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HOUSE BILL 214

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Nora Espinoza

AN ACT

RELATING TO EDUCATION; ESTABLISHING ELIGIBILITY FOR STUDENTS  
ENROLLED IN A PRIVATE SCHOOL OR HOME SCHOOL TO PARTICIPATE 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  
4 not remedial or developmental, and simultaneously to earn  
5 credit toward high school graduation and a post-secondary  
6 degree or 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, private school, state-supported school, ~~[or]~~ bureau of  
17 Indian education high school or home school in one-half or more  
18 of the minimum course requirements approved by the public  
19 education department for 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, private school, state-supported school or bureau of  
23 Indian education high school or a home school parent prior to  
24 enrolling in a dual credit 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,  
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. The school district in which the student's  
18 parent or legal guardian resides shall pay the cost of the  
19 required textbooks and other course supplies for the post-  
20 secondary course that the private school or home school student  
21 is enrolled in through an allocation from the instructional  
22 material bureau of the public education department pursuant to  
23 the Instructional Material Law. The student shall return the  
24 textbooks and unused course supplies to the school district  
25 when the student completes the course or withdraws from the

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1 course.

2 [~~E-~~] F. A public post-secondary educational  
3 institution or tribal college that participates in a dual  
4 credit program shall waive all general fees for dual credit  
5 courses.

6 [~~F-~~] G. The higher education department shall  
7 revise procedures in the higher education funding formula to  
8 address enrollments in dual credit courses and to encourage  
9 institutions to waive tuition for high school students taking  
10 those courses.

11 [~~G-~~] H. The higher education department and the  
12 public education department shall adopt and promulgate rules to  
13 implement a dual credit program that specify:

14 (1) post-secondary courses that are eligible  
15 for dual credit;

16 (2) conditions that apply, including:

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

19 (b) the semesters in which dual credit  
20 courses may be taken;

21 (c) the nature of high school credit  
22 earned;

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

25 (e) an appeals process for a student who

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1 is denied permission to enroll in a dual credit course;

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

4 (4) the contents of the uniform master  
5 agreement, developed in collaboration with school districts,  
6 charter schools, private schools, state-supported schools,  
7 bureau of Indian education high schools, public post-secondary  
8 educational institutions, home school parents and tribal  
9 colleges, that govern the roles, responsibilities and  
10 liabilities of the school district, charter school, private  
11 school, state-supported school or bureau of Indian education  
12 high school; the public post-secondary educational institution  
13 or tribal college; and the student and the student's family;

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

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

21 (7) provisions for collecting and  
22 disseminating annual data, including:

23 (a) the number of students taking dual  
24 credit courses;

25 (b) the participating school districts,

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1 charter schools, private schools, state-supported schools,  
2 bureau of Indian education high schools, home school students,  
3 public post-secondary educational institutions and tribal  
4 colleges;

5 (c) the courses taken and grades earned;

6 (d) the high school graduation rates for  
7 participating school districts, charter schools, private  
8 schools, state-supported schools and bureau of Indian education  
9 high schools;

10 (e) the public post-secondary  
11 educational institutions and tribal colleges that participating  
12 students ultimately attend; and

13 (f) the cost of providing dual credit  
14 courses.

15 [~~H.~~] I. The higher education department and the  
16 public education department shall evaluate the dual credit  
17 program in terms of its accessibility to students statewide and  
18 its effect on:

19 (1) student achievement in secondary  
20 education;

21 (2) student enrollment and completion of  
22 higher education; and

23 (3) school districts, charter schools, private  
24 schools, state-supported schools, bureau of Indian education  
25 high schools, home school students, public post-secondary

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1 educational institutions and tribal colleges.

2 [~~F.~~] J. The departments shall make an annual  
3 report, including recommendations, to the governor and the  
4 legislature.

5 [~~J.~~] K. The provisions of this section do not apply  
6 to the New Mexico military institute."

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

9 "21-13-19. ENROLLMENT DEFINED--PAYMENTS.--

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

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

20 C. The higher education department shall not  
21 recommend an appropriation greater than three hundred  
22 twenty-five dollars (\$325) for each full-time-equivalent  
23 student for any community college that levies a tax at a rate  
24 less than two dollars (\$2.00), unless a lower amount is  
25 required by operation of the rate limitation provisions of

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

7 D. The higher education department shall require  
8 from the community college such reports as the department deems  
9 necessary for the purpose of determining the number of full-  
10 time-equivalent students at the community college eligible to  
11 receive support under this section.

12 E. A community college board shall establish  
13 tuition and fee rates for its respective institutions for full-  
14 time, part-time, resident and nonresident students, as defined  
15 by the higher education department.

16 F. A community college board may establish and  
17 grant gratis scholarships to students who are residents of New  
18 Mexico in an amount not to exceed the matriculation fee or  
19 tuition and fees, or both. The gratis scholarships are in  
20 addition to the lottery tuition scholarships authorized in  
21 Section 21-13-10 NMSA 1978 and shall be granted to the full  
22 extent of available funds before lottery tuition scholarships  
23 are granted. The number of scholarships established and  
24 granted pursuant to this subsection shall not exceed three  
25 percent of the preceding fall semester enrollment in each

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1 institution and shall not be established and granted for summer  
2 sessions. The president of each institution shall select and  
3 recommend to the community college board of the president's  
4 institution, as recipients of scholarships, students who  
5 possess good moral character and satisfactory initiative,  
6 scholastic standing and personality. All of the gratis  
7 scholarships established and granted by each community college  
8 board each year shall be granted on the basis of financial  
9 need.

10 G. A student in a home school or private school who  
11 meets the eligibility criteria in rules promulgated by the  
12 public education department and higher education department may  
13 apply for dual credit courses; provided that the student pays  
14 the full cost of dual credit courses, except for textbook  
15 costs, which shall be paid from the allocation to the fund from  
16 which dual credit textbooks are paid."