

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: SB 577

49th Legislature, 1st Session, 2009

Short Title: Middle College High School Dual Credit

Sponsor(s): Senators George K. Muñoz and John M. Sapien

Analyst: David Harrell

Date: February 19, 2009

Bill Summary:

SB 577 makes three amendments to the higher education statute that creates the Dual Credit Program and prescribes its features. The bill:

- defines a middle college high school as “a charter school that provides a seamless continuity between high school and college by providing simultaneous enrollment in and academic credit for high school and a post-secondary educational institution”;
- defines a postsecondary educational institution as “any junior college, college, university, technical and vocational institute or similar institution accredited or approved by the appropriate official, department or agency as provided by the laws of the state wherein the institution is located”; and
- exempts middle college high schools in New Mexico from the Dual Credit Program.

Fiscal Impact:

SB 577 makes no appropriation.

Issues:

Currently, there is only one school in New Mexico to which SB 577 would apply: the Middle College High School in Gallup, which is a locally chartered charter school at the University of New Mexico-Gallup. According to the school’s website, the Middle College High School is an accredited independent public charter high school:

Enrollment . . . is available to high school sophomores, juniors, or seniors. Students are admitted at the beginning of the Fall and Spring semesters.

The Middle College High School is a unique concept in educational programming. While enrolled full time in the Middle College High School, students take college classes that satisfy the requirements of a high school degree [sic] while earning college credits at the same time (concurrent enrollment). In this way, upon earning their high school degree, students have also made significant progress towards a college degree. As a public school, students are not charged tuition for any classes. Similarly, all books are paid for by the Middle College High School.

All students receive tutoring assistance in academic subjects as well as guidance and counseling services for class selection, college preparation, and personal matters. The Middle College High School is an adult environment. Students are expected to be responsible for their own educational progress and behavior.

The school's website continues to say that the school targets "second chance" students, those who may be at risk of dropping out. Home-schooled students also enroll at the school.

According to the Head Administrator, the Middle College High School uses its State Equalization Guarantee appropriation to pay the university tuition for its students, and it buys their books with the allocations from the Instructional Material Fund. The school has operated under this arrangement since it was chartered in 2002.

The Head Administrator further explains that most of the classes, core and elective alike, are taught by faculty at UNM-Gallup, while the administrator and another staff member provide tutoring and other forms of guidance, including teaching driver's education and certain other courses. The analysis of SB 577 by the Higher Education Department (HED) indicates that some of the courses taken at UNM-Gallup are remedial and notes that remedial courses may not be taken under the Dual Credit Program.

These points notwithstanding, if, as the title of the bill suggests, the purpose of SB 577 is to exempt any middle college high school from the requirements of the Dual Credit Program, the bill itself may not be necessary. The *Public School Code* does contain two requirements related to this issue:

- that, beginning with school year 2008-2009, each school district must offer a program of courses for dual credit, in cooperation with an institution of higher education, and a program of distance learning courses; and
- that, for students entering grade 9 beginning in school year 2009-2010, at least one of the units required for graduation must be earned as an advanced placement or honors course, a dual credit course in cooperation with an institution of higher education, or a distance learning course.

However, neither these requirements nor the dual credit legislation itself seems to require a particular secondary school to participate in the Dual Credit Program. Certainly it is to the benefit of its students if a secondary school does offer the opportunity for dual credit; but the concurrent enrollment system at the Middle College High School seems to offer a similar opportunity.

In addition, the rules promulgated by HED and the Public Education Department recognize "concurrent enrollment," the term used by the Middle College High School, as a program apart from the Dual Credit Program. More specifically, these rules define the term "concurrent enrollment" as "enrollment of high school students in courses at the postsecondary level that are not designated as dual credit. This includes courses not listed within the dual credit master agreement between the eligible district and postsecondary institution."

Technical Issues:

The definitions of the terms "middle college high school" and "post-secondary institution" in SB 577 raise certain issues.

- The first term would seem better placed in the definitions section of the *Public School Code*, along with such similar terms as “home school,” “private school,” “public school,” “school,” and “school district.”
- Because the definition of “post-secondary institution” includes an “institution accredited or approved by the appropriate official, department or agency as provided by the laws of the state wherein the institution is located,” it would seem to allow a middle college high school in New Mexico to provide simultaneous enrollment with a postsecondary institution in another state.

Background:

According to the Education Commission of the States (ECS), middle college high schools frequently target “underserved youth” (low-income, minority, first-generation college attendees, and potential dropouts) by offering these students opportunities to earn postsecondary credit while still in high school – although not necessarily toward a degree or certificate. Middle college high schools are typically housed on the campus of a postsecondary educational institution. As of August 2008, seven states have explicit state-level policies governing middle college high schools or a related concept, early college high schools: California, Colorado, Michigan, North Carolina, Pennsylvania, Tennessee, and Texas.

ECS also notes that middle college high schools can be an effective means of dropout prevention and that allowing home school and private school students to attend these programs can result in additional costs to the state and the school district.

Enacted in 2007, legislation endorsed by the Legislative Education Study Committee (LESC) provided, for the first time, a statewide dual credit program authorized in statute and supported by the state. This legislation was amended in 2008, also as endorsed by the LESL, to expand the program to include state-supported schools, in addition to school districts and charter schools, and to allow dual credit courses to be taken during the summer term. In school year 2008-2009, the program is being fully implemented.

The New Mexico Military Institute (NMMI) was exempted from the 2007 dual credit legislation at the request of the institute. As NMMI explained, the institute is “a unique school in the New Mexico education system . . . that integrates four-year college preparatory high school with a two-year junior college in which there is embedded a one-year federal service academy prep program.” Including NMMI in the statutory and regulatory provisions of the dual credit program, according to the institute, would undercut the mission of the school and put its accreditation at risk.

Related Bills:

HB 49 *Tribal Colleges in Dual Credit Program*
 HB 139a *Create Dual Credit Textbook Fund*
 HB 740 *Dual Credit Program for Additional Students*