

133 C.S.R. 19. DUAL ENROLLMENT PILOT PROGRAM

RESPONSE TO COMMENTS

On June 21, 2023, the Higher Education Policy Commission (Commission) commenced a 30-day public comment period to accept written comments on proposed amendments to legislative rule 133 C.S.R. 19. The following entities submitted comments on the Commission's proposed amendments that are similar in content, and are thus addressed in one response. The Commission addresses these comment below.

1. COMMENTERS: Marshall University and West Virginia State University

COMMENT A: *Applicability of FERPA to Minor Students Taking College Courses*

The commenters state, in summary, that the federal Family Educational Rights and Privacy Act (FERPA) provides that if a student is attending a postsecondary institution – at any age – the rights under FERPA have transferred to the student. The requirements in Subsections 10.3.1., 10.3.2., and 10.3.3. require institutions to share certain educational information with the parents of students participating in the dual enrollment pilot program. This may be a FERPA violation.

RESPONSE A: The Commission finds the comments to be well taken and, thus, has revised Subsections 10.3.1., 10.3.2., and 10.3.3. to remove the requirement that institutions provide educational records to parents of participating students. The institutions will only have to provide educational records to the participating students and those students' secondary schools, in accordance with FERPA.

2. COMMENTER: Marshall University

COMMENT B: *Definitions Distinguishing between Dual Enrollment and Dual Credit Courses*

The Commenter believes, in summary, that the rule should distinguish between dual enrollment courses and dual credit course and define each term.

RESPONSE B: The term “dual enrollment” refers to students being enrolled concurrently in two distinct academic programs or educational institutions, most prevalently in reference to high school students taking college courses while they are still enrolled in secondary school or to the programs that allow high school students to take college-level courses. The student receives credit at both the postsecondary institution and the secondary school for the same course (thus also making the course “dual credit”). For the purposes of the pilot program governed by this rule, the terms are synonymous.

COMMENT C: *Limiting Dual Enrollment Courses to Lower Level Courses*

The commenter states that, “I would recommend that they limit dual credit courses eligible for the pilot program to lower division courses, not dual enrollment courses. This comment is related to the ‘definitions’ comments above.” (sic)

RESPONSE C: The rule does not differentiate between dual enrollment and dual credit courses. *See*, Response to Comment B above. Further, the limitation requested by the commenter is provided in Section 4.2. of the rule.

COMMENT D: *Meeting with Advisors*

The commenter states, “[Subdivision 8.1.1.b.] requires that the students meet with an advisor ‘... prior to the date on which a withdrawal from a course would negatively affect a participating student’s grade point average.’ We think this sentence implies that a withdrawal affects the GPA, and it does not. Perhaps it should be something like, ‘... prior to the established university withdrawal date to allow the student the opportunity to consider withdrawing before a poor grade negatively affects their grade point average.’”

RESPONSE D: The Commission finds the comment to be well taken and has revised Subdivision 8.1.1.b. accordingly.