



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/26/2023 10:00:21 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-  
MAKING REVIEW COMMITTEE**

AGENCY: Community And Technical College Education TITLE-SERIES: 135-19  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 135-19 Guidelines for the Offering of Early Enrollment Courses for High School Students

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: §18B-1-1A, §18B-1B-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Revisions to this rule comply with the Dual Enrollment Pilot Program as defined in WV Code by the Legislature.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule details the responsibilities of West Virginia's public community and technical colleges regarding the dual enrollment pilot program in matters of curriculum, selection of faculty, quality control, admission, setting tuition and fees, and reporting requirements.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

NA

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

NA

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

NA

D. FISCAL NOTE DETAIL:

| Effect of Proposal                 | Fiscal Year                            |  |  |
|------------------------------------|--|--|--|
|                                    | 2023<br>Increase/Decrease<br>(use "-") | 2024<br>Increase/Decrease<br>(use "-") | Fiscal Year (Upon<br>Full<br>Implementation) |
| <b>1. Estimated Total Cost</b>     | 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  |
| <b>2. Estimated Total Revenues</b> | 0                                      | 0                                      | 0  |

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

NA

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

Yes

Angela S Kerns -- 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 135  
PROCEDURAL LEGISLATIVE RULE  
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION  
SERIES 19  
GUIDELINES FOR THE OFFERING OF EARLY ENROLLMENT COURSES FOR HIGH SCHOOL STUDENTS DUAL ENROLLMENT PILOT PROGRAM

**§135-19-1. General.**

1.1. Scope. ~~This policy establishes guidelines for rule details the responsibilities of West Virginia's public community and technical 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-1B-6; 18B-14-4(d).~~

1.3. Filing Date. ~~February 1, 2016~~

1.4. Effective Date. ~~March 2, 2016~~

1.5. ~~Repeal of Former Rule. Repeals and replaces Title 135 Series 19, Guidelines for the Offering of Early Enrollment Courses for High School Students 1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2027.~~

**§135-19-2. Purpose [Reserved].**

~~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 (W. Va. Code §18B-1-1A) which states that 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.~~

**§135-19-3. 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 community and technical college 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 instruction 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 chief executive officer of the West Virginia Council for Community and Technical College Education employed pursuant to W. Va. Code § 18B-2B-3 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.

#### **§135-19-4. 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 community and technical college’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 community and technical college 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~~ early dual enrollment courses shall establish policies for the routine evaluation of instructors and courses. ~~Early College 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 community and technical college shall offer open educational resources for dual enrollment courses.

#### §135-19-5. Faculty.

5.1. Faculty teaching ~~early dual~~ 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 college'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 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.~~

#### §135-19-6. 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 community and technical college 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 community and technical college 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 college 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 college.

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

6.5. ~~Early~~ The community and technical college 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.

#### **§135-19-7. 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 Council 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 community and technical college 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 college.~~

#### **§135-19-8. ~~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 community and technical college 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 college to each student enrolled at that college 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 college, 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 college'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 college's term of enrollment, each college 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 college 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 Council for Community and Technical College Education and the Higher Education Policy Commission policies, credit hours generated by high school students registered in college classes will accrue to the institution granting the credit~~ The community and technical college 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 college services, contact information for faculty and academic advisors, and any other information necessary to ensure student success.

#### **§135-19-9. 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 WV Data Policy Advisory Council, regarding the immediately preceding academic year to the Council for Community and Technical College Education, and the Higher Education Policy Commission. 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 a 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 community and technical college fails to submit required information, the Chancellor may withhold payment to, demand repayment from, or suspend the college's eligibility to continue participating in the dual enrollment pilot program.

9.3.1. If the decision is to suspend a college's eligibility, prior to such suspension, the Chancellor shall send written notice of noncompliance providing the college 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 Council is withholding funding until the college submits the required data.

**§135-19-10. Notice to Students, Parents or Guardians, and Secondary Schools.**

10.1. Participating community and technical colleges 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 community and technical college shall coordinate with a partnering secondary school to present an informational session for interested students and their parents or guardians. The college 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 community and technical college 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 college 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 college's course evaluation process upon completion of the dual enrollment course.