



The Legislature
of the
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 36

HOUSE BILL 90

Introduced by

REPRESENTATIVE RAY BEGAYE

REPRESENTATIVE NICK L. SALAZAR
REPRESENTATIVE JAMES ROGER MADALENA
REPRESENTATIVE BEN LUJAN
REPRESENTATIVE JANE E. POWDRELL-CULBERT
REPRESENTATIVE ELISEO LEE ALCON
REPRESENTATIVE GLORIA C. VAUGHN
REPRESENTATIVE W. KEN MARTINEZ
REPRESENTATIVE HENRY "KIKI" SAAVEDRA



ENDORSED BY THE INDIAN AFFAIRS COMMITTEE

Chapter 36

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

1 accredited by the north central association of colleges and
2 schools.

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

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

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

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

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

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

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

11 F. The higher education department shall revise
12 procedures in the higher education funding formula to address
13 enrollments in dual credit courses and to encourage
14 institutions to waive tuition for high school students taking
15 those courses.

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

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

21 (2) conditions that apply, including:

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

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

1 (c) the nature of high school credit
2 earned;

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

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

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

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

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

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

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

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

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

9 (c) the courses taken and grades
10 earned;

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

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

17 (f) the cost of providing dual credit
18 courses.

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

23 (1) student achievement in secondary
24 education;

25 (2) student enrollment and completion of

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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. _____

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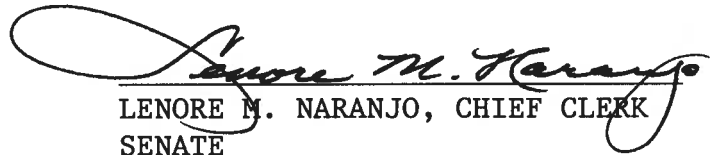
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 5th day of March, 2010



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

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