

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

2010 APR 27 PM 3:47

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

CITE AUTHORITY: §18B-1-1A and §18B-1B-4

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 19

TITLE OF RULE BEING AMENDED: Guidelines for the Offering of College Courses for High School Students

(Title of rule is being changed. See attached rule for new title.)

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS May 27, 2010



Authorized Signature

FILED

2010 APR 27 PM 3:47

TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 19
GUIDELINES FOR THE OFFERING OF COLLEGE EARLY ENROLLMENT COURSES FOR HIGH SCHOOL STUDENTS

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

§133-19-1. General.

- 1.1. Scope: This policy establishes guidelines for West Virginia public colleges and universities for the offering of college courses for high school students.
- 1.2. Authority: W. Va. Code § 18B-1-1A; 18B-1B-4
- 1.3. Filing Date - July 2, 2002- April 27, 2010
- 1.4. Effective Date - August 1, 2002 May 27, 2010

§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 (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.

~~Currently, most of the state colleges and universities offering undergraduate programs offer some college courses in high schools for high school students. The purpose of this policy is to provide guidance to the institutions in matters of curriculum, selection of faculty, quality control, admission, and setting tuition/fees as they continue to offer and expand the number of college courses for high school students. 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. CURRICULUM Principles.

- 3.1. ~~Any off-campus credit instruction must meet the same rigorous standards as required for on-campus instruction. Such standards are essential for maintaining institutional accreditation by the North Central Association. Thus, any college course offered for high school students must meet the standard of a campus-based college course. Each course needs to include the equivalent syllabus, text, assignments, assessments, evaluation of students, and evaluation of faculty as the campus course.~~

~~The curriculum will be limited to lower division undergraduate courses which are jointly agreed upon by the cooperating college or university and high school. 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:~~

- 3.1.1. Expand access to college
- 3.1.2. Increase the college-going rate

3.1.3. Increase student success in college

3.1.4. 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.

3.2. Definitions for reporting purposes

3.2.1. 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.

3.2.2. College credit opportunities which are not counted for early enrollment reporting purposes.

3.2.2.a. EDGE (Earn a Degree, Graduate Early)

3.2.2.b. The College Board Advanced Placement Classes

3.2.2.c. CLEP Examinations

3.2.2.d. Articulated Credit

3.2.2.e. Campus Based Courses Not Offered Primarily for High School Students

§133-19-4. CREDIT Courses.

4.1. In cooperation with a local school system, an institution may offer an undergraduate college course in a high school for advanced high school students who qualify for college admission. At the discretion of the high school, the course may be offered for high school credit, i.e. the student will be awarded high school credit as well as college credit for successful completion of a course. Any early enrollment course must meet the same rigorous standards as those required for on-campus instruction. 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. Faculty for these courses will be evaluated by college personnel using the same processes as for other college faculty. 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 limited to lower division undergraduate courses which are jointly agreed upon by the cooperating college or university and high school.

4.3. Attendance in college courses offered in high schools will be limited to those students registered for college credit.

§133-19-5. CORRELATION WITH ADVANCED PLACEMENT

5.1. The College Board Advanced Placement program shall continue to be encouraged, and the credential for granting college credit shall remain student performance on the Advanced Placement exam. No credit will be awarded for College Board Advanced Placement courses based solely on successful course completion.

§133-19-65. Faculty.

- ~~65.1. All faculty serving as instructors for college credit bearing courses offered to advanced level high school students, whether on the college or the high school campus, must meet the minimum faculty credential requirements for instructional rank at the college which will grant the credit. Faculty teaching early enrollment courses must 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.~~
- ~~6.1.1—Credentials of faculty who serve as instructors for college credit-bearing courses must be approved by the chief academic officer of the college and/or university and the department which will grant the credit.~~
- ~~65.2. The institution granting credit shall assign adjunct part-time faculty status to high school teachers who teach such courses. Employment of any adjunct part-time faculty must be consistent with any commission and/or institutional standards on employment of adjunct, part-time faculty. The institution granting college credit shall assign adjunct/part-time faculty status to high school teachers who teach college courses in the high school. Employment of any early enrollment adjunct/part-time faculty must be consistent with any institutional, statewide and regional accreditation standards for employment of adjunct/part-time faculty.~~

§133-19-76. Admissions.

- ~~76.1. High school students desiring to enroll in a college credit-bearing course must apply for an admission status and meet all admission requirements for the institution which is offering the college credit course. Additionally, 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. 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.~~
- ~~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.~~
- ~~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.~~
- ~~6.4. Alternative admission requirements may be applicable for specific statewide academic initiatives.~~

§133-19-87. Tuition/Fees.

- ~~87.1. High school students enrolled in college early enrollment courses in the high schools will be assessed tuition/fees consistent with the institution's approved fee structure. Alternatively, to make college courses more accessible to high school students, an institution may establish a special tuition fee structure for high school students as provided in Section 87.2 of this rule.~~
- ~~87.2. Special tuition/fees for high school students established by any West Virginia~~

public higher education institution must be set, at a minimum, at three-fourths of the rate of the lowest regular off-campus rate established by any West Virginia public higher education institution. All high school students must be charged the special tuition/fee rate or the regular tuition/fees approved for the institution granting the credit. The credit-granting institution may not use its own resources to pay any student's assessed tuition/fees. Except for tuition/fee waivers in third party sponsored agreements, no tuition/fee waivers are to be granted.

§133-19-98. School Reimbursement and Credit Hour Accrual.

- 98.1. College courses offered to high school students in the high schools will be taught by either regular or adjunct part-time faculty members of the institution granting the college credit. In the special circumstances of a high school teacher who teaches the course during the regular school day, the college granting the credit may reimburse the high school for the instructor's service. Early enrollment courses will be taught by full-time or adjunct/part-time faculty members of the institution granting the college credit.
- 98.2. Consistent with Higher Education Policy Commission policies, student credit hours generated by high school students registered in college classes will accrue to the institution granting the credit. 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.
- 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.

§133-19-109. Accountability.

- 109.1. Each college or university offering college courses for high school students may in accordance with provisions of this policy make arrangements for award of dual credit with the participating high school. Each institution which offers college level courses for or in West Virginia high schools must maintain a record of the courses and enrollments for such courses and submit any reports of college courses for high school students as deemed necessary.
- 109.2. Each college or university which offers college-level courses for or in West Virginia high schools must maintain a record of the courses and enrollments for such courses and submit any reports of college courses for high school students as deemed necessary. Each institution will submit reports in compliance with requirements set forth by the specifications of the WV Data Policy Advisory Council, the Higher Education Policy Commission, and the Council for Community and Technical College Education.
- 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.

**TITLE 133
PROCEDURAL RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 19
GUIDELINES FOR THE OFFERING OF EARLY ENROLLMENT COURSES FOR HIGH SCHOOL
STUDENTS**

§133-19-1. General.

- 1.1. Scope: This policy establishes guidelines for West Virginia public colleges and universities for the offering of college courses for high school students.
- 1.2. Authority: W. Va. Code
- 1.3. Filing Date - April 27, 2012
- 1.4. Effective Date - May 27, 2012

CLEAN
COPY

§133-19-2. Purpose.

- 2.1. Legislative goals established for public colleges and universities provide that higher education in West Virginia should be fully to the benefit of the people. Among these goals is a statutory provision (W. Va. Code §18-2-2) 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.

§133-19-3. Principles.

- 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:
 - 3.1.1. Expand access to college
 - 3.1.2. Increase the college-going rate
 - 3.1.3. Increase student success in college
 - 3.1.4. 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.

- 3.2. Definitions for reporting purposes

- 3.2.1. 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.

3.2.2. College credit opportunities which are not counted for early enrollment reporting purposes.

3.2.2.a. EDGE (Earn a Degree, Graduate Early)

3.2.2.b. The College Board Advanced Placement Classes

3.2.2.c. CLEP Examinations

3.2.2.d. Articulated Credit

3.2.2.e. Campus Based Courses Not Offered Primarily for High School Students

§133-19-4. Courses.

- 4.1. Any early enrollment course must meet the same rigorous standards as those required for on-campus instruction. 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. Faculty for these courses will be evaluated by college personnel using the same processes as for other college faculty. 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 limited to lower division undergraduate courses which are jointly agreed upon by the cooperating college or university and high school.
- 4.3. Attendance in college courses offered in high schools will be limited to those students registered for college credit.

§133-19-5. Faculty.

- 5.1. Faculty teaching early enrollment courses must 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.
- 5.2. The institution granting college credit shall assign adjunct/part-time faculty status to high school teachers who teach college courses in the high school. Employment of any early enrollment adjunct/part-time faculty must 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.
- 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.
- 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.

- 6.4. Alternative admission requirements may be applicable for specific statewide academic initiatives.

§133-19-7. Tuition/Fees.

- 7.1. High school students enrolled in early enrollment courses in the high schools will be assessed tuition/fees consistent with the institution's approved fee structure. Alternatively, to make college courses more accessible to high school students, an institution may establish a special tuition structure for high school students as provided in Section 7.2 of this rule.
- 7.2. Special tuition for high school students established by any West Virginia public higher education institution must be set, at a minimum, at three-fourths of the rate of the lowest regular off-campus rate established by any West Virginia public higher education institution. 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 not use its own resources to pay any student's assessed tuition/fees. Except for tuition/fee waivers in third party sponsored agreements, no tuition/fee waivers are to be granted.

§133-19-8. School Reimbursement and Credit Hour Accrual.

- 8.1. Early enrollment courses will be taught by full-time or adjunct/part-time faculty members of the institution granting the college credit.
- 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.
- 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.

§133-19-9. Accountability.

- 9.1. Each institution which offers college level courses for or in West Virginia high schools must maintain a record of the courses and enrollments for such courses and submit any reports of college courses for high school students as deemed necessary.
- 9.2. Each institution will submit reports in compliance with requirements set forth by the specifications of the WV Data Policy Advisory Council, the Higher Education Policy Commission, and the Council for Community and Technical College Education.
- 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.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Guidelines for the Offering of Early Enrollment Courses for High School Students

Type of Rule: Legislative Interpretive Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Blvd. East, Suite 700, Charleston, WV 25301
 Contact: Dr. Bruce Flack, Director of Academic Affairs

Phone Number: 304-558-0261 Email: flack@hepc.wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No impact.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Guidelines for the Offering of Early Enrollment Courses for High School Students

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

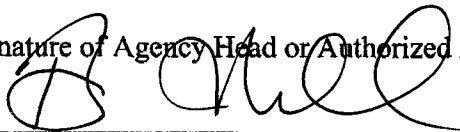
There will be no effect on cost or revenue.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: April 27, 2010

Signature of Agency Head or Authorized Representative



**West Virginia Higher Education Policy Commission
Meeting of April 23, 2010**

ITEM: Approval of Final Series 19, Guidelines for the Offering of Early Enrollment Courses for High School Students

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 19, Guidelines for the Offering of Early Enrollment Courses for High School Students, for final filing with the Secretary of State.

STAFF MEMBER: Bruce Flack

BACKGROUND:

Series 19, Guidelines for the Offering of Early Enrollment Courses for High School Students, is the Commission's long-standing rule for setting forth principles and policy for West Virginia public colleges and universities to offer college credit courses for qualified students in West Virginia high schools. This rule, which is identical to a companion rule of the Council for Community and Technical College Education, is designed to implement a change in West Virginia Code to make available college credit (early enrollment) opportunities for advanced high school students prior to high school graduation. The purpose of the revision to the rule is to assure uniform application of standards of academic integrity relating to matters of curriculum, selection of faculty, quality control, admission, setting tuition/fees, and accountability among all West Virginia public colleges and universities for participation in the early enrollment program.

At the January 22, 2010 Commission meeting, the revised procedural rule, Series 19, Guidelines for the Offering of Early Enrollment Courses for High School Students, was approved for filing with the Secretary of State for a thirty-day public comment period. Staff received three comments relating to two sections of the revised rule during the comment period. Summaries of the comments and the staff responses are as follows:

Comment: Section 4.3 states, "Attendance in college courses will be limited to those students registered for college credit." Officials from two West Virginia higher education institutions that participate in the early enrollment program argued that the inclusion of the Section 4.3 provision would limit their opportunity to offer courses in area high schools, particularly smaller high schools with small

enrollments. They recommended deletion of Section 4.3.

Response: The purpose of section 4.3 is to assure that early enrollment courses are college courses and not high school courses. In each early enrollment course the same course materials and requirements (syllabus, text, readings, assignments, exams, and assessments) found in the on-campus course are to be employed. While an early enrollment course may be listed for dual credit, the course is nevertheless a college-level course. In a course with "mixed" enrollment taught by the high school teacher, e.g. a course of 20 students in which only five are registered for college credit, it is highly unlikely that the course offering is a bona fide college course.

For high schools that are unable to schedule a college class offered for dual credit due to small enrollments, the schools should consider other options, such as the College Board Advanced Placement program in which a high school AP class affords students the opportunity for college credit through successful completion of an AP exam.

Section 4.3 is designed to help assure the integrity of the early enrollment program through the offering of courses that are unquestionably college level offerings and should be retained.

Comment: One comment was received suggesting that the deleted section 5.1 of the current rule be reinstated. The deleted section acknowledged that College Board Advanced Placement program should continue to be encouraged.

Response: The deleted section 5.1 of the current rule has been replaced by section 3.2.2 in the revised Series 19. Section 3.2.2 references other college credit opportunities open to high school students, including the Advanced Placement program. Series 19 delineates provisions for the offering of early enrollment courses and does not describe in detail other programs that provide college credit opportunities. The College Board Advanced Placement program is an important part of the Commission's program for providing college credit opportunities and is covered in the Commission's Series 15, Acceptance of Advanced Placement Credit.