

## 21-1-1.2. Dual credit for high school and post-secondary classes.

Statute text

A. As used in this section:

(1) "bureau of Indian education 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 course" means a post-secondary course that may be academic or career-technical but not remedial or developmental and specified in a rule promulgated pursuant to Paragraph (1) of Subsection G of this section for which a student simultaneously earns credit toward high school graduation and a post-secondary degree or certificate;

(3) "dual credit program" means a program offered by a public post-secondary educational institution or tribal college that allows high school students to enroll in dual credit courses;

(4) "high school" means a school offering one or more of grades nine through twelve or their equivalent and that is a school district, charter school, state-supported school, bureau of Indian education school, private school or home school; and

(5) "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 be a school-age person as that term is defined in the Public School Code [Chapter 22 NMSA 1978, except Article 5A] and:

(1) except as provided in Subsection C of this section, be enrolled in a school district, charter school or state-supported school in one-half or more of the minimum course requirements approved by the public education department for public school students or, if a student in a bureau of Indian education school, private school or home school, be receiving at least one-half of the student's instruction at the student's high school; and

(2) obtain permission from the student's school counselor, school principal or head administrator of the high school that the student primarily attends 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 high school equivalency credential may take courses for dual credit during the immediately succeeding summer semester.

D. The high school that the student primarily 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 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 that govern the roles, responsibilities and liabilities of the 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 school districts, charter schools and state-supported 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 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 and state-supported 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) 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 legislative education study committee.

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

History  
History: Laws 2007, ch. [227](#), § [1](#); 2008, ch. [14](#), § [1](#); 2010, ch. [36](#), § [1](#); 2014, ch. [12](#), § [1](#); 2015, ch. [122](#), § [3](#).

Annotations

**The 2015 amendment**, effective July 1, 2015, replaced the term "general education development certificate" with "high school equivalency credential" in the provision relating to dual credit for high school and post-secondary classes; and in Subsection C, after "graduated or earned a", deleted "general educational development certificate" and added "high school equivalency credential".

**The 2014 amendment**, effective July 1, 2014, effective July 1, 2014, provided for dual credit program parity for all high school students; clarified language; in Subsection A, Paragraph (1), within the quotes, after "Indian education", deleted "high"; in Subsection A, added Paragraph (2); in Subsection A, Paragraph (3), after "means a program", added "offered by a public post-secondary educational institution or tribal college", after "to enroll in", deleted "college-level" and added "dual credit", and after "courses", deleted former language which required that college level courses offered for dual credit be offered by a public post-secondary educational institution or tribal college and that the courses be academic or career-technical, and not remedial or developmental; in Subsection A, added Paragraph (4); in Subsection B, in the introductory sentence, after "the student shall", added the remainder of the sentence, in Subsection B, Paragraph (1), after "enrolled in a", deleted "regular public", after "enrolled in a school", added "district", after "charter school", added "or", after "state-supported school", deleted "or bureau of Indian education high school", and after "public school students", added the remainder of the sentence; in Subsection B, Paragraph (2), after "obtain permission from", deleted "a" and added "the student's", after "head administrator of", deleted "a charter school, state-supported school or bureau of Indian education" and added "the", and after "the high school", added "that the student primarily attends"; in Subsection D, in the first sentence, at the beginning of the sentence, deleted "school district, charter school, state-supported school or bureau of Indian education", and after "that the student", added "primarily", and in the second sentence, after "course supplies to the", deleted "school district, charter school, state-supported school or bureau of Indian education", in Subsection G, Paragraph (4), after "uniform master agreement", deleted former language which required that the uniform master agreement be developed in collaboration with school districts, charter schools, state-supported schools, bureau of Indian education schools, public post-secondary educational institutions and tribal colleges, and after "liabilities of the", deleted "school district, charter school, state-supported school or bureau of Indian education"; in Subsection G, Paragraph (6), after "means by which", deleted "public high" and added "school districts, charter schools and state-supported"; in Subsection G, Paragraph (7), Subparagraph (b), after "participating", deleted "school districts, charter schools, state-supported schools, bureau of Indian education"; in Subsection G, Paragraph (7), Subparagraph (d), after "charter schools", added "and" and after "state-supported schools", deleted "and bureau of Indian

education high schools"; in Subsection H, Paragraph (3), deleted "school districts, charter schools, state-supported schools, bureau of Indian education"; and in Subsection I, after "governor and the", deleted "legislature" and added "legislative education study committee".

**The 2010 amendment**, effective July 1, 2010, added Paragraph (1) of Subsection A; in Subsection A(2), after "educational institution", added "or tribal college"; added Paragraph (3) of Subsection A; in Subsection B(1), after "state-supported school", added "or bureau of Indian education high school"; in Subsection B(2), after "state-supported school", added "or bureau of Indian education high school"; in Subsection D, in the first sentence, after "state-supported school", added "or bureau of Indian education high school" and after "bookstore at the public", changed "post-secondary educational institution or other cost-efficient methods" to "post-secondary educational institution or tribal college or through other cost-efficient methods"; and in the second sentence, after "school district", added "charter school, state-supported school or bureau of Indian education high school"; in Subsection E, after "educational institution" added "or tribal college"; in Subsection G(4), after "state-supported schools", deleted "and the" and added "bureau of Indian education high schools", after "educational institutions", added "and tribal colleges"; after "liabilities of the school district, charter school,", changed "or state-supported school; the institution; and the student" to "state-supported school or bureau of Indian education high school; the public post-secondary educational institution or tribal college; and the student"; in Subsection G(7)(b), after "state-supported schools", deleted "and" and added "bureau of Indian education high schools" and after "educational institutions", added "and tribal colleges"; in Subsection G(7)(d), after "charter schools", deleted "and" and after "state-supported schools", added "and bureau of Indian education high schools"; in Subsection G(7)(e), after "educational institutions", added "and tribal colleges"; and in Subsection H(3), after "state-supported schools", deleted "and", and added "bureau of Indian education high schools" and after "educational institutions", added "and tribal colleges".

**The 2008 amendment**, effective May 14 2008, included state-supported schools in the dual credit program and added Subsections C and J.