

**TITLE 5 POST-SECONDARY EDUCATION**  
**CHAPTER 55 PUBLIC POST-SECONDARY EDUCATION GENERAL PROVISIONS**  
**PART 4 DUAL CREDIT**

**5.55.4.1 ISSUING AGENCY:** New Mexico Higher Education Department (NMHED)  
[5.55.4.1 NMAC - Rp, 5.55.4.1 NMAC, 06/30/08]

**5.55.4.2 SCOPE:** This rule applies to public school districts (high schools, charter schools and state-supported schools), high school students who attend secondary schools, and public postsecondary institutions in New Mexico. Districts and public postsecondary institutions are required to implement rules no later than the beginning of the 2008-2009 school year.  
[5.55.4.2 NMAC - Rp, 5.55.4.2 NMAC, 06/30/08]

**5.55.4.3 STATUTORY AUTHORITY:** Section 22-2-1, 22-2-2, 9-25-8, 21-1-1.2 NMSA 1978.  
[5.55.4.3 NMAC - Rp, 5.55.4.3 NMAC, 06/30/08]

**5.55.4.4 DURATION:** Permanent  
[5.55.4.4 NMAC - Rp, 5.55.4.4 NMAC, 06/30/08]

**5.55.4.5 EFFECTIVE DATE:** June 16, 2008, unless a later date is cited at the end of a section.  
[5.55.4.5 NMAC - Rp, 5.55.4.5 NMAC, 06/30/08]

**5.55.4.6 OBJECTIVE:** The purposes of dual credit are:  
A. to increase educational opportunities for high school students, and  
B. to increase the overall quality of instruction and learning available through secondary schools.  
[5.55.4.6 NMAC - Rp, 5.55.4.6 NMAC, 06/30/08]

**5.55.4.7 DEFINITIONS:**  
A. "ACT" is the academic competency test.  
B. "Agreement" is the dual credit master agreement.  
C. "Classification of instructional program" or "CIP" is a taxonomic coding scheme that contains titles and descriptions of instructional programs, primarily at the postsecondary level. The CIP was originally developed to facilitate the United States department of education national center for education statistics' collection and reporting of postsecondary degree completions, by major field of study, using standard classifications that capture the majority of program activity.  
D. "Common core" refers to the thirty-five (35) semester-hour common core of general education lower-division courses eligible for transfer to other New Mexico postsecondary institutions as per 5.55.3.9 NMAC.  
E. "Concurrent enrollment" refers to 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. Students who are concurrently enrolled may also be enrolled in the dual credit program if they meet eligibility requirements as specified in 5.55.4 NMAC and 6.30.7 NMAC.  
F. "Core course" means courses required for high school graduation as defined in 22-13-1.1 NMSA, 1978, excluding electives.  
G. "Developmental course" refers to courses with CIP codes of 32.0101, 32.0107 or 32.0199 that fall within the basic skills or career exploration/awareness skills categories.  
H. "District" as defined in 6.30.2.9 NMAC means a public school district, including a charter school or charter school district, a state supported educational institution and a state-chartered school.  
I. "Dual credit council" is an advisory group consisting of staff of the public education department and higher education department that issues recommendations to the secretaries of the public education and higher education departments regarding dual credit issues outside of the scope of the agreement.  
J. "Dual credit program" means a program that allows high school students to enroll in college-level courses offered by a postsecondary institution that may be academic or career technical but not remedial or developmental, and simultaneously to earn credit toward high school graduation and a postsecondary degree or certificate.  
K. "Elective course" means courses defined and approved as such by local school boards.

L. “FERPA” is the Family Educational Rights and Privacy Act [20 U.S. Code 1232g].

M. “Form” is the dual credit request form.

N. “General fees” as defined in 5.7.18 NMAC and Subsection B of Section 21-1-4-NMSA 1978 means a fixed sum charged to students for items not covered by tuition and required of such a proportion of all students that the student who does not pay the charge is an exception. General fees include fees for matriculation, library services, student activities, student union services, student health services, debt service and athletics. An institution may charge fees in addition to general fees that are course-specific or that pertain to a smaller proportion of students.

O. “Individualized education program” or “IEP” means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR Secs. 300.320 through 300.324.

P. “Postsecondary institution” refers to a public postsecondary educational institution operating in the state, including a community college, branch community college, and four-year educational institution.

Q. “Remedial course” refers to courses with CIP codes of 32.0104 or 32.0108 that fall within the numeracy and computational skills, precollegiate mathematics skills, precollegiate reading skills, precollegiate writing skills, or communications skills categories.

[5.55.4.7 NMAC - Rp, 5.55.4.7 NMAC, 06/30/08]

#### **5.55.4.8 UNIFORM MASTER AGREEMENT.**

A. The agreement specifies the means by which the state will provide equal opportunities to all public high school students who wish to participate in the dual credit program.

B. Districts and postsecondary institutions providing dual credit programs shall complete the agreement and the district shall submit the completed agreement to the public education department.

C. A completed agreement shall contain signatures from all parties and includes an appendix developed collaboratively by the district and postsecondary institution that specifies eligible dual credit courses.

D. Districts may complete agreements with multiple postsecondary institutions.

E. A fully executed copy of each agreement shall be submitted by the district to the public education department within 10 days of approval.

F. The agreement:

(1) specifies eligible courses, academic quality of dual credit courses, student eligibility, course approval, course requirements, required content of the form, state reporting, liabilities of parties, and student appeals; and

(2) states the roles, responsibilities, and liabilities of the district, the postsecondary institution, student, and the student’s family.

G. Duties and responsibilities of the postsecondary institution. The postsecondary institution shall:

(1) designate a representative to review and sign the completed form with the understanding that only forms endorsed by all parties shall constitute a dual credit approval request;

(2) determine, in collaboration with the district, the required academic standing of each student eligible to participate in the dual credit program;

(3) collaborate with the district to reach agreement on admission and registration of eligible dual credit students for the stated semester;

(4) employ a method of qualifying the student for dual credit that demonstrates that the student has the appropriate skills and maturity to benefit from the instruction requested;

(5) provide advisement to review the appropriateness of each student’s enrollment in a course prior to registration in terms of academic readiness, age requirements, and programmatic issues;

(6) provide the form to eligible students and appropriate district staff online and in hard copy;

(7) approve the form for each student on a course-by-course basis each semester based on each student’s prior coursework, career pathway, and/or academic readiness;

(8) provide a copy of each approved form to the appropriate district representative;

(9) provide course placement evaluation and consider a high school college readiness assessment to verify a student’s academic skill level and to ensure compliance with course prerequisites;

(10) provide information and orientation, in collaboration with the district, to the student and parent or guardian regarding the responsibilities of dual credit enrollment including academic rigor, time commitments, and behavioral expectations associated with taking college courses and the importance of satisfactorily completing the postsecondary institution credits attempted in order for dual credit to be awarded;

- (11) inform students of course requirement information which includes course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;
- (12) advise the parent or guardian of FERPA rules;
- (13) waive all general fees for dual credit courses;
- (14) waive tuition for high school students taking dual credit courses;
- (15) make every effort to adopt textbooks for at least three years;
- (16) provide the district, within the first thirty days of the academic term, access to each student's official schedule of classes as verification of registration; the district shall notify the postsecondary institution if the report is in conflict with the school endorsed registration;
- (17) track progress of dual credit enrolled students on the issue of academic performance and provide reports, as needed, to the district;
- (18) retain the official transcript or grade report of the dual credit student that records the term of enrollment, courses/credits attempted, courses/credits completed, grades and grade point average earned;
- (19) release, at the request of the student, official postsecondary institution transcripts in accordance with the postsecondary institution's transcript request practices;
- (20) provide final grades to the district for each dual credit student;
- (21) deliver final grades for all dual credit students to the district with sufficient time to be included with final grades; this schedule shall be defined by the parties in the agreement and shall address the time frame appropriate for determining student graduation from high school;
- (22) comply with data collection and reporting provisions in 5.55.4.12 NMAC;
- (23) approve faculty for all dual credit courses;
- (24) retain educational records in accordance with New Mexico statutes and record retention regulations as per 1.20.3 NMAC;
- (25) have a student appeals process pertaining to student enrollment in dual credit programs (postsecondary institution decisions are final); and
- (26) have the right to appeal to the dual credit council on issues related to implementing the dual credit program, agreement, and rules.

H. Duties and responsibilities of the district. The district shall:

- (1) designate a representative to collaborate with the postsecondary institution to reach agreement on admission and registration of eligible dual credit students for the stated semester;
- (2) determine, in collaboration with the postsecondary institution, the required academic standing of each student eligible to participate in the dual credit program;
- (3) collaborate with the postsecondary institution to reach agreement on admission and registration of eligible dual credit students for the stated semester;
- (4) employ a method of qualifying the student for dual credit based on factors which may include academic performance review, use of next step plan, assessments, advisement and career guidance, and therefore recommend enrollment at the postsecondary institution with evidence that the student has the appropriate skills and maturity to benefit from the instruction requested;
- (5) provide information and orientation to students about opportunities to participate in dual credit programs during student advisement, academic support, and formulation of annual next step plans;
- (6) provide the form to eligible students and appropriate district staff online and in hard copy;
- (7) approve the form for each student on a course-by-course basis each semester based on each student's prior coursework, career pathway, and/or academic readiness;
- (8) provide information and orientation, in collaboration with the postsecondary institution, to the student and student's family regarding the responsibilities of dual credit enrollment including academic rigor, time commitments, and behavioral expectations associated with taking college courses and the importance of satisfactorily completing the college credits attempted in order for dual credit to be awarded;
- (9) inform students of course requirement information which includes course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;
- (10) notify the postsecondary institution if the student's official schedule of classes is in conflict with the school endorsed registration;
- (11) provide appropriate accommodations and services for special education students while the students are enrolled in dual credit classes, including academic adjustments and auxiliary aids and services for eligible students across educational activities and settings (e.g. equipping school computers with screen-reading,

voice recognition or other adaptive hardware or software and providing note-takers, recording devices, or sign language interpreters, or other adaptation as required by law);

(12) inform students in need of accommodations or other arrangements of the need to speak directly with the disabilities coordinator at the postsecondary institution;

(13) work collaboratively with the postsecondary institution to submit a student's request for change in registration according to postsecondary institution policies and within officially published deadlines;

(14) make it clear to students that if they fail or withdraw from dual credit classes that they were intending to use to substitute for a high school requirement that they will have to make up those credits in order to graduate; the dual credit course grade will appear on the student high school transcript;

(15) pay the cost of the required textbooks and other course supplies for the postsecondary course the dual credit student is enrolled in through purchase arrangements with the bookstore at the postsecondary institution or other cost-efficient methods;

(16) collaborate with the postsecondary institution to offer dual credit courses at the high school site according to district site time blocks;

(17) furnish an official high school transcript to the postsecondary institution if required by the postsecondary institution;

(18) record, unchanged, the grade given to the dual credit student by the postsecondary institution on each student high school transcript;

(19) retain educational records in accordance with New Mexico statutes and record retention regulations as per 1.20.2 NMAC;

(20) comply with data collection and reporting provisions in 5.55.4.12 NMAC;

(21) have a student appeals process pertaining to student enrollment in dual credit programs (district decisions are final); and

(22) have the right to appeal to the dual credit council on issues related to implementing the dual credit program, agreement, and rules.

I. Duties and responsibilities of the student. The student shall:

(1) qualify for dual credit courses offered in the fall, winter and summer by:

(a) being enrolled during the fall and winter in a district in one-half or more of the minimum course requirements approved by the New Mexico public education department for public school students;

(b) obtaining permission from the district representative (in consultation with the student's individualized education program team, as needed), the student's parent or guardian, and postsecondary institution representative through a fully executed form prior to enrolling in a dual credit course; and

(c) meeting postsecondary institution requirements to enroll as a dual credit student;

(2) discuss potential dual credit courses with the appropriate district and postsecondary institution staff, including postsecondary institution admission and registration requirements, course requirements, credits to be attempted, credits to be awarded, scheduling under dual credit, and implications for failure to successfully complete the course;

(3) obtain course requirements for each course, including course prerequisites, course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;

(4) meet the prerequisites and requirements of the course(s) to be taken;

(5) complete the form available online or in hard copy from the district or postsecondary institution;

(6) obtain approval for enrolling in the dual credit program each semester by acquiring all necessary signatures on the form;

(7) register for courses during the postsecondary institution's standard registration periods (note: enrollments shall not be permitted after the close of posted late registration);

(8) discuss any request for a change in registration (add, drop, withdrawal) and complete all necessary forms and procedures with appropriate district and postsecondary institution staff;

(9) comply with the district and postsecondary institution student code of conduct and other institutional policies;

(10) have rights and privileges that include:

(a) the rights and privileges equal to those extended to district and postsecondary institution students, unless otherwise excluded by any section of this agreement;

(b) use of the postsecondary institution library, course-related labs and other instructional facilities, use of the postsecondary institution programs and services such as counseling, tutoring, advising, and

special services for the students with disabilities, and access to postsecondary institution personnel and resources as required; and

(c) the right to appeal, in writing to the district or postsecondary institution, as applicable, any decision pertaining to enrollment in the dual credit program;

(11) return the textbooks and unused course supplies to the district when the student completes the course or withdraws from the course (subject to provisions in Subsection B of Section 22-15-10 NMSA 1978 regarding lost or damaged instructional material);

(12) arrange transportation to the site of the dual credit course; depending upon the time and course location, the student may have access to transportation through the district if the dual credit course is offered during the school day;

(13) be responsible for course-specific (e.g. lab, computer) fees;

(14) allow educational records to be retained and disseminated in accordance with the requirements of the FERPA;

(15) sign the FERPA release form, along with student parent or guardian, if applicable, in order to participate in dual credit courses; and

(16) abide by regular operating calendars, schedules and associated requirements of both the district and postsecondary institution; in instances in which the calendars are incongruent, the student is required to independently satisfy both calendar requirements and may consult with district counselors for assistance.

[5.55.4.8 NMAC - Rp, 5.55.4.8 NMAC, 06/30/08]

#### **5.55.4.9 LIMITATIONS OF THE AGREEMENT.**

A. With the exception of the appendix, the agreement may not be altered or modified by either party.

B. The agreement shall automatically renew for additional fiscal years unless either party notifies the other party of their intent not to renew 60 days before the end of the fiscal year.

C. Districts, in collaboration with postsecondary institutions, may modify the list of dual credit courses in the appendix of the agreement. Modifications shall be submitted to the higher education department and the public education department by the end of each semester.

[5.55.4.9 NMAC - Rp, 5.55.4.9 NMAC, 06/30/08]

#### **5.55.4.10 LIABILITIES OF PARTIES.**

A. Dual credit status shall neither enhance nor diminish on-campus liabilities for the district or the postsecondary institution.

B. Management of risk and liabilities shall be in accordance with district and postsecondary institution policies and codes of conduct.

C. Personal liabilities for the student shall be equal to those of regular postsecondary institution students.

[5.55.4.10 NMAC - Rp, 5.55.4.10 NMAC, 06/30/08]

#### **5.55.4.11 ELIGIBLE COURSES.**

A. Types of courses.

(1) College courses that are academic or career technical (but not remedial or developmental) and that simultaneously earn credit toward high school graduation and a postsecondary degree or certificate shall be eligible for dual credit.

(2) Dual credit courses may be taken as elective high school credits.

(3) Dual credit courses may satisfy the requirements of high school core courses when the department standards and benchmarks are met and curriculum is aligned to meet postsecondary requirements.

(4) Dual credit courses may substitute for high school core courses when the dual credit council determines there are exigent circumstances. For example, there is limited high school capacity, staff, space or scheduling and the cabinet secretaries approve the dual credit council recommendation.

(5) College courses eligible for dual credit shall meet the rigor for postsecondary institution credit and be congruent with the postsecondary institution's academic standards.

(6) Dual credit courses offered in high school settings shall conform to college academic standards.

(7) Course requirements for high school students enrolled in dual credit courses shall be equal to those of regular college students.

B. Identifying courses.

(1) The district in collaboration with the postsecondary institution shall determine a list of academic and career technical courses eligible for dual credit for inclusion into the appendix.

(2) The appendix shall indicate whether the course is a core or elective high school course, the higher education common course number, if applicable, course subject and number, course title, location of course delivery and semesters offered.

(3) The district shall annually submit the appendix to the higher education department and the public education department; Subsection C of 5.55.4.9 NMAC still applies.

(4) The higher education department and the public education department shall post the appendix on their respective websites and update the appendix as needed.

C. Course delivery.

(1) Dual credit courses may be offered at districts, postsecondary institutions, and off-campus centers as determined by the district in collaboration with the postsecondary institution offering the courses.

(2) Dual credit courses may be delivered during or outside of regular district hours.

(3) Postsecondary institutions may offer dual credit courses via distance learning (ITV, online, hybrid, correspondence) in accordance with 6.30.7 NMAC and 5.55.4 NMAC as this option becomes available and cost-effective. All dual credit course rules apply.

(4) Districts and postsecondary institutions participating in the cyber academy shall be subject to applicable rules pertaining to it.

D. Semesters dual credit may be taken; caps for dual credit; nature of high school credit earned.

(1) Eligible students may enroll in dual credit courses year-round.

(2) There is no state limit to the number of credits a student may earn through dual credit in an academic term; however, the student must meet eligibility requirements.

(3) Unless otherwise approved by the secretaries of the higher education and public education departments, one secondary school credit shall be awarded for the successful completion of three credit hours of postsecondary institution instruction for elective courses not comparable to existing district elective courses. If the district and postsecondary institution determine that a different ratio is warranted for a particular dual credit course comparable to district core courses in order to meet public education department standards and benchmarks, they may appeal to the council, which may recommend a different ratio to the secretaries of the public education and higher education departments. The joint decision of the public education and higher education department cabinet secretaries shall be final.

E. Dual credit council.

(1) The secretaries of the higher education department and public education department shall appoint individuals to a dual credit council consisting of six members.

(2) Council composition. The council shall consist of an equal number of higher education department and public education department staff. The higher education and public education department staff serve as council chairs in alternating years.

(3) The council shall administer an appeals process for district and postsecondary institution representatives to address issues outside the scope of the agreement, including the determination of alignment of course content to determine the appropriate credit ratio.

(4) The council shall issue recommendations to the department secretaries on issues not addressed in the agreement.

(5) Districts and postsecondary institutions shall be allowed to continue current practices regarding core courses offered for dual credit until the council issues its recommendations or no later than the beginning of the 2009-2010 school year, the time that dual credit courses become a high school graduation requirement.

(6) The higher education department and public education department secretaries shall act jointly upon dual credit council recommendations.

[5.55.4.11 NMAC - Rp, 5.55.4.11 NMAC, 06/30/08]

#### **5.55.4.12 DATA COLLECTION AND REPORTING.**

A. Data collection.

(1) Each semester, the form shall be used to document each student request for enrollment in dual credit courses and the review and approval process within the district and postsecondary institution. The postsecondary institution may require additional forms and information from the student.

(2) A completed form shall contain the high school student first name, middle initial, and last name, student identification number, student grade level, student address (street address, city, state, and zip code), student telephone number, ACT high school code, secondary school name, postsecondary institution name, postsecondary

institution course information (schedule number, course number, course section, course title, day, time, location, higher education credits, high school credits semester, year), a signed FERPA release form, required signatures, check boxes that indicate: whether form was completed and signed by all parties, whether student meets course prerequisites, and, if applicable, whether student high school record was received; applicable placement exam scores, high school grade point average, expected graduation date, and, if applicable, date of birth.

(3) In the event of scheduling changes, the postsecondary institution may change course information.

(4) Each district and postsecondary institution shall use the completed form to capture dual credit student data.

(5) Each district and postsecondary institution shall devise procedures for capturing dual credit data from the form.

(6) If applicable, each postsecondary institution shall bear responsibility for obtaining each dual credit student's social security number to meet data reporting requirements.

(7) Each postsecondary institution shall capture the public school student identification number retrieved from the completed form for each dual credit high school student.

(8) The public education department shall modify student transcripts to include the student identification number.

(9) The public education department shall capture the postsecondary institution course subject and number and course title from the appendix of each completed agreement.

**B. Data reporting.**

(1) For each completed form received, each district shall indicate which courses a dual credit student takes within the public education department data system.

(2) Each postsecondary institution shall report dual credit student data to the higher education department.

(3) Each district shall submit the dual credit report during the appropriate reporting period to the public education department that contains:

- (a) the number of dual credit students enrolled in college courses; and
- (b) the courses taken and grades earned of each dual credit student.

(4) Each postsecondary institution shall submit the dual credit report during the appropriate reporting period to the higher education department that contains:

- (a) the number of dual credit students enrolled in college courses; and
- (b) the courses taken and grades earned of each dual credit student.

(5) The higher education department and the public education department shall verify and reconcile the respective dual credit reports at the end of each academic year.

(6) The public education department shall report to the legislature the high school graduation rates for participating districts for dual credit students once the students graduate from high school.

(7) The higher education department shall report to the legislature on the New Mexico postsecondary institutions dual credit students ultimately attend.

(8) The higher education department and the public education department shall annually report to the legislature the estimated cost of providing the statewide dual credit program, including tuition, fees, textbooks, and course supplies.

[5.55.4.12 NMAC - Rp, 5.55.4.12 NMAC, 06/30/08]

**5.55.4.13 NON PUBLIC SCHOOL STUDENTS.**

A. A home school, private school, or tribal school student who meets the eligibility criteria may receive both high school and college credit, provided that the student pays the full cost of the college courses.

B. Non public school students taking college courses for both high school and college credit shall be considered as being concurrently enrolled by the postsecondary institution for the purposes of data reporting.

[5.55.4.13 NMAC - Rp, 5.55.4.13 NMAC, 06/30/08]

**HISTORY OF 5.55.4 NMAC:**

History of Repealed Material:

5.55.4 NMAC, Dual Credit, filed 08/30/2006 - Repealed effective 01/01/08.

5.55.4 NMAC, Dual Credit, filed 12/14/2007 - Repealed effective 06/30/2008.