 institutes. No student shall be included in any calculation of  
25 the number of full-time-equivalent students if the student is

.166191.2

underscored material = new  
[bracketed material] = delete

1 enrolled in a course, the cost of which is totally reimbursed  
2 from federal, state or private sources. [~~The public school~~  
3 ~~district shall transfer to the technical and vocational~~  
4 ~~institute the tuition and fees for any student who, during the~~  
5 ~~term, is counted in the membership of the public school~~  
6 ~~district and will receive high school credit for coursework at~~  
7 ~~the technical and vocational institute.~~]

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

21 D. The board may establish and grant gratis  
22 scholarships to students who are residents of New Mexico in an  
23 amount not to exceed the matriculation fee or tuition and fees,  
24 or both. The gratis scholarships are in addition to the  
25 lottery tuition scholarships authorized in Section 21-16-10.1

.166191.2

underscoring material = new  
[bracketed material] = delete

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

14 - 11 -  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

.166191.2