



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 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/resources/tasb-college-elaw/documents/cc-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 Programs in Texas: Phase II](#) (2018).

Key findings of the 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 Programs in Texas: Phase II](#) (2018).

Q: *May community colleges partner with school districts to offer dual credit courses?*

A: A public community college or another institution of higher education may enter into an agreement with a school district for the college to offer dual credit courses to the district's students so that the student may receive both high school credit and credit from the college. 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-1).

Q: *Must the community college's board of trustees approve the dual credit agreement?*

A: Community colleges may enter into a dual credit partnership with a school district upon approval by the college's governing body or designated authority. 19 Tex. Admin. Code § 9.144(a). However, each dual credit partnership entered into by a community college must be approved by both governing bodies since the agreements are subject to the Interlocal Cooperation Act. The Interlocal Cooperation Act permits local

governments, including community colleges and school districts, to enter into contracts for the performance of a governmental function or service. If they choose to do so, the governing body of each entity that is party to the contract must authorize the contract. Tex. Gov't Code § 791.011.

Q: *What must be addressed in a dual credit agreement?*

A: THECB rules have long specified the contents of instructional partnerships between two-year colleges and school districts. The rules require dual credit partnerships to address: eligibility of students; faculty qualifications, selection, supervision, and evaluation of faculty; location and student composition of classes; academic policies; provision of student learning and support services; eligible courses that, if applicable, are in a defined sequence; course curriculum and instruction; grading criteria; transcribing of credit; and funding. 19 Tex. Admin. Code §§ 4.84(a)-(b), 9.144.

An agreement for a dual credit program described by Texas Education Code section 28.009(b-1) are required to: include program goals aligned with the statewide goals for dual credit programs issued by the THECB and the Texas Education Agency (TEA); provide for the alignment of the available endorsements and relevant dual credit courses with credentials and pathways at the institution and with industry certifications; and 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. It must address academic supports, and, if applicable, guidance for participating students; set out common advising strategies and terminology associated with dual credit and college readiness; and describe tools, including those developed by THECB, TEA, and the Texas Workforce Commission (TWC) to help counselors, students, and families select endorsements and dual credit courses. The agreement must also describe the college's and school district's respective roles and responsibilities for the program and ensuring its quality; describe the funding sources, including sources for funding tuition, required fees and textbooks, and transportation; and require the entities to consider the use of free or low-cost open educational resources in the dual credit courses. Agreements entered into or renewed on or after September 1, 2021 must also designate an employee of either entity to provide academic advising to a student who enrolls in a dual credit course prior to the start of the course. These requirements are in addition to existing THECB requirements. Tex. Educ. Code § 28.009(b-2); 19 Tex. Admin. Code § 4.84(c).

The agreement must be posted annually on both the college's and the school district's websites. Tex. Educ. Code § 28.009(b-2); 19 Tex. Admin. Code § 4.84(c).

Q: *What courses may be offered for dual credit?*

A: Dual credit courses may be offered individually, as part of an early college high school (ECHS), or 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; field of study curriculum, or program 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).

Q: *Must dual credit courses be held on a college campus?*

A: Dual credit courses may be conducted on the high school or the college's campus. They may also be taught electronically. Dual credit courses taught exclusively to high school students on a high school campus or courses taught electronically must comply with the general rules for dual credit courses as well as the THECB's rules that apply to distance education and off-campus and self-supporting courses, 19 Texas Administrative Code chapter 4, subchapter P and Q. Electronic courses must also comply with the Principles of Good Practice, available through the THECB [Distance Education Modifications & Requests](#) Website. 19 Tex. Admin. Code §§ 4.85(c), .255-.264, .270-.279.

Q: *What academic policies apply to dual credit courses?*

A: A community college is required to ensure that the instruction, materials, curriculum, and rigor of the dual credit course is the same as the corresponding course provided on the college's main campus. The academic policies applied to courses at the college's main campus, such as grading policies, grade appeal procedures, and the drop policy, must similarly apply to the dual credit courses. Both high school and college credit should be immediately placed on a student's transcript after the student successfully completes the course. 19 Tex. Admin. Code § 4.85(f), (g)(1), (h).

Q: *Who may teach a dual credit course?*

A: Dual credit courses must be taught by individuals selected by the community college. The instructors 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. The instructors are to be supervised and evaluated like any other college faculty. 19 Tex. Admin. Code § 4.85(e).

State law provides specificity regarding the requirements that apply to an instructor assigned by a community college to teach a dual credit course under Texas Education Code section 130.008 as well as the timeline a community college must follow to approve an instructor provided by the school district. The instructor is qualified to teach the course if the instructor has a doctoral or master's degree in the discipline that is the focus of the course or a master's degree in another discipline that includes a concentration requiring the completion of at least 18 graduate semester credit hours in the discipline that is the focus of the course. An instructor is also qualified to teach a course that is part of an associate degree program and not intended for transfer to a baccalaureate degree program if the instructor holds a baccalaureate degree in the discipline that is the focus of the course or an associate degree and demonstrated competencies described by THECB in the discipline that is the focus of the course. If an instructor employed by the school district applies to teach the course, the community 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).

Q: *Must a community college perform a background check on an instructor?*

A: Instructors provided by a community college to teach a high school course may be subject in certain instances, such as those teaching courses that are held on a school district campus, to the criminal history background check provisions described at Texas Education Code section 22.0834 and 19 Texas Administrative Code sections 153.1101 and 153.1117.

In accordance with Texas Education Code section 22.0834, a college must perform a criminal background check on an applicant for employment or a current employee who will have continuing duties related to a contract to provide services to a school district, open enrollment charter school, or shared services arrangement and who will have direct contact with students. Tex. Educ. Code § 22.0834; Tex. Gov't Code § 411.097. The application of this provision will vary based on the arrangement. For example, a college may enter into a written agreement with a school district to send a faculty member to teach a course for high school students on a campus of the school district. In that instance, the college is likely a service provider subject to Section 22.0834. However, if the college merely enrolls high school aged students seeking dual credit through the institution's regular course offerings, the college likely will not be subject to Section 22.0834. A community college should consult its attorney to determine if Section 22.0834 applies to a particular situation.

Even if Section 22.0834 does not apply to a particular community college's employee, the college may access the criminal history record information (CHRI) maintained by the Texas Department of Safety (DPS), the FBI, or another criminal justice agency regarding an applicant for employment in a position identified in both its job description and advertisement as a security-sensitive position. A *security-sensitive position* is one in which the employee handles currency; has computer

access; has access to another person's personal or identifying information; has access to the college's or another person's financial information; has access to a master key; or works in an area designated as a security-sensitive. Tex. Gov't Code §§ 411.082, 087(a), .094; Tex. Educ. Code § 51.215.

A community college may also access criminal history information that is available to the public. Tex. Dep't of Public Safety, [TxDPS Crime Records Service Public Website](#).

Q: *Who may enroll in a dual credit course?*

A: To qualify to enroll in an academic dual credit course, a high school student must demonstrate college readiness by meeting the Texas Success Initiative (TSI) passing standards on an approved assessment instrument or demonstrate that the student is exempt from the TSI requirements. 19 Tex. Admin. Code § 4.85(b)(1).

To qualify to enroll in a course that requires the demonstration of TSI college readiness in reading, writing, or mathematics, whether that course is an academic course or a workforce education course contained in a postsecondary Level 2 certificate or applied associate degree program, a student must achieve a satisfactory score on the applicable end of course (EOC) assessment, the PSAT/NMSQT, or the PLAN or ACT-Aspire as described by 19 Texas Administrative Code section 4.85. An institution may otherwise evaluate a student who is exempt from the STAAR EOC assessments to determine eligibility to enroll in workforce education dual credit courses contained in a Level 2 certificate or applied associate degree program. 19 Tex. Admin. Code § 4.85(b)(1)-(2), (4).

A high school student may also enroll in workforce education dual credit courses included in a program leading to a credential of up to a postsecondary Level 1 certificate at a public community college. The college may not require the student to demonstrate further dual credit enrollment eligibility or college readiness. 19 Tex. Admin. Code § 4.85(b)(3).

Unless excepted as described above, in addition to the testing thresholds, a student must satisfy the other prerequisites set out by the community college for that course, such as admission to the college, achieving a minimum grade in a prior course, and any other requirements set out by the college for enrolling in a dual credit course. 19 Tex. Admin. Code § 4.85(b)(6)-(7).

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

A: Dual credit courses may be composed only of dual credit students or may also include college credit students. However, the courses may not include students solely seeking high school credit unless the district finds the creation of a high school credit-only course is not financially feasible for the high school and: the course is required for

graduation and the high school is unable to offer the course; those students are advanced placement or International Baccalaureate students; or the course is a career and technical/workforce education course and the students are eligible to earn articulated college credit. 19 Tex. Admin. Code § 4.85(d).

Q: *May a school district or community college place restrictions on student dual credit participation?*

A: 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.

Q: *What support services must be offered to dual credit students?*

A: The community 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).

Q: *How are dual credit courses funded?*

A: 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, a factor used to determine state appropriations to school districts. 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, program of study curriculum, field of study curriculum, career and technical education (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 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).

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

A: 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 the student's 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.

For more information on community college law topics,
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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.

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