

PROPOSED RULES AMENDMENT PREAMBLE

Brief explanation of proposed rule amendment

The Texas Higher Education Coordinating Board proposes amendments to Sections 4.151, 4.153-4.156, 4.158-4.161 concerning Rules Applying to All Public Institutions of Higher Education in Texas, concerning Early College High Schools and Middle Colleges,. The intent of the amendments is to bring the Coordinating Board rules into better alignment with the Education Code. These amendments would delete all references to "Middle Colleges" found in Chapter 4, Subchapter G.

Fiscal note and estimated cost to state and local government (or estimated reduction in costs to state and local government, and/or estimated loss of increase in revenue to state and local government)

MacGregor M. Stephenson, Assistant Commissioner for Workforce, Academic Affairs and Research, has determined that for the first five years there will be no fiscal implications for state or local governments as a result of amending the rule listed above.

Public benefit and local employment impact

Dr. Stephenson has also determined that for the first five years the amendments are in effect, the public benefits anticipated as a result of administering the sections will be to bring the revised Coordinating Board rules into alignment with section 29.908 of the Education Code. There is no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no impact on local employment.

Request for comments

Comments on the proposed amendments may be submitted by mail to MacGregor M. Stephenson, Assistant Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711 or via email at WAARcomments@theccb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the Texas Register.

Statutory basis for amendment

The amendment is proposed under the Texas Education Code, Chapter 29, Subchapter Z, Sec. 29.908(d), which provides the Coordinating Board with the authority to adopt rules as necessary to exercise its powers and duties under Section 29.908 ("Early College Education Program").

Statutes, articles, codes affected by the proposed action

The amendments affect the Texas Education Code, Section 29.908.

The Coordinating Board certifies that the proposed rules have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Chapter 4. Rules Applying To All Public Institutions Of Higher Education In Texas

Subchapter G. Early College High Schools [~~And Middle Colleges~~]

- 4.151 Purpose
- 4.152 Authority
- 4.153 Definitions
- 4.154 Notification of Institutional Intent to Develop an Early College High School [~~/Middle College Entity~~]
- 4.155 Student Eligibility
- 4.156 Faculty Selection, Supervision, and Evaluation
- 4.157 Curriculum, Instruction, and Grading
- 4.158 Transcribing of Credit
- 4.159 Evaluation and Accountability
- 4.160 Funding
- 4.161 Exemption from Certain Dual Credit Restrictions

4.151 Purpose

The purpose of this subchapter is to provide oversight by the Board of public colleges or universities engaged in partnerships establishing early college high schools [~~or middle colleges~~]. The rules and regulations for public colleges or universities to engage in dual credit partnerships with secondary schools as provided for in this subchapter pertain only to Early College High Schools [~~and Middle Colleges~~] in accordance with §4.153 of this title (relating to Definitions).

4.153 Definitions

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

- (1) Assessment -- The criterion-referenced assessment instruments adopted by the Board to assess a student's readiness to enroll in college-level coursework or curricula.
- (2) Board -- The Texas Higher Education Coordinating Board.
- (3) Colleges or Universities, or C/U -- Texas public two-year colleges or public universities.
- (4) Commissioner -- The Commissioner of Higher Education.
- (5) Early College High School or ECHS--The institution or entity designated by the Texas Education Agency as an Early College High School in accordance with §102.1091 of this title (relating to Early College High School [~~Commissioner's Rules Concerning Early College Education Program~~]), that provides the outreach, curricula, and student learning and support programs that enable the participating student to combine high school courses and college-level courses

during grade levels 9 through 12 and to attain the Recommended or Advanced High School Program diploma and earn up to 60 semester credit hours toward an associate or baccalaureate degree by the fifth anniversary of the student's first day of high school.

~~[(6) — Middle College or MC — The institution or entity that provides the outreach, a course of study, and student learning and support programs that enable a participating student to combine high school courses and college-level courses during grade levels 11 through 12 and to attain the Recommended or Advanced High School Program diploma and a significant number of semester credit hours toward an associate or baccalaureate degree.]~~

~~(6)~~[(7)] Recommended or Advanced High School Program--The curriculum specified in the Texas Education Code, §28.025, and the rules promulgated there under by the State Board of Education.

4.154 Notification of Institutional Intent to Develop an Early College High School [~~Middle College Entity~~].

Texas public colleges and universities (C/U) are eligible to enter into agreements with Texas public schools to create an ECHS[~~MC~~]. Any C/U that participates in the creation of an ECHS[~~MC~~] shall notify the Board in accordance with provisions and schedules determined by the Commissioner.

4.155 Student Eligibility

(a) Students participating in an ECHS [~~or MC~~] must meet eligibility requirements governing dual credit in accordance with §§4.81 - 4.85 of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

(b) An ECHS[~~MC~~] shall assess each student for readiness to engage in any college-level curriculum offered for college credit prior to the student's enrollment in such curriculum.

(c) For this assessment, an ECHS[~~MC~~] may use any instrument otherwise approved by the Board for Texas Success Initiative purposes in accordance with §4.54 (relating to Exemptions/Exceptions), §4.56 (relating to Assessment Instrument), and §4.57 (relating to Minimum Passing Standards) of this title.

(d) After assessment, the ECHS[~~MC~~], using guidelines established by the C/U, shall determine what forms of assistance and remediation, if any, are necessary prior to a student's enrollment in any college-level curriculum based on the results of the assessment and other indicators of student readiness.

4.156 Faculty Selection, Supervision, and Evaluation

(a) The C/U shall select instructors of all college-level curricula offered for college credit in an ECHS[~~MC~~]. These instructors must be regularly employed faculty members of the C/U or meet the same standards, including but not limited to, minimal requirements of the Commission on Colleges of the Southern Association of Colleges and Schools.

(b) The C/U shall supervise and evaluate instructors of college-level curricula offered for college credit using the same or comparable procedures used for faculty at the C/U.

4.158 Transcribing of Credit

The C/U shall determine when the college credit for each ECHS[/~~MC~~] student should appear on the C/U transcript.

4.159 Evaluation and Accountability

Each ECHS[/~~MC~~] and sponsoring C/U shall be responsible for the development and implementation of an evaluation process to determine the effectiveness of the ECHS[/~~MC~~]. Measures of effectiveness shall include, but are not limited to, student results on the K-12 accountability assessments (e.g., TAKS) and success indicators of graduates at Texas public institutions of higher education (e.g., participation rates, grade point average, retention rates, and graduation rates).

4.160 Funding

(a) State funding for high school and college credit will be available to the public school district and the C/U based on the current funding rules of the State Board of Education and the Board.

(b) The C/U may claim funding for all ECHS[/~~MC~~] students receiving college credit.

4.161 Exemption from Certain Dual Credit Restrictions

(a) Rules governing dual credit in accordance with §§4.81 - 4.85 of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges) pertain to an [~~MC or an~~] ECHS and its participating students.

(b) An [~~MC or an~~] ECHS that has notified the Commissioner in accordance with §4.154 of this title (relating to Notification of Institutional Intent to Develop an Early College High School[/~~Middle College Entity~~]) may allow its eligible students to enroll in more than two dual credit courses per semester. An ECHS may allow its eligible students to enroll in dual credit coursework with freshman, sophomore, junior, or senior high school standing.

(c) If the Commissioner of Education denies the application for designation as an ECHS, denies the renewal of designation, or revokes the authorization of an ECHS program in accordance with §102.1091 of this title (relating to Early College High School [~~Commissioner's Rules Concerning Early College Education Program~~]), the exemption outlined in subsection (b) of this section is simultaneously revoked.