



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-19  
RULE TYPE: Legislative Amendment to Existing Rule: Yes  
RULE NAME: Guidelines for College Courses for High School Students

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

18B-1-6

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

18B-4-14(d)

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THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

W.Va. Code 18B-14-4 authorizes the promulgation of emergency and legislative rules governing the development, implementation, and administration of a four-year dual enrollment pilot program.

DOES THIS EMERGENCY RULE REPEAL A CURRENT RULE? Yes

HAS THE SAME OR SIMILAR EMERGENCY RULE PREVIOUSLY BEEN FILED AND OR EXPIRED? No

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**Cindy L Anderson--By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

TITLE 133  
~~PROCEDURAL~~ LEGISLATIVE RULE  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 19  
~~GUIDELINES FOR THE OFFERING OF EARLY ENROLLMENT COURSES FOR HIGH SCHOOL STUDENTS~~ DUAL ENROLLMENT PILOT PROGRAM

§133-19-1. General.

1.1. Scope -- ~~This policy establishes guidelines for rule details the responsibilities of West Virginia's public colleges and universities for the offering of college courses for high school students regarding the dual enrollment pilot program in matters of curriculum, selection of faculty, quality control, admission, setting tuition and fees, and reporting requirements.~~

1.2. Authority -- West Virginia Code §18B-1-1A; §18B-1-6 and §18B-1B-4; §18B-14-4(d).

1.3. Filing Date -- January 29, 2016.

1.4. Effective Date -- February 29, 2016.

1.5. ~~Repeal of Former Rule. Repeals and replaces Title 133 Series 19, Guidelines for the Offering of Early Enrollment Courses for High School Students, filed July 1, 2014 and effective July 31, 2014 Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2027.~~

§133-19-2. Purpose.

2.1. ~~Legislative goals established for West Virginia state colleges and universities provide that higher education in West Virginia should contribute fully to the growth, development and quality of life of the state and its citizens. Among these goals is a statutory provision West Virginia Code §18B-1-1A, which states that The dual enrollment pilot program is designed to help high school students earn college and high school credits at the same time by taking courses from the State's public institutions of higher education. The purpose of this program is to promote rigorous academic pursuits while providing more opportunities should be available for advanced high school students to obtain college credit prior to high school graduation.~~

~~This policy details the responsibilities of the state higher education institutions regarding early enrollment programs in matters of curriculum, selection of faculty, quality control, admission, setting tuition/fees, and accountability.~~

§133-19-3. Principles Definitions.

3.1. ~~In support of providing opportunities for high school students to obtain college credit prior to high school graduation, early enrollment opportunities shall be designed to follow these principles:~~

- ~~3.1.a. Expand access to college~~
- ~~3.1.b. Increase the college-going rate~~
- ~~3.1.c. Increase student success in college~~
- ~~3.1.d. Enhance college affordability~~

~~While additional programs exist for high school students to obtain college credit, this rule applies to opportunities for early enrollment in college courses. Clarification and definition(s) of existing college credit options are provided in order to distinguish these early enrollment opportunities. Unless the context~~

in which used clearly requires a different meaning, the definitions contained in W. Va. Code §§ 18B-1-2 and 18B-14-4(a) apply to this rule in addition to the definitions set forth below.

3.2. Definitions for reporting purposes: “Accreditation” means a status attained by the university through voluntarily meeting standards established by a nongovernmental entity recognized by the U.S. Department of Education to assess and evaluate the quality of the institution and its programs. In this rule, such entity is referred to as “accreditor.”

~~3.2.a. College credit opportunities which will be counted as credit hours attempted and/or earned for early enrollment reporting purposes are those course sections that are delivered primarily to eligible high school students. The local high school will decide if high school credit will be offered for these courses.~~

~~3.2.b. College credit opportunities which are not counted for early enrollment reporting purposes:~~

~~3.2.b.1. EDGE (Earn a Degree, Graduate Early)~~

~~3.2.b.2. The College Board Advanced Placement Classes~~

~~3.2.b.3. CLEP Examinations~~

~~3.2.b.4. Articulated Credit~~

3.3. “Chancellor” means the chancellor of higher education as defined in W. Va. Code § 18B-1-2 or his or her designee.

3.4. “Fees” means the costs charged by the institution of higher education for the enrollment application, activities required by the institution that may enhance a student’s likelihood of academic success, or course-related or laboratory fees.

3.5. “Secondary school” or “high school” includes traditional public or private high school, charter school, home school, learning pod, microschool, or other educational program authorized by the Legislature that encompasses education commonly received in grades 9 through 12.

3.6. “State Board” means the West Virginia Board of Education created by W. Va. Const. Art. XII, § 2 and defined in W. Va. Code § 18-1-1.

3.7. “State Superintendent” means the State Superintendent of Free Schools as defined in W. Va. Code § 18-1-1 or his or her designee.

3.8. “Textbooks” include traditional books, digital courseware, course material, and open educational resources as defined in W. Va. Code §§ 18B-10-14 and 18B-10-14a respectively.

#### §133-19-4. Courses.

~~4.1. Any early dual enrollment course ~~must~~ shall meet the same ~~rigorous~~ academic standards as those required for on-campus instruction by the university’s accreditor. ~~Such standards are essential for maintaining institutional accreditation by the Higher Learning Commission of the North Central Association and for assuring institutional credibility. Courses must utilize college-approved syllabi, texts, assignments and assessments. The higher education institution must facilitate communication between the appropriate academic department and the early enrollment faculty member to assure quality.~~~~

4.2. Courses will be The university shall limited dual enrollment courses to lower division undergraduate courses which are jointly agreed upon by the cooperating college or university and high school, and such courses shall be transferable between the State’s institutions of higher education.

4.3. ~~Where practicable, attendance in college courses offered in high schools will be limited to those students registered for college credit. The following college credit opportunities are not part of the dual enrollment pilot program:~~

4.3.1. The State Department's Earn A Degree, Graduate Early (EDGE) program;

4.3.2. The College Board's Advanced Placement (AP) classes;

4.3.3. The College Board's College Level Examination Program (CLEP); and

4.3.4. Articulated credit.

4.4. Each institution offering early dual enrollment courses shall establish policies for the routine evaluation of instructors and courses. Early University personnel shall evaluate dual enrollment faculty will be evaluated by college personnel using the same processes as are used for other faculty.

4.5. Wherever and to the extent practicable, the university shall offer open educational resources for dual enrollment courses.

#### §133-19-5. Faculty.

5.1. Faculty teaching early dual enrollment courses ~~must~~ shall meet the minimum faculty credential requirements as specified by the college and ~~as approved by the department and chief academic officer of the college or university that will grant the credit and the university's accreditor.~~

~~5.2. Faculty teaching early enrollment courses are expected to participate in institutionally offered professional development activities and ongoing collegial interaction to address course content, course delivery, assessment and evaluation.~~

~~5.3. The institution granting college credit university shall assign adjunct/part-time faculty status to high school teachers who teach college courses in the high school, whose employment of any early enrollment adjunct/part-time faculty must as such shall be consistent with any institutional, statewide and regional accreditation standards for employment of adjunct/part-time faculty.~~

#### §133-19-6. Admissions.

~~6.1. High school students desiring to enroll in a college credit-bearing course must apply for early enrollment admission status and meet all early enrollment admission requirements for the institution which is offering the college credit course. The dual enrollment pilot program is limited to secondary students who are in their junior and senior years of instruction unless the approved pathway requires students to start earlier.~~

~~6.2. Students must meet all course requirements and prerequisites. In addition to meeting these requirements, all students who enroll must have the approval of the high school principal or designee. A participating university shall apply its established admission criteria for secondary school students participating in the dual enrollment pilot program, which may not do either of the following:~~

6.2.1. Be set at a higher standard than the admission criteria established for other students attending the institution; or

6.2.2. Require different standards among students participating in the dual enrollment pilot program based on secondary grade level or student age.

~~6.3. Opportunities for early enrollment are for students of junior and senior status in the high schools. Any exception must be approved by the institution's chief academic officer. A university is not required to give priority to students participating in the dual enrollment pilot program over other students regarding admission or enrollment into courses: *Provided*, That once a secondary student is enrolled in a dual enrollment course, the university may not displace that student from the course unless he or she voluntarily drops the course or fails to meet student conduct or academic rules established by the university.~~

6.4. Alternative admission requirements may be applicable for specific ~~statewide academic initiatives approved pathways~~.

6.5. ~~Early~~ The university shall afford dual enrollment students ~~have~~ the same rights and responsibilities as on-campus students and ~~have provide them~~ the same level of access to learning resources such as libraries, laboratories, and databases.

#### **§133-19-7. Tuition/Fees.**

~~7.1. To make college courses more accessible to high school students, an institution may use a special tuition and fee structure for West Virginia high school students as provided in Section 7.2 of this rule. Participation in the dual enrollment pilot program shall be at no cost to the participating student. The Commission shall reimburse institutions participating in the dual enrollment pilot program at a rate of \$75 per credit hour as long as funds are available for that purpose.~~

~~7.2. Special tuition for high school students established by any West Virginia public higher education institution must be set, at a minimum, at \$25.00 per credit hour. All high school students must be charged the special tuition or the regular tuition/fees approved for the institution granting the credit. The credit-granting institution may use tuition/fee waivers or third party sponsors to support the student's cost of the course. In order to receive the reimbursement provided for in Section 7.1., the university shall submit data on a form and by deadlines prescribed by the Chancellor that, at a minimum, identifies the students enrolled and the hours completed at the university.~~

#### **§133-19-8. ~~School Reimbursement and Credit Hour Accrual~~ Academic Support Services.**

~~8.1. Early enrollment courses will be taught by full-time or adjunct/part-time faculty members of the institution granting the college credit. Each university shall provide the following academic support services for students enrolled in the dual enrollment pilot program:~~

~~8.1.1. Assign an academic advisor who is employed by the university to each student enrolled at that university in the dual enrollment pilot program and ensure that the following occur:~~

~~8.1.1.a. Prior to the first day of the term of enrollment at the university, provide to each participating student the name and contact information of the academic advisor assigned to the student, along with the advisor's office hours and meeting scheduling process; and~~

~~8.1.1.b. Require a meeting between the assigned academic advisor and each student enrolled in the dual enrollment pilot program, which meeting shall occur, either virtually or in person, prior to the date on which a withdrawal from a course would negatively affect a participating student's grade point average. The mandatory meeting shall provide information including, but not be limited to, the following:~~

~~8.1.1.b.1. Academic resources available to assist students;~~

~~8.1.1.b.2. Availability of the academic advisor to assist students after the meeting;~~

8.1.1.b.3. Process for engaging faculty and other campus resources for academic assistance;

8.1.1.b.4. The university's student handbook and code of conduct; and

8.1.1.b.5. The academic impact of dropping a course after the prescribed no-fault withdrawal date and the impact of failing a course on eligibility for State-sponsored financial aid programs.

~~8.2. When a high school teacher teaches an early enrollment course during the regular public school day the institution granting the credit may reimburse the high school/county board of education for the instructor's service. Prior to the first day of the university's term of enrollment, each university enrolling a student in the dual enrollment pilot program shall provide to each secondary school counselor or other identified secondary school staff designated to provide counseling services to the students of the secondary school the following information:~~

~~8.2.1. A roster of participants from that secondary school who are enrolled at the university and a list of course enrollment for each student participant; and~~

~~8.2.2. The date signifying when withdrawal from a course would negatively affect a student participant's grade.~~

~~8.3. Consistent with the Higher Education Policy Commission and the Council for Community and Technical College Education policies, credit hours generated by high school students registered in college classes will accrue to the institution granting the credit. The university shall provide each student a comprehensive course syllabus that follows best academic practices and includes, but is not limited to, the following information: learning objectives, course and assignment deadlines, links to university services, contact information for faculty and academic advisors, and any other information necessary to ensure student success.~~

### **§133-19-9. Accountability Reporting.**

~~9.1. Each institution which offers college level courses for or in West Virginia high schools must participating in the dual enrollment pilot program shall maintain a records of the courses and enrollments for such courses and submit any reports of college courses for high school students as deemed necessary regarding its dual enrollment program as required by W. Va. Code § 18B-14-4(e)(1) through (6).~~

~~9.2. Each institution will shall submit a reports in compliance with requirements set forth by the specifications of the West Virginia Data Policy Advisory Council, the West Virginia Higher Education Policy regarding the immediately preceding academic year to the Commission, and the West Virginia Council for Community and Technical College Education. An annual compliance report must provide evidence of regular interaction between high school early enrollment teachers and college faculty by May 31 each year, on a form and in the manner prescribed by the Chancellor, detailing the information specified in Section 9.1. above.~~

~~9.3. Each institution will designate an individual who will be responsible for coordinating and reporting early enrollment opportunities for high school students. Each institution will provide contact information for this person by July 1 of each academic year. If a university fails to submit required information, the Chancellor may withhold payment to, demand repayment from, or suspend the university's eligibility to continue participating in the dual enrollment pilot program.~~

~~9.3.1. If the decision is to suspend a university's eligibility, prior to such suspension, the~~

Chancellor shall send written notice of noncompliance providing the university with 30 days to submit the data before the suspension goes into effect.

9.3.2. If the decision is to withhold payment, the Chancellor shall send written notice of noncompliance stating that the Commission is withholding funding until the university submits the required data.

**§133-19-10. Notice to Students, Parents or Guardians, and Secondary Schools**

10.1. Participating universities shall post notice of their participation in the dual enrollment pilot program and criteria for student participation in the program on their websites and in all general material and other media they use to advertise participation in postsecondary opportunities to secondary school students. The posting shall include the following:

10.1.1. The courses offered at the secondary schools;

10.1.2. A link to where students can get information regarding academic program requirements;

10.1.3. The criteria for student admission;

10.1.4. The timeline for student application submission;

10.1.5. The timeline for course registration for summer, fall, and spring terms;

10.1.6. Current rate of tuition and fees to be paid by the dual enrollment program; and

10.1.7. The cost of textbooks and other course materials.

10.2. A partnering university shall coordinate with a partnering secondary school to present an informational session for interested students and their parents or guardians. The university shall provide appropriate representative(s) who are able to answer questions regarding admission standards and procedures, program and degree requirements, and the costs covered and not covered by the dual enrollment pilot program.

10.3. Each university admitting and enrolling a student in the dual enrollment pilot program shall issue the following:

10.3.1. Upon enrollment, a preterm notice of admission to the following:

10.3.1.a. The student participant;

10.3.1.b. The student participant's parent or guardian; and

10.3.1.c. The student participant's secondary school;

10.3.2. Not later than 21 calendar days after the first day of classes for a term of enrollment, a confirmation of course enrollment listing the courses and hours of enrollment to every person or entity listed in Subdivisions 10.3.1.a. through 10.3.1.c. above.

10.3.3. No later than 21 calendar days after the last day of classes for a term of enrollment, a notice of course completion listing grade and hours earned to every person or entity listed in Subdivision 10.3.1.a. through 10.3.1.c. above. The university shall provide students and their parents or guardians a copy of the student's transcript upon request, recognizing that parents or guardians have the right to such

information pursuant to the Family Educational Rights and Privacy Act (FERPA) until the student reaches the age of 18 pursuant to 20 U.S.C. 1232g(d).

10.3.4. Information on how a student may participate in the university's course evaluation process upon completion of the dual enrollment course.