

## **SUPPLEMENTAL MATERIALS**

### **AGENDA ITEM VII-A**

Consideration of adopting the Negotiated Rulemaking Committee's recommendation to the Board relating to the proposed amendments to Chapter 4, Subchapter D, Sections 4.81 – 4.85 of Board rules concerning college courses offered for dual credit by public institutions of higher education

RECOMMENDATION:           Approval

#### Background Information:

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 C. Peebles, Assistant Commissioner for Academic Quality and Workforce, will present this item and be available to answer questions.

Date approved by the Commissioner for Publication in the *Texas Register*: November 6, 2017.

Date published in the *Texas Register*: November 17, 2017.

The 30-day comment period with the Texas Register ended on: December 17, 2017.

Comments were received from The University of Texas at Austin.

**COMMENT:** The University of Texas at Austin suggested that Section 4.83 (7) retain the words "simultaneous academic" before "credit" or replacing with the term "concurrent course credit." The University of Texas at Austin staff believed the term "simultaneous" clarified that, under a dual credit system, college credit earned by the students is applied both to the college and the high school. Replacing the term "simultaneous academic" with the term "concurrent course" would provide similar clarity to help classify how students earn credit through a dual credit system.

**STAFF RESPONSE:** Staff does not agree with the comment. The insertion of the words "concurrent course" in the definition of dual credit is redundant to the current language stating that a student receives credit for the course(s) from both the college and high school. Staff does not recommend any changes to the language of the rule.

**COMMENT:** The University of Texas at Austin suggested that Section 4.83 (8) be revised by replacing the term "circumstance" with the term "system" to add parallel language to the

definition of dual credit. The University of Texas at Austin staff also believed the terms concurrent enrollment and concurrent course credit were too similar. They recommended simplifying the definition of dual enrollment by removing the term "concurrent enrollment" altogether. It was also recommended that adding a statement clarifying the differences between how course credit is earned through each distinct system helps differentiate the two systems and provides clarity for both educational institutions serving dual enrollment students.

**STAFF RESPONSE:** Staff agrees with the comment. The insertion of the suggested language in the definition of dual enrollment adds clarity to Section 4.83 (8) Definitions.

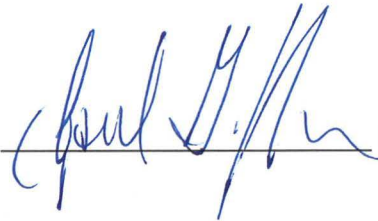
Comments and staff responses were sent to the Negotiated Rule Making Committee. The Committee agreed with the staff assessment and response to the first suggestion for Section 4.83 (7) Definitions. No changes were made to this Section.

One Negotiated Rule Committee member did not agree with the revised wording on Section 4.83 (8) Definitions, based on the comment submitted by the University of Texas at Austin. The member suggested a non-substantive revision to the definition that did not alter the substance of the definition.

Staff agreed with the non-substantive revision. This revision was sent to Negotiated Rule Committee members for consensus. The Committee agreed with the staff assessment and response. Section 4.83 (8) Definitions was revised. Revisions are in bold and italicized.

Legal Review:

Approved by the Office of General Counsel



Date:

1/18/18

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
- 4.82 Authority
- 4.83 Definitions
- 4.84 Institutional Agreements
- 4.85 Dual Credit Requirements

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 ***(previously referred to as dual or concurrent enrollment)***--Refers to a ***system under [circumstance in]*** which a student is enrolled in more than one educational institution (including a high school and a public institution of higher education). ***When a student in a dual enrollment system enrolls in courses that earns appropriate course credit from each distinct educational institution that offered the course.*** 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) Need for Institutional Agreements. For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the public school district or private secondary school and the public college prior to the offering of such courses.

(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) Courses offered for dual credit by public two-year associate degree granting institutions must be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual adopted by the Board or as college-level workforce education courses in the current edition of the Workforce Education Course Manual adopted by the Board.

(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 Section 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) A high school student is eligible to enroll in academic dual credit courses if the student:

(A) demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative as set forth in §4.57 of this title (relating to College Ready and Adult Basic Education (ABE) Standards) on relevant section(s) of an assessment instrument approved by the Board as set forth in §4.56 of this title (relating to Assessment Instrument); or

(B) demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth §4.54 of this title (relating to Exemptions, Exceptions, and Waivers).

(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) Location of Class. Dual credit courses may be taught on the college campus or on the high school campus. For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught electronically, public colleges shall comply with applicable rules and procedures for offering courses at a distance in Subchapters P and Q of this chapter (relating to Approval of Distance Education Courses and Programs for Public Institutions and Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions). In addition, dual credit courses taught electronically shall comply with the Board's adopted Principles of Good Practice for Courses Offered Electronically.

(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) If the course involved is required for completion under the State Board of Education High School Program graduation requirements, and the high school involved is otherwise unable to offer such a course.

(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) The college shall supervise and evaluate instructors of dual credit courses using the same or comparable procedures used for faculty at the main campus of the college.

(f) Course Curriculum, Instruction, and Grading. The college shall ensure that a dual credit course and the corresponding course offered at the main campus of the college are equivalent with respect to the curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be upheld regardless of the student composition of the class.

(g) Academic Policies and Student Support Services.

(1) Regular academic policies applicable to courses taught at the college's main campus must also apply to dual credit courses. These policies could include the appeal process for disputed grades, drop policy, the communication of grading policy to students, when the syllabus must be distributed, etc.

(2) Students in dual credit courses must be eligible to utilize the same or comparable support services that are afforded college students on the main campus. The college is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible.

(h) Transcribing of Credit. For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course.

(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) The college may only claim funding for students getting college credit in core curriculum, career and technical education, and foreign language dual credit courses.

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

(4) All public colleges, universities, and health-related institutions may waive all or part of tuition and fees for a Texas high school student enrolled in a course for which the student may receive dual course credit.