



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

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: Dual Enrollment Pilot Program
CITE STATUTORY AUTHORITY: §18B-14-4(d)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB547

Section §18B-17-3(hh) Passed On 2/12/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

February 27, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

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
LEGISLATIVE RULE

WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

SERIES 19
DUAL ENROLLMENT PILOT PROGRAM

§135-19-1. General.

1.1. Scope. 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.

1.2. Authority. West Virginia Code §18B-14-4(d).

1.3. Filing Date. February 27, 2024

1.4. Effective Date. February 27, 2024

1.5. Sunset Date. – This rule shall terminate and have no further force or effect on August 1, 2029.

§135-19-2. Purpose.

2.1. 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 institution of higher education. The purpose of this program is to promote rigorous academic pursuits while providing more opportunities for high school students to obtain college credit prior to high school graduation.

§135-19-3. Definitions.

3.1. 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. “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.”

3.3. “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 dual enrollment course shall meet the same academic standards as those required for on-campus instruction by the community and technical college's accreditor.

4.2. The community and technical college shall limit dual enrollment courses to lower division undergraduate courses which are jointly agreed upon by the cooperating college and high school, and such courses shall be transferable between the State's institutions of higher education.

4.3. 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 dual enrollment courses shall establish policies for the routine evaluation of instructors and courses. College personnel shall evaluate dual enrollment faculty 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 dual enrollment courses shall meet the minimum faculty credential requirements as specified by the college that will grant the credit and the college's accreditor.

5.2. The college shall assign adjunct/part-time faculty status to high school teachers who teach college courses in the high school, whose employment as such shall be consistent with any accreditation standards for employment of adjunct/part-time faculty.

§135-19-6. Admissions.

6.1. 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. 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. 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 approved pathways.

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

§135-19-7. Tuition/Fees.

7.1. 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. 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. Academic Support Services.

8.1. 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 established college withdrawal date to allow the participating student the opportunity to consider withdrawing from the course before a poor grade would negatively affect his or her grade point average. The mandatory meeting shall provide information including, but not 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. 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. 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. Reporting.

9.1. Each institution participating in the dual enrollment pilot program shall maintain a records regarding its dual enrollment program as required by W. Va. Code §18B-14-4(e)(1) through (6).

9.2. Each institution shall submit a report regarding the immediately preceding academic year to the Council 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. 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 to the student participant and the student participant's secondary school:

- 10.3.1. Upon enrollment, a preterm notice of admission;
- 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;
- 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. The college shall provide students an official copy of their transcript upon request; and
- 10.3.4. Information on how a student may participate in the college's course evaluation process upon completion of the dual enrollment course.