



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

April 22, 2025

The Honorable Beth Waldo
Mississippi House of Representatives
Post Office Box 1018
Jackson, Mississippi 39215

Re: Dual Credit Courses Not Offered at Local Community College

Dear Representative Waldo:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, a high school student in your district wants to take a drafting class, which is a career technical education (“CTE”) course, at the local community college through the dual enrollment program. However, the local community college does not offer this class, nor does it offer a drafting degree option. A neighboring community college offers both the drafting class and a drafting degree option towards which the class credit could be applied. A neighboring school district has certified an instructor at its vo-tech center to teach the neighboring community college’s drafting curriculum for the neighboring school district’s dual enrollment program.

Questions Presented

1. May a local community college prohibit a high school student within its district from taking a CTE dual credit course, that it does not offer, at a neighboring community college?
2. May a high school student take a CTE course taught with a neighboring community college’s curriculum at a neighboring school district’s vo-tech center?
3. How can a high school student take dual credit CTE courses from “another participating community college within the state” as stated in Mississippi Code Annotated Section 37-73-5?

Brief Response

1. No, Section 37-73-5 explicitly allows eligible high school students to enroll in and attend CTE courses at the campus of another participating community college within the state when their local community college does not offer a particular course, and nothing within Section 37-73-5 allows a local community college to prohibit such action.
2. Generally, a high school student may not take a CTE course taught at the neighboring school district's vo-tech center because it is not "at the campus of another participating community college within the state" as authorized in Section 37-73-5.
3. Please see response to question one. Further, dual credit courses must align with the requirements set forth in Section 37-15-38, including but not limited to Section 37-15-38(10), which states that "[d]ual credit memorandum of understandings must be established between each postsecondary institution and the school district implementing a dual credit program."

Applicable Law and Discussion

As an initial matter, opinions of this office are issued on prospective questions of state law pursuant to Section 7-5-25. We do not opine on or interpret contracts, agreements or regulations, and we do not make factual determinations by official opinion. This opinion should not be interpreted to suggest that a particular student is entitled to enroll, or prohibited from enrolling, in specific dual enrollment classes.

Section 37-15-38(2) provides, "[a] local school board, the Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board shall establish a dual enrollment system under which students in the school district who meet the prescribed criteria of this section may be enrolled in a postsecondary institution in Mississippi while they are still in school." The particulars of that dual enrollment system and what courses are offered to students in that district depend on the agreement between these parties and exceed the scope of an official opinion. *See* Miss. Code Ann. § 37-15-38(10) ("Dual credit memorandum of understandings must be established between each postsecondary institution and the school district implementing a dual credit program.").

You first ask if a local community college may prohibit a high school student within its district from taking a CTE dual credit course, that it does not offer, at a neighboring community college. It may not. Section 37-73-5, which applies to CTE courses specifically, states:

The Mississippi Department of Education shall work in conjunction with the Mississippi Community College Board to ensure alignment of career technical education courses across the public school system and community college system. *If a community college chooses not to participate in the dual credit program or does not have certain courses available for participating students, eligible high school students may enroll in dual credit courses and attend such courses at the campus of another participating community college within the state.*

(emphasis added).

As shown, Section 37-73-5 explicitly allows eligible high school students to enroll in and attend CTE courses at the campus of another participating community college within the state when their local community college does not offer a particular course, and nothing within Section 37-73-5 allows a local community college to prohibit such action.

Next, you ask if a high school student may take a CTE course taught with the neighboring community college's curriculum at the neighboring public school district's vo-tech center. Although Section 37-15-38(16) would typically allow a student to take a dual enrollment course at his or her own high school in conjunction with the local community college, Section 37-73-5 — which is the statute that permits high school students to take CTE courses through neighboring rather than local community colleges— states that “[i]f a community college . . . does not have certain courses available for participating students, eligible high school students may enroll in dual credit courses *and attend such courses at the campus of another participating community college within the state.*” While campus is not defined in the subject chapter, Merriam-Webster defines “campus” as “the grounds and buildings of a university, college, or school.” MERRIAM-WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/campus> (last visited April 21, 2025). Accordingly, a neighboring school district's vo-tech center would not be “at the campus of another participating community college within the state.” However, whether a district-to-district memorandum of understanding entered into under Section 37-7-301(dd) (authorizing the school board to “[e]nter into contracts or agreements with other school districts . . . to carry out one or more of the powers or duties of the school board, or to allow more efficient utilization of limited resources for providing services to the public;”) would allow the student to take the drafting class at the neighboring public school district's vo-tech center is a question that is outside the scope of this opinion, and we recommend you speak with the Mississippi Department of Education about that or any other possible avenues.

Finally, you ask how a high school student can take dual credit CTE courses from another participating community college within the state as stated in Section 37-73-5. As noted above, a high school student may take a dual credit CTE course from another participating community college within the state when he or she is eligible and the local community college “chooses not to participate in the dual credit program or does not have certain courses available for participating students.” Miss. Code Ann. § 37-73-5. In this scenario, dual credit courses must align with the requirements set forth in Section 37-15-38, including but not limited to Section 37-15-38(10), which states that “[d]ual credit memorandum of understandings must be established between each postsecondary institution and the school district implementing a dual credit program.”

For further guidance on these questions, we refer you to the Mississippi Department of Education.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Maggie Kate Bobo*

Maggie Kate Bobo
Special Assistant Attorney General

OFFICIAL OPINION