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HOUSE BILL 90

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Ray Begaye

ENDORSED BY THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO EDUCATION; INCLUDING FEDERAL BUREAU OF INDIAN  
EDUCATION HIGH SCHOOLS AND TRIBAL COLLEGES 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:

(1) "bureau of Indian education high 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 program" means a program that

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1 allows high school students to enroll in college-level courses  
2 offered by a public post-secondary educational institution or  
3 tribal college that may be academic or career-technical but not  
4 remedial or developmental, and simultaneously to earn credit  
5 toward high school graduation and a post-secondary degree or  
6 certificate; and

7 (3) "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:

14 (1) except as provided in Subsection C of this  
15 section, be enrolled in a regular public school, charter  
16 school, ~~[or]~~ state-supported school or bureau of Indian  
17 education high school in one-half or more of the minimum course  
18 requirements approved by the public education department for  
19 public school students; and

20 (2) obtain permission from a school counselor;  
21 the school principal; or the head administrator of a charter  
22 school, ~~[or]~~ state-supported school or bureau of Indian  
23 education high school prior to enrolling in a dual credit  
24 course.

25 C. A student who has met the eligibility criteria

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

5 D. The school district, charter school, [øø]  
6 state-supported school or bureau of Indian education high  
7 school that the student attends shall pay the cost of the  
8 required textbooks and other course supplies for the post-  
9 secondary course the student is enrolled in through purchase  
10 arrangements with the bookstore at the public post-secondary  
11 educational institution or tribal college or through other  
12 cost-efficient methods. The student shall return the textbooks  
13 and unused course supplies to the school district, charter  
14 school, state-supported school or bureau of Indian education  
15 high school when the student completes the course or withdraws  
16 from the course.

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

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

25 G. The higher education department and the public

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1 education department shall adopt and promulgate rules to  
2 implement a dual credit program that specify:

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

5 (2) conditions that apply, including:

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

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

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

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

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

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

18 (4) the contents of the uniform master  
19 agreement, developed in collaboration with school districts,  
20 charter schools, state-supported schools, ~~[and the]~~ bureau of  
21 Indian education high schools, public post-secondary  
22 educational institutions and tribal colleges, that govern the  
23 roles, responsibilities and liabilities of the school district,  
24 charter school, ~~[or]~~ state-supported school or bureau of Indian  
25 education high school; the public post-secondary educational

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1 institution or tribal college; and the student and the  
2 student's family;

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

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

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

12 (a) the number of students taking dual  
13 credit courses;

14 (b) the participating school districts,  
15 charter schools, state-supported schools, [~~and~~] bureau of  
16 Indian education high schools, public post-secondary  
17 educational institutions and tribal colleges;

18 (c) the courses taken and grades earned;

19 (d) the high school graduation rates for  
20 participating school districts, charter schools, [~~and~~] state-  
21 supported schools and bureau of Indian education high schools;

22 (e) the public post-secondary  
23 educational institutions and tribal colleges that participating  
24 students ultimately attend; and

25 (f) the cost of providing dual credit

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1 courses.

2 H. The higher education department and the public  
3 education department shall evaluate the dual credit program in  
4 terms of its accessibility to students statewide and its effect  
5 on:

6 (1) student achievement in secondary  
7 education;

8 (2) student enrollment and completion of  
9 higher education; and

10 (3) school districts, charter schools, state-  
11 supported schools, ~~and~~ bureau of Indian education high  
12 schools, public post-secondary educational institutions and  
13 tribal colleges.

14 I. The departments shall make an annual report,  
15 including recommendations, to the governor and the legislature.

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

18 Section 2. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2010.