



Evolution of Dual Credit¹

Dual credit, the opportunity for students to enroll in college courses and receive both college and high school credit, has been available for the past 50 years, though not universally accessible. More recently, dual credit has received increased attention as policymakers seek solutions to rising college costs and students' lack of college readiness.

Early studies seemed to indicate that enrolling in dual credit courses leads to student success, and the Texas Legislature took notice. Trey Miller, RAND Corp., [Dual Credit Education in Texas: Interim Report](#) (2017). The Legislature first required school districts, effective in 2008, to provide each student the opportunity to obtain 12 college credit hours through instructional arrangements such as dual credit. In 2015, the Legislature moved to open dual credit options to even more students by relaxing eligibility standards and allowing students to take courses offered by community colleges in different service areas. Tex. Educ. Code § 28.009; Act of May 23, 2015, 84th Leg., R.S., H.B. 505.

From 2000 to 2017, dual credit enrollment increased 750%. The overwhelming majority of dual credit students enroll in courses offered by public two-year colleges. In fall 2017, of the 726,699 students enrolled in two-year colleges statewide, 19.4% of the students were dual credit students, and, at some colleges, more than 40% of their enrollment was composed of dual credit students. Tex. Higher Educ. Coordinating Bd., [Dual Credit Data](#).

Despite community advocacy and legislative support, dual credit is not immune to criticism. Critics say current dual credit policies have resulted in decreased course rigor. They claim students, lacking adequate guidance, often enroll in courses that will not easily transfer or that are unnecessary. They cite statistics showing more dual credit opportunities are available in communities with a stronger tax base, communities where students already tend to go to college, not the communities composed of traditionally underserved students. They also claim dual credit is an inefficient use of public resources. Trey Miller, RAND Corp., [Dual Credit Education in Texas: Interim Report](#) (2017).

Hoping to settle these debates, the Texas Higher Education Coordinating Board (THECB) initiated a two-part study to determine how to design, target, and implement high quality, cost effective dual credit programs. The first phase of the project, a study conducted by the RAND Corporation, addressed dual credit policies, practices, participation, academic outcomes, and college completion efficiency for those students taking courses prior to the 2015 expansion of dual credit options. The study concluded dual credit enrollment did result

¹ An electronic version of this document is available on TASB College eLaw at tasb.org/Services/Community-College-Services/documents/evolution-of-dual-credit.pdf.

in better class outcomes in the categories of enrollment, persistence, and completion for students in the early cohorts but noted that a disparity existed in the performance of some demographic groups. The study found that those students who did enroll and complete college did so faster than students who did not enroll in dual credit but both groups had approximately the same number of semester credit hours at completion. The study also noted the quality of instruction varied across programs. Trey Miller, RAND Corp., [Dual Credit Education in Texas: Interim Report](#) (2017).

The second phase, which focused mostly on traditional dual credit education offered by community colleges, was conducted by the American Institutes of Research (AIR). AIR looked further into questions raised by the RAND report and related issues, including course rigor, academic supports, demographic disparities, the effect of the 2015 expansion, and if student success was the result of dual credit participation or prior preparation. Trey Miller, Am. Inst. Of Research, [Dual Credit Education in Texas: Phase II](#) (2018).

AIR released a draft report over the summer and sought comments. Key findings of the draft report include the finding that prior to the 2015 expansion, dual credit more significantly improved outcomes for traditionally advantaged students but that traditionally disadvantaged students also benefited from dual credit courses if academically prepared. High school counselors were found to be more involved in advising dual credit students than college counselors. The academic rigor of dual credit courses was found to be mostly the same as the comparable college-credit only courses. Trey Miller, Am. Inst. Of Research, [Dual Credit Education in Texas: Phase II](#) (2018). The final report is to be presented to THECB at the October board meeting and released publically in December.

The Texas Legislature is currently considering interim charges related to dual credit, including charges related to academic rigor, funding, and advising, with the intention of addressing the topic in the upcoming session. The RAND and AIR reports will factor into these discussions. Pending the outcome of the 86th legislative session, school districts and colleges must work within a structure that raises a number of common questions.

What institutions may partner with school districts to offer dual credit courses?

A public college, including a two-year college or a university, may enter into an agreement with a school district for the college to offer dual credit courses to the district's students. In fact, if a school district requests that a college assist the district in developing and implementing a college credit program under Texas Education Code section 28.009, the college is required to help the district. Additionally, the four community colleges with a service area located wholly or partly within Harris County, including Houston Community College, Lone Star College, Lee College, and San Jacinto College, are required to enter into a dual credit agreement with each school district located wholly or partly within Harris County. Tex. Educ. Code §§ 28.009, 130.008(a), (d), (g); 19 Tex. Admin. Code § 4.83(2), (4).

Have the state requirements for dual credit agreements changed?

Effective September 1, 2018, new and renewed agreements for dual credit programs described by Texas Education Code section 28.009(b-1) must: include program goals aligned with the statewide goals for dual credit programs issued by the THECB and the Texas Education Agency (TEA); address a course equivalency crosswalk or other method for equating high school and college courses and credits that may be earned for each completed course; address academic supports, and, if applicable, guidance for participating students; describe the institution's and school district's respective roles and responsibilities for the program and ensuring its quality; and describe the funding sources. The agreement must be posted annually on both the college's and the school district's websites. These requirements are in addition to existing THECB requirements. Tex. Educ. Code § 28.009(b-2).

May a student seeking only high school credit enroll in a dual credit course?

A dual credit course may be comprised only of dual credit students or may also include college credit students. However, the course may not include students solely seeking high school credit unless: the course is required for graduation and the high school is unable to offer the course; the students are AP students; or the course is a career and technology/workforce education course and, if those students successfully complete the course, they will earn articulated college credit. 19 Tex. Admin. Code § 4.85(d).

Can a school district or college place restrictions on student dual credit participation?

State law prohibits THECB and TEA from limiting the number of dual credit courses or hours in which a student may enroll during high school or during each semester or academic year. THECB and TEA are also prohibited from limiting a high school student's dual credit course enrollment eligibility to particular grade levels. Tex. Educ. Code § 28.009(b).

However, state law does not extend those prohibitions to school districts or colleges. Therefore, a district or college may arguably place reasonable restrictions on student participation in dual credit courses generally or in specific courses.

What does a dual credit course look like?

Dual credit courses may be conducted on the high school or the college campus. They may be offered individually, as part of an early college high school (ECHS), or, beginning with the 2018-19 academic year, as part of a pathways in technology early college high school (P-TECH). Unless offered as part of an early college high school, a dual credit course must be in the college's core curriculum; a career and technical education course; or a foreign language course. If offered as part of an early college program, the course may also be a course that meets the specific course degree requirements leading to a THECB-approved associate of arts, associate of science, or associate of applied science degree program; certificate; or field of study curriculum. Tex. Educ. Code §§ 28.009(a-4)-(a-5), 29.553, .908, 130.008(a-1)-(a-2); 19 Tex. Admin. Code § 4.85(a), (c).

May a dual credit course be taught by a high school teacher?

Dual credit courses must be taught by individuals selected by the college. At times, a college may consider a high school teacher to teach a course, particularly if the college will be offering the course on the high school campus. Although the teacher is not a regularly employed college faculty member, the teacher must meet the same standards as, be selected by the same procedures as, and be supervised and evaluated like faculty who teach the same courses on the college campus. 19 Tex. Admin. Code § 4.85(e).

If a teacher employed by the school district applies to teach a course offered by a community college, the college must either approve or reject the application no later than the 60th day after the college receives the application. Tex. Educ. Code § 130.008(g)-(h).

What support services must be offered to dual credit students?

The college must permit students enrolled in dual credit courses to use the equivalent or comparable support services to those provided to college students attending the main campus. The college must provide the student with timely and efficient access to the support services, such as academic advising and library resources, for which the student may be eligible. 19 Tex. Admin. Code § 4.85(g)(2).

How are dual credit courses funded?

A student's time participating in a dual credit course will be counted toward the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. Tex. Educ. Code § 42.005(g).

With the exception of a student enrolled in an early college high school, a community college is eligible for state funding for a student taking a core curriculum, CTE, or foreign language dual credit course for college credit. The college may waive all or part of the student's tuition and fees for attending a dual credit course. Tex. Educ. Code § 130.008(b)-(c); 19 Tex. Admin. Code § 4.85(i).

Note, AIR's draft study found community colleges carry the cost burden of delivering dual credit if tuition and fees are waived since the costs of providing dual credit significantly exceed state funding. Courses taught by high school teachers were the most costly. However, any costs of dual credit education were found to be greatly exceeded by the benefits of student participation in dual credit courses. Trey Miller, Am. Inst. Of Research, [Dual Credit Education in Texas: Phase II](#) (2018).

May parents access their students' dual credit records maintained by the college?

Parents often wish to track their children's performance in dual credit courses, but access to educational records maintained by the college is not automatically granted, even if their children are still minors.

Dual credit records, including grades and coursework, are subject to the federal Family Educational Rights and Privacy Act (FERPA). Under FERPA, parents have access to their children's dual credit records maintained by the school district while their children are minors or dependents for tax purposes. However, parents typically may access records maintained by the college only if their children are considered dependents. 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.10, .31(a).

These limitations may be overcome if a student consents in writing for his or her parents to access the records. 34 C.F.R. § 99.30. Colleges may choose to provide students with an authorization form to make the process easier.

May colleges prohibit concealed handguns in dual credit classrooms?

A handgun license holder may carry a concealed handgun on college property, including in college classrooms, subject to limited exceptions addressed by law or the college's rules and regulations. The Texas Attorney General was asked if community colleges may restrict the carry of concealed handguns in classrooms as community colleges regularly have a significant number of minors on campus. The attorney general determined that a college may not use the presence of minors as a basis to categorically prohibit concealed handguns from classrooms. However, colleges are permitted to adopt reasonable rules to accommodate the particular nature of the campus and student population if those rules do not have the effect of generally prohibiting concealed carry by license holders on campus. Op. Tex. Att'y Gen. No. KP-120 (2016); Tex. Gov't Code § 411.2031.

A restriction on carry in a specific classroom during a time when a group of minors will congregate may therefore qualify. Blended classrooms with dual credit and adult college-credit only students will likely not. If a college is legally authorized to restrict carry during a particular time period, the college will be required to post appropriate signage at the scheduled time and remove it immediately thereafter or risk significant penalties. Tex. Penal Code § 30.06; Tex. Gov't Code § 411.209.

Other questions?

School district representatives may contact the TASB Legal Line at 800.580.5345 or email legal@tasb.org with dual credit questions.

TASB is also committed to serving all 50 of the state's community colleges. In response to the colleges' growing need for legal and policy support, the existing collaboration between TASB Legal Services and TASB Policy Service has evolved into the consolidated TASB Community College Services Department. Community college representatives may contact Community College Services at 800.580.1488 or colleges@tasb.org with their dual credit questions or visit colleges.tasb.org for free FAQs and other documents.

For more information on community college law topics,
visit TASB Community College eLaw online at colleges.tasb.org/elaw.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the college's own attorney in order to apply these legal principles to specific fact situations.