EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER D. DUAL CREDIT PARTNERSHIPS BETWEEN SECONDARY SCHOOLS AND TEXAS PUBLIC COLLEGES

19 TAC §§4.83 - 4.85

The Texas Higher Education Coordinating Board (Coordinating Board) proposes, on an emergency basis, amendments to Chapter 4, Rules Applying to All Public Institutions of Higher Education in Texas, Subchapter D, Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges, §§4.83, concerning definitions; §4.84, concerning institutional agreements; and §4.85, concerning dual credit requirements. The proposed amendments to §4.84 add additional items to dual credit agreements between an institution of higher education and a school district to align the rule with amendments to Texas Education Code, §28.009 by HB 3650 and SB 1276, 86th Texas Legislature, Regular Session. The proposed amendments to §4.83 and §4.85 establish additional state funding provisions for dual credit courses to align the rule with amendments to Texas Education Code, §61.059 by SB 25, 86th Texas Legislature, Regular Session.

The amendments are being adopted on an emergency basis pursuant to §2001.034 of the Government Code, which allows a state agency to adopt an emergency rule if a requirement of state or federal law requires adoption of the rule on less than a 30 days' notice. The rule will be in effect for 120 days and may be renewed once for not longer than 60 days. During this time, the rule will be posted for a 30-day comment period and will be presented for Committee approval at the next quarterly meeting.

The amendments are proposed under the Texas Education Code, §28.009(b) and §130.001(b)(3) - (4), which provide the Coordinating Board with the authority to regulate dual credit partnerships between public two-year associate degree-granting institutions and public universities with secondary schools.

The amendments affect Texas Education Code, §§28.009 and §61.059.

§4.83. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) - (12) (No change.)

(13) Program of Study Curriculum (POSC)—The block of courses which progress in content specificity by beginning with all aspects of an industry or career cluster and incorporate rigorous college and career readiness standards, including career and technical education standards that address both academic and technical content which incorporate multiple entry and exit points with portable certifications of technical or career competency, which may include credit transfer agreements or industry-recognized certifications.

(14) (43a) Public two-year associate degree-granting institution—A community college, a technical college, or a state college.

§4.84. Institutional Agreements

(a) - (b) (No change.)

c) Institutional Agreement between Public Institution of Higher Education and Public School District. Any agreement entered into or renewed between a public institution of higher education and public school district on or after September 1, 2019, including a memorandum of understanding or articulation agreement, must:

(1) include specific program goals aligned with the statewide goals developed under TEC 28.009, Subsection (b-1);

(2) establish common advising strategies and terminology related to dual credit and college readiness;

(3) provide for the alignment of endorsements described by §28.025(c)(1) offered by the district, and dual credit courses offered under the agreement that apply towards those endorsements, with post-secondary pathways and credentials at the institution and industry certifications;

(4) identify tools, including tools developed by the Texas Education Agency, Texas Higher Education Coordinating Board, or the Texas Workforce Commission, to assist counselors, students, and families in selecting endorsements offered by the district and dual credit courses offered under the agreement;

(5) establish, or provide a procedure for establishing, the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method of evaluating high school courses with college courses and identifying the number of credits that may be earned for each course completed through the program;

(6) describe the academic supports and, if applicable, guidance that will be provided to students participating in the program;

(7) establish the institution of higher education's and the school district's respective roles and responsibilities in providing the program and ensuring the quality and instructional rigor of the program; and

(8) state the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tu-
ition, transportation, and any required fees or textbooks for students participating in the program;

(9) require the district and the institution to consider the use of free or low-cost open educational resources in courses offered under the program; and

(10) [§5] be posted each year on the institution of higher education's and the school district's respective Internet websites.

§4.85. Dual Credit Requirements

(a) Eligible Courses.

(1) - (2) (No change.)

(3) A college course offered for dual credit must be:

(A) in the core curriculum of the public institution of higher education providing the credit;

(B) a career and technical education course; or

(C) a foreign language course.

(i) This provision does not apply to a college course for dual credit offered as part of an approved early college education program established under TEC §29.908 or an early college program as defined in this subchapter.

(ii) Any college course for dual credit offered as part of an early college program as defined in this subchapter must be a core curriculum course of the public institution of higher education providing the credit, a career and technical education course, a foreign language course, or a course that satisfies specific degree plan requirements leading to the completion of a Board approved certificate, AA, AS, AAS degree program, [or] FOSC, or POSC.

(4) (No change.)

(b) Student Eligibility.

(1) A high school student is eligible to enroll in academic dual credit courses if the student:

(A) demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative as set forth in §4.57 of this title (relating to College Ready and Adult Basic Education (ABE) Standards) on relevant section(s) of an assessment instrument approved by the Board as set forth in §4.56 of this title (relating to Assessment Instrument); or

(B) demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in §4.54 of this title (relating to Exemptions, Exceptions, and Waivers).

(2) - (3) (No change.)

(4) - (8) (No change.)

(c) - (h) (No change.)

(i) Funding.

(1) (No change.)

(2) The college may only claim funding for students earning [getting] college credit in core curriculum, field of study curriculum, program of study curriculum, career and technical education, and foreign language dual credit courses.

(3) - (4) (No change.)

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 29, 2019.
TRD-201902413
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Effective date: July 29, 2019
Expiration date: November 25, 2019
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