

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 allows high school students to enroll in college-level
courses offered by a public post-secondary 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 post-secondary degree or certificate; and

(3) "tribal college" means a tribally,
federally or congressionally chartered post-secondary
educational institution located in New Mexico that is

accredited by the north central association of colleges and schools.

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

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

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

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

D. The school district, charter school, state-supported school or bureau of Indian education high school that the student attends shall pay the cost of the required textbooks and other course supplies for the post-secondary course the student is enrolled in through purchase

arrangements with the bookstore at the public post-secondary educational institution or tribal college or through other cost-efficient methods. The student shall return the textbooks and unused course supplies to the school district, charter school, state-supported school or bureau of Indian education high school when the student completes the course or withdraws from the course.

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

F. The higher education department shall 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.

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

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

(2) conditions that apply, including:

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

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

(c) the nature of high school credit earned;

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

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

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

(4) the contents of the uniform master agreement, developed in collaboration with school districts, charter schools, state-supported schools, bureau of Indian education high schools, public post-secondary educational institutions and tribal colleges, that govern the roles, responsibilities and liabilities of the school district, charter school, state-supported school or bureau of Indian education high school; the public post-secondary educational institution or tribal college; and the student and the student's family;

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

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

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

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

(b) the participating school districts, charter schools, state-supported schools, bureau of Indian education high schools, public post-secondary educational institutions and tribal colleges;

(c) the courses taken and grades earned;

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

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

(f) the cost of providing dual credit courses.

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

(1) student achievement in secondary education;

(2) student enrollment and completion of

higher education; and

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

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

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

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