

Report of the Negotiated Rulemaking Committee on Dual Credit Course Limitations



January 2018

Background

Senate Bill 1091, 85th Texas Legislature, Regular Session, relating to limitations on courses that may be offered for dual credit by school districts and public institutions of higher education, amended Texas Education Code Sections 28.009, 51.968, and 130.008. The legislation required the Texas Higher Education Coordinating Board (“THECB” or “Board”) and the Texas Education Agency (“TEA”) to coordinate the adoption of rules for the implementation of these amendments using negotiated rulemaking.

The THECB engaged institution of higher education in developing these rules through the negotiated rulemaking (NRM) process in accordance with Texas Government Code Section 2008 (Negotiated Rulemaking Act).

Convening

In identifying persons likely affected by the proposed rule, a memo (see Appendix A) was sent August 7, 2017 via GovDelivery to all chancellors and presidents of Texas public universities, community colleges, Lamar State Colleges, and Texas State Technical Colleges soliciting their interest and willingness to participate in the NRM process, or to nominate a representative from their system/institution. From this effort, 43 individuals volunteered or were nominated to participate on the dual credit course limitations negotiated rulemaking committee (NRMCM).

The stakeholders who could be significantly affected by this rule and should be represented on this committee were identified as:

1. Public Community Colleges;
2. Public Universities;
3. Lamar State Colleges;
4. Texas State Technical Colleges; and
5. Texas Higher Education Coordinating Board.

Notice of Intent

On September 8, 2017 a Notice of Intent (NOI) to engage in NRM was published in the *Texas Register* for 10 days with a public comment deadline of September 18. The NOI (see Appendix B) included a list of stakeholders and proposed membership for the NRMCM. The THECB received the following two comments:

1. Texas A&M University requested that Timothy P. Scott, Assistant Provost for Undergraduate Studies, be reconsidered for appointment to the committee; and
2. The University of Texas System requested that Elizabeth Mayer, Senior Research and Policy Analyst, be appointed to the negotiated rulemaking committee.

Both requests were granted and on September 22, 2017 the Alternative Dispute Resolution (ADR) Coordinator appointed 19 committee members (see Appendix C) to represent the agency and stakeholders. Additionally, the ADR Coordinator appointed Mary E. Smith, Assistant Deputy Commissioner for Academic Planning and Policy as facilitator for the NRMC, subject to the approval of the committee (see Appendix D)

Negotiated Rulemaking Committee Meeting

The NRMC met on November 2, 2017 at 9:30 a.m. in the Board Room of the THECB offices. The following topics were discussed and/or agreed to by the committee:

1. Introductions
2. Brief Overview of the Negotiated Rulemaking Process: What it is, What it's not
3. Brief Overview of Roles and Responsibilities
 - A. Role of Facilitator
 - B. Role of Sponsor Agency
 - Technical and administrative support
 - C. Role of Committee Members
 - Representative role
 - Commitment to negotiate in good faith
4. Consideration of Facilitator
5. Procedural Issues
 - A. Discussion and Consideration of Ground Rules
 - B. Discussion and Consideration of Definition of Consensus
6. Discussion of Draft Rule Language on Dual Credit Course Limitations
7. Consideration of Proposed Rule Language on Dual Credit Course Limitations

The full committee reached consensus on the proposed rule language.

Rule

On November 17 the proposed rule language with committee consensus (see Appendix E) was published in the *Texas Register* for 30 days with a public comment deadline of December 17. The THECB received the following comments by the posted deadline:

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.

The NRMC agreed with the staff assessment and response to the first suggestion for Section 4.83(7) Definitions. One 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 and the NRMC agreed with the staff assessment and response. Section 4.83(8) Definitions was revised. Revisions are bolded and italicized:

(8) Dual ~~for concurrent~~ enrollment (previously referred to as dual or concurrent enrollment)—Refers to a system under ~~circumstances 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.

The proposed rule language was considered and adopted (see Appendix F) at the January 25, 2018 Board meeting (Agenda Item VII-A) and the committee was disbanded.

Appendix A: Convening Memo



TO: Chancellors and Presidents of Texas Public Universities, Community Colleges, Lamar State Colleges, and Texas State Technical Colleges

FROM: Laurie A. Frederick, Convener, Negotiated Rulemaking

RE: Nomination for the Negotiated Rulemaking Committee on Dual Credit Course Limitations

Senate Bill 1091, 85th Texas Legislature, relating to limitations on courses that may be offered for dual credit by school districts and public institutions of higher education amends Texas Education Code Sections 28.009, 51.968, and 130.008. The legislation requires the Texas Higher Education Coordinating Board (THECB) and Texas Education Agency (TEA) to coordinate the adoption of rules for the implementation of these amendments.

The THECB and TEA will engage institutions of higher education in developing these rules through the negotiated rulemaking process in accordance with Texas Government Code Section 2008 (Negotiated Rulemaking Act). Pursuant to the Act, I have been appointed to serve as the Convener for the negotiated rulemaking process.

The purpose of this memo is to solicit your willingness to participate on the **Negotiated Rulemaking Committee on Dual Credit Course Limitations** or to nominate a designee from your system/institution for potential selection by the THECB's Alternative Dispute Resolution Coordinator. Please respond to me via email at Laurie.Frederick@thehb.state.tx.us by no later than 5 pm on August 25, 2017.

Targeted dates for convening the committee are October 23, 30, November 1, and 2 from 9:30 am to 4:30 pm at the THECB offices in Austin. We ask that you hold these dates on your calendar in the event you are selected to serve on this committee, or if you nominate someone from your system/institution, please share these dates with your nominee as well.

If you have questions or concerns, feel free to contact me at (512) 427-6446. Thank you in advance for your assistance in this matter.

Enclosures

c: Lily Laux, Executive Director, Texas Education Agency
Jacob Fraire, President, Texas Association of Community Colleges
Chief Academic Officers
Chief Instructional Officers
Institution Liaisons

- [Government+Code%2C+Section+2008%2C+NRM+Act.pdf](#)
- [SB+1091%2C+Final.pdf](#)



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Appendix B: Notice of Intent

TEXAS HIGHER EDUCATION COORDINATING BOARD NOTICE OF INTENT TO ENGAGE IN NEGOTIATED RULEMAKING–DUAL CREDIT COURSE LIMITATIONS

(Texas Public Universities, Community Colleges, Lamar State Colleges, and Texas State Technical Colleges)

Senate Bill 1091, 85th Texas Legislature, Regular Session, relating to limitations on courses that may be offered for dual credit by school districts and public institutions of higher education, amends Texas Education Code Sections 28.009, 51.968, and 130.008. The Texas Higher Education Coordinating Board (“THECB” or “Board”) and Texas Education Agency (“TEA”) plan to engage in negotiated rulemaking to coordinate the adoption of rules for the implementation of these amendments.

In identifying persons likely affected by the proposed rules, the Convener of Negotiated Rulemaking sent a memo via email to all chancellors and presidents at Texas public universities, community colleges, Lamar State Colleges, and Texas State Technical Colleges soliciting their interest and willingness to participate in the negotiated rulemaking process, or to nominate a representative from their system/campus.

From this effort, 43 individuals responded (out of approximately 149 affected entities) and expressed an interest to participate or nominated someone from their system/institution to participate on the negotiated rulemaking committee for dual credit course limitations. The positions held by the volunteers and nominees include presidents, provosts, directors, and coordinators. This indicates a probable willingness and authority of the affected interests to negotiate in good faith and a reasonable probability that a negotiated rulemaking process can result in a unanimous or, if the committee so chooses, a suitable general consensus on the proposed rule.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for dual credit course limitations:

1. Public Universities;
2. Public Community Colleges;
3. Lamar State Colleges;
4. Texas State Technical Colleges; and
5. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following 17 individuals to the negotiating rulemaking committee for dual credit course limitations to represent affected parties and the agencies:

Public Universities

Susan Allen, Assistant Vice President, Academic Affairs, West Texas A&M University (Texas A&M University System)

Michael Adams, Interim Dean, Texas Southern University

Donald Topliff, Provost, Angelo State University (Texas Tech University System)

Peggy Semingson, Associate Professor, Literacy Studies, The University of Texas at Arlington (The University of Texas System)

Heidi Kennedy, Assistant Dean, Undergraduate Academic Affairs, University of Houston

Bob Mong, President, University of North Texas at Dallas (University North Texas System)

Public Community Colleges

Shasta Buchanan, Executive Director, College-High School Relations, Austin Community College

Bob Montez, Director, Early College Programs, Del Mar College

Terry Booker, Coordinator, Dual Credit, Kilgore College

Deana Savage, Special Advisor to the President, Midland College

Andrew Fisher, Provost, North Central Texas College

Pamela Campbell, Associate Vice Chancellor, Student Success Partnerships, San Jacinto College District

Hector Gonzales, President, Southwest Texas Junior College

William Coppola, President, Southeast Campus, Tarrant County College District

Lamar State Colleges

Gwen Whitehead, Vice President, Academic Affairs, Lamar State College-Orange (Texas State University System)

Texas Education Agency

Lily Laux, Executive Director, School Programs

Texas Higher Education Coordinating Board

Rex Peebles, Assistant Commissioner, Academic Quality and Workforce

Meetings will be open to the public. If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rulemaking committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

*Name and contact information of the person submitting the application;

*Description of how the persons are significantly affected by the rule and how their interests are different than those represented by the persons named above;

*Name and contact information of the person being nominated for membership; and

*Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to engage in negotiated rulemaking and on the membership of the negotiated rulemaking committee for dual credit course limitations.

Comments and applications for membership on the committee must be submitted by September 18, 2017 to: Laurie A. Frederick, Convener, Negotiated Rulemaking, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, TX 78711, Fax: (512) 427-6127, Email:

laurie.frederick@theqb.state.tx.us.

TRD-201703420

William Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: August 30, 2017

Appendix C: Committee Roster

Public Universities

Bob Mong, President, University of North Texas at Dallas (University of North Texas System)

Donald Topliff, Provost, Angelo State University (Texas Tech University System)

Elizabeth Mayer, Senior Research and Policy Analyst, The University of Texas System (The University of Texas System)

Heidi Kennedy, Assistant Dean, Undergraduate Academic Affairs, University of Houston (University of Houston System)

Michael Adams, Interim Dean, Texas Southern University

Peggy Semington, Associate Professor, Literacy Studies, The University of Texas at Arlington (The University of Texas System)

Susan Allen, Assistant Vice President, Academic Affairs, West Texas A&M University (Texas A&M University System)

Timothy Scott, Assistant Provost, Undergraduate Studies, Texas A&M University (Texas A&M University System)

Public Community Colleges

Andrew Fisher, Provost, North Central Texas College

Bob Montez, Director, Early College Programs, Del Mar College

Deana Savage, Special Advisor to the President, Midland College

Hector Gonzales, President, Southwest Texas Junior College

Pamela Campbell, Associate Vice Chancellor, Student Success Partnerships, San Jacinto College District

Shasta Buchanan, Executive Director, College-High School Relations, Austin Community College

Terry Booker, Coordinator, Dual Credit, Kilgore College

William Coppola, President, Southeast Campus, Tarrant County College District

Lamar State Colleges

Gwen Whitehead, Vice President, Academic Affairs, Lamar State College-Orange (Texas State University System)

Texas Education Agency

Mackie Spradley, Director, Enrichment Education and Programs (*Replaced Lily Laux, Executive Director of School Programs, on Nov. 2, 2017*)

Texas Higher Education Coordinating Board

Rex Peebles, Assistant Commissioner, Academic Quality and Workforce

Appendix D: Facilitator

Mary E. Smith, Ph.D.

Assistant Deputy Commissioner for Academic Planning and Policy
Alternative Dispute Resolution Coordinator
Texas Higher Education Coordinating Board

Mary E. Smith has been a staff member of the Texas Higher Education Coordinating Board since 1987 and now serves as the Assistant Deputy Commissioner for Academic Planning and Policy. In this role, she is responsible for the administration and management of matters related to the Board's higher education academic planning and policy functions, and she provides leadership and coordination on key projects that cut across divisions of the agency. Smith also serves as the agency's Alternative Dispute Resolution (ADR) Coordinator for negotiated rulemaking. In this role, she is responsible for managing the agency's consensus-based process of developing policies, procedures, or rules relating to certain matters in collaboration with stakeholders who have shared interests. She has taught communication courses at The University of Texas at Austin and at St. Edward's University.

Smith served for five years as a program director in the Coordinating Board's former Division of Universities and Health-Related Institutions where her primary responsibilities included the review of new degree program proposals and the administration of the Minority Health Research and Education Grant Program. Smith spent her first 12 years of employment with the Coordinating Board in the Department of Personnel Services, where from 1996 to 1999 she served as the department's assistant director. Prior to her employment with the Coordinating Board, Smith spent 13 years working in health care organizations, with nine of those years serving in direct patient care positions.

Smith holds a Ph.D. in Communication Studies, a Certificate in Dispute Resolution, a Master of Arts degree in Speech Communication, and a Bachelor of Arts degree in Psychology, all from The University of Texas at Austin.

Appendix E: Proposed/Adopted Rule

AGENDA ITEM VII-A

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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.