

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Chapter 4, Rules Applying to All Public Institutions of Higher Education in Texas, Subchapter D, Dual Credit Partnerships between Secondary Schools and Texas Public Colleges, §§4.81 - 4.85 concerning college courses offered for dual credit by public institutions of higher education. The intent of the amendments is to update existing rules to align with current statute and rule references regarding limitations on college courses that can be offered for dual credit by public institutions of higher education. The amended rules will affect students enrolling in dual credit courses and early college high schools during the 2018 fall semester. The rule amendments proposed for this Subchapter were reviewed and approved by the Negotiated Rulemaking Committee on Dual Credit Course Limitations on November 2, 2017.

Dr. Rex Peebles, Assistant Commissioner for Workforce, Academic Affairs and Research, has determined that for the first five years there will be no fiscal implications for state or local governments as a result of amending the rule listed above.

Dr. Peebles has also determined that for the first five years the amendments are in effect, the public benefits anticipated as a result of administering the sections will be the clarification of college courses that can be offered for dual credit by public institutions of higher education. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no impact on local employment.

Finally, in accordance with Texas Administrative Code, §34.11.1, Dr. Peebles has determined that for the first five years the proposed rule would be in effect:

1. The proposed rule does not create or eliminate a government program;
2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the proposed rule does not require the increase or decrease in future legislative appropriations to the Texas Higher Education Coordinating Board;
4. The proposed rule does not require an increase or decrease in fees paid to the agency;
5. The proposed rule does not create a new regulation;
6. The proposed rule does expand, limit, or repeal an existing regulation, as specified in Senate Bill 1091, 85th Texas Legislature, Regular Session;
7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
8. The proposed rule positively affects this state's economy.

Comments on the proposed amendments may be submitted by mail to Rex C. Peebles, Assistant Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711 or via email at AQWComments@THECB.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the Texas Register.

The amendments are proposed under the Texas Education Code, Chapter 28, §28.009 (b-1); Chapter 51, §51.968 (d-2); and Chapter 130, §130.008 (a-3), which provides the Coordinating Board with the authority to adopt rules to administer the section.

The amendments affect the implementation of Texas Education Code, Chapters 28, 51, and 130.

Chapter 4. Rules Applying to All Public Institutions of Higher Education in Texas

Subchapter D. Dual Credit Partnerships Between Secondary Schools and Texas Public Institutions of Higher Education [Colleges]

4.81. Purpose.

This subchapter provides rules and regulations for public institutions of higher education [two-year associate degree-granting institutions and public universities] to engage in dual credit partnerships with secondary schools. (See Chapter 9, Subchapter H of this title relating to Partnerships Between Secondary Schools and Public Two-Year Associate Degree-Granting Institutions) for high school credit only partnerships, [Tech-Prep partnerships,] and remedial or developmental instruction for high school graduation partnerships.)

4.82. Authority.

Texas Education Code, §§28.009(b), 29.182, 29.184, 61.027, 130.001(b)(3) - (4), 130.008, 130.090, and 135.06(d) provide the Board with the authority to regulate dual credit partnerships between public institutions of higher education and [two-year associate degree-granting institutions and public universities with] secondary schools with regard to lower division courses.

4.83. Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Articulated College Credit--credit earned through a high school-level course that fulfills specific requirements of an identified college-level course and provides a pathway for high school students to earn credit toward a technical certificate or technical degree at a partnering institution of higher education.

(2)[(1)] Board or Coordinating Board--The Texas Higher Education Coordinating Board.

(3) Career and Technical Education Course--a college-level course awarding semester credit hours and contained in the Workforce Education Course Manual (WECM) or a specified course contained in the Lower-Division Academic Course Guide manual that may be reported for state funding by institutions of higher education as a dual credit career and technical education course in the Coordinating Board Management (CBM) Reporting and Procedures Manual for Texas Community, Technical, and State Colleges.

(4)[(2)] College--Public institution of higher education as defined in TEC 61.003(8) [two-year associate degree-granting institutions and public universities].

(5) College Board Advanced Placement--College-level courses and exams available to secondary students under the auspices of an approved College Board program.

(6)[(3)] Commissioner--The Commissioner of Higher Education.

(7)[(4)] Dual credit--A system under [process by] which an eligible [a] high school student enrolls in college course(s) [a college course] and receives [simultaneous academic] credit for the course(s)

[course] from both the college and the high school. While dual credit courses are often taught on the secondary school campus to high school students only, applicable sections of these rules, §4.84(a) and §4.85(a), (b), (g), (h), (i) of this title (relating to Dual Credit Partnerships), [also] apply irrespective of location or mode of delivery [when a high school student takes a course on the college campus and receives both high school and college credit]. Dual credit is also referred to as concurrent course credit; the terms are equivalent. [However, dual (or concurrent) enrollment refers to a circumstance in which a student is enrolled in more than one educational institution (including a high school and a college).]

(8) Dual or concurrent enrollment--Refers to a circumstance in which a student is enrolled in more than one educational institution (including a high school and a public institution of higher education). Dual or concurrent enrollment is not equivalent to dual credit.

(9) Early College Education Program—A program as defined in TEC 29.908.

(10) Early College Program--A program developed via an institutional agreement in partnership between a public institution of higher education and high schools or school districts in which a student enrolls in courses that are part of a defined sequence of courses leading to a Board approved certificate, AA, AS, or AAS degree program as defined in Title 19, Part 1, Chapter 9, Rule 9.1 - Definitions of Texas Administrative Code.

[(5) College Board Advanced Placement--College-level courses and exams available to secondary students under the auspices of the College Board. A College Board-approved Advanced Placement (AP) Program must adhere to the AP course descriptions, include administration of official AP exams, foster teacher professional development, and provide access to AP courses for all students who are willing to enroll in the rigorous academic curriculum of AP courses as prescribed by the College Board.]

(11) Field of Study Curriculum (FOSC)--a set of courses that satisfies the lower-division requirements for a baccalaureate degree in a specific academic area at a general academic teaching institution. A field of study curriculum affects academic degree programs at public junior colleges, public technical institutes, or universities as designated within the particular field of study curriculum.

(12) International Baccalaureate Diploma Program—the curriculum and examinations leading to an International Baccalaureate diploma awarded by the International Baccalaureate Organization.

(13) [(6)] Public two-year associate degree-granting institution--A community college, a technical college, or a state college.

[(7) Texas Assessment of Knowledge and Skills--The criterion-referenced assessment instruments required under Texas Education Code, §39.023, designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science in grades three through twelve.]

4.84. Institutional Agreements

(a) (No change.)

(b) Elements of Institutional Agreements. The dual credit partnership must address the following elements:

- (1) Eligible Courses;
- (2) Student Eligibility;
- (3) Location of Class;
- (4) Student Composition of Class;
- (5) Faculty Selection, Supervision, and Evaluation;
- (6) Course Curriculum, Instruction, and Grading;
- (7) Academic Policies and Student Support Services;
- (8) Transcribing of Credit; [and]
- (9) Funding; [.]
- (10) Defined sequences of courses, where applicable.

4.85. Dual Credit Requirements

(a) Eligible Courses.

- (1) (No change.)
- (2) Courses offered for dual credit by public universities must be in the approved undergraduate course inventory of the university.
- (3) A college course offered for dual credit must be:
 - (A) in the core curriculum of the public institution of higher education providing the credit;
 - (B) a career and technical education course; or
 - (C) a foreign language course.
- (i) This provision does not apply to a college course for dual credit offered as part of an approved early college education program established under TEC §29.908 or an early college program as defined in this subchapter.
- (ii) Any college course for dual credit offered as part of an early college program as defined in this subchapter must be a core curriculum course of the public institution of higher education providing the

credit, a career and technical education course, a foreign language course, or a course that satisfies specific degree plan requirements leading to the completion of a Board approved certificate, AA, AS, AAS degree program, or FOSC.

~~(4)~~[(3)] Public colleges may not offer remedial and developmental courses for dual credit.

(b) Student Eligibility.

(1) (No change)

(2) A high school student is also eligible to enroll in academic dual credit courses that require demonstration of TSI college readiness in reading, writing, and/or mathematics under the following conditions:

(A) Courses that require demonstration of TSI college readiness in reading and/or writing:

(i) if the student achieves a Level 2 final recommended score, as defined by the Texas Education Agency (TEA), on the English II State of Texas Assessment of Academic Readiness End of Course (STAAR EOC);
or

(ii) if the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the reading test; or

(iii) if the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.

(B) Courses that require demonstration of TSI college readiness in mathematics:

(i) if the student achieves a Level 2 final recommended score, as defined by TEA, on the Algebra I STAAR EOC and passing grade in the Algebra II course; or

(ii) if the student achieves a Level 2 final recommended score, as defined by TEA, on the Algebra II STAAR EOC; or

(iii) if the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the mathematics test; or

(iv) if the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

(3) A high school student is eligible to enroll in workforce education dual credit courses contained in a Level 1 certificate program, or a program leading to a credential of less than a Level 1 certificate, at a public junior college or public technical institute and shall not be required to provide demonstration of college readiness or dual credit enrollment eligibility.

(4) A high school student is eligible to enroll in workforce education dual credit courses contained in a Level 2 certificate or applied associate degree program under the following conditions:

(A) Courses that require demonstration of TSI college readiness in reading and/or writing:

(i) if the student achieves a Level 2 final recommended score, as defined by TEA, on the English II STAAR EOC; or

(ii) if the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the reading test; or

(iii) if the student achieves a composite score of 23 on the PLAN with a 19 or higher in English or an English score of 435 on the ACT-Aspire.

(B) Courses that require demonstration of TSI college readiness in mathematics:

(i) if the student achieves a Level 2 final recommended score, as defined by TEA, on the Algebra I STAAR EOC and passing grade in the Algebra II course; or

(ii) if the student achieves a Level 2 final recommended score, as defined by TEA, on the Algebra II STAAR EOC; or

(iii) if the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the mathematics test; or

(iv) if the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics or a mathematics score of 431 on the ACT-Aspire.

(C) A student who is exempt from taking [TAKS or] STAAR EOC assessments may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.

(5) Students who are enrolled in private or non-accredited secondary schools or who are home-schooled must satisfy paragraphs (1) - (4) of this subsection.

(6) To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

(7) An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with this section.

(8) An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.

(c) (No change.)

(d) Composition of Class. Dual credit courses may be composed of dual credit students only or of dual and college credit students. Notwithstanding the requirements of subsection (e), exceptions [Exceptions] for a mixed class, which would also include high school credit-only students, may be allowed only under one of the following conditions:

(1) (No change.)

(2) If the high school credit-only students are College Board Advanced Placement or International Baccalaureate students.

(3) If the course is a career and technical [technology]/college workforce education course and the high school credit-only students are eligible to earn [earning] articulated college credit.

(e) Faculty Selection, Supervision, and Evaluation.

(1) The college shall select instructors of dual credit courses. These instructors [must be regularly employed faculty members of the college or] must meet the same standards (including minimal requirements of the Southern Association of Colleges and Schools Commission on Colleges) and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.

(2) (No change.)

(f) – (h) (No change.)

(i) Funding.

(1) The state funding for dual credit courses will be available to both public school districts and colleges based on the current funding rules of the State Board of Education (TEC 42.005 (g) and the Board (TEC 61.059 (p) and (q)).

(2) (No change.)

(3) This provision does not apply to students enrolled in approved early college education [high school] programs under TEC 29.908.

(4) (No change.)