WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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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: Higher Education Policy Commission TITLE-SERIES: 133-19

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 133-19 Dual Enrollment Pilot Program

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 18B-1-6

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:

18B-1-6

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

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? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

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

PUBLIC HEARING:

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

RELEVANT FEDERAL STATUTES OR REGULATIONS:

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:

Defines the responsibilities of public universities regarding the dual enrollment pilot program

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Legislative mandate.

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 OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 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	
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
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 19
DUAL ENROLLMENT PILOT PROGRAM

§133-19-1. General.

1.1. Scope. -- This rule details the responsibilities of West Virginia's public universities 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 29, 2024~~.

1.4. Effective Date. -- ~~March 29, 2024~~.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1,~~2027~~ 2029.

§133-19-2. 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 institutions 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.

§133-19-3. 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 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."

3.3. "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 dual enrollment course shall meet the same academic standards as those required for on-campus instruction by the university's accreditor.

4.2. The university shall limit dual enrollment courses to lower division undergraduate courses which are jointly agreed upon by the cooperating university 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. University 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 university shall offer open educational resources for dual enrollment courses.

§133-19-5. Faculty.

5.1. Faculty teaching dual enrollment courses shall meet the minimum faculty credential requirements as specified by the university that will grant the credit and the university's accreditor.

5.2. The university 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.

§133-19-6. 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 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. 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 approved pathways.

6.5. The university 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.

§133-19-7. Tuition/Fees.

7.1. 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. 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. Academic Support Services.

8.1. 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 established university 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 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. 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. 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. Reporting.

9.1. Each institution participating in the dual enrollment pilot program shall maintain 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 Commission 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. 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 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; and

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 university shall provide students an official copy of their transcripts upon request.

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