

Officers

Lauren Nash Ming
PRESIDENT

Karen O. Drake
VICE-PRESIDENT

Debra B. Kennard
VICE-PRESIDENT

Heidi Veron
VICE-PRESIDENT

Jill Nowak
TREASURER

Robert Schmalz
SECRETARY

Clayton M. Evans
MEMBER-AT-LARGE

Directors

Gerald Axelbaum

Azmy Azmy

Jacqueline Meaders Booth

James E. Crowe, III

Matt Dace

Bill Eastman

Joan Esserman

Edward Goldberg

Jennifer A. Haynes

Janet Hendrickson

Muhammad O. Islam

April Mickens Jolly

Laura Kipnis

Joan Magruder

David A. Meyer

Lainie Neiman

Susan Plassmeyer

Dana L. Romeis

Tom Ruwitch

Lauren J. Sagel

L. Maria Vergara

Beth-Anne Yakubu

Honorary Life Directors

Buron Buffkin

Betsy Douglass

Joyce Follman

Linda Goldstein

Joel Iskiwitch

Nancy Kalishman

Lynne Kipnis

Donna Moog

Julia Muller

Estie Pruett

Audrey Shanfeld

Barbara Touchette

Executive Director

Faith Sandler

MEMORANDUM

To: The Department of Higher Education & Workforce Development

From: Aja McCoy and Sara Rutherford, The Scholarship Foundation of St. Louis

Date: Oct 27, 2021

Re: **Proposed Rule Change 6 CSR 1010-2.195 A+ Dual-Credit Scholarship Program**

I. PURPOSE:

The objective of this memorandum is to provide analytical comments for the proposed rule, 6 CSR 10-2.195 A+ Dual Credit/Dual Enrollment Scholarship Program. We are both law students at St. Louis University. As current Data and Policy Fellows with the Scholarship Foundation of St. Louis in partnership with the League of Student Advocates, we urge you to heed our comments and concerns.

II. ANALYSIS: REVISED STATUE OF MISSOURI § 160.545: A+ SCHOOL PROGRAM ESTABLISHED PURPOSE, REQUIREMENT, REIMBURSEMENT FOR HIGHER EDUCATION COSTS FOR STUDENTS

The Missouri Revised Statue section 160.545.9 grants the department of higher education and workforce development the power to establish a procedure for the reimbursement of the cost of tuition and fees for any dual-credit or dual-enrollment course offered to a student in high school in association with an institution of higher education, for any student who meets the requirements established in *subsection 8* of this section immediately before taking the course for which reimbursement is sought. Pursuant to *Mo. Rev. Stat. §160.545.8*:

(8) The department of higher education and workforce development shall, by rule, establish a procedure for the reimbursement of the cost of tuition, books and fees to any public community college or vocational or technical school or within the limits established in subsection 11 of this section for any two-year private vocational or technical school for any student:

- (1) Who has attended a high school in the state for at least two years that meets the requirements of subsection 2 of this section and who has graduated from such a school; except that, students who are active duty military dependents, and students who are dependents of retired military who relocate to Missouri within one year of the date of the parent's retirement from active duty who meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the two-year attendance requirement of this subdivision; and

- (2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and
- (3) Who has earned a minimal grade average while in high school or through the semester immediately before taking the course for which reimbursement is sought as determined by rule of the department of higher education and workforce development, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department; and
- (4) Who is a citizen or permanent resident of the United States

Conversely, the proposed rule eligibility policy is as follows.

TITLE 6 CSR 10-2.195 A+ DUAL CREDIT/DUAL ENROLLMENT SCHOLARSHIP PROGRAM

(4) Eligibility Policy.

(A) To qualify for tuition reimbursement, a student must meet the following criteria:

1. Attend an A+ designated high school or high schools for at least two (2) years prior to the semester in which tuition reimbursement is being sought. Enrollment during the two (2) years in which the student was in attendance at one (1) or more A+ designated high schools must total a minimum of seventy-five percent (75%) of the instructional days required by the high school at which the student is enrolled while taking the dual credit or dual enrollment coursework. Interruptions in enrollment cumulatively totaling no more than twenty-five percent (25%) of instructional days in the two (2) years in which the student was in attendance at one (1) or more A+ designated high schools may occur consecutively or intermittently;
2. Be a U.S. citizen or permanent resident;
3. Enter into a written agreement as required by paragraph 6 CSR 10-2.190(3)(A)4. with the A+ designated high school prior to the semester in which tuition reimbursement is being sought;
4. Meet the high school's requirements for taking dual credit or dual enrollment coursework, except that student must have a minimum overall unweighted high school grade point average of at least two and one-half (2.5) on a four-point (4.0) scale, or the equivalent on another scale, through the semester immediately preceding the semester in which tuition reimbursement is being sought;
5. Have at least a ninety-five percent (95%) attendance record overall through the semester immediately preceding the semester in which tuition reimbursement is being sought;
6. Meet one (1) of the following indicators of college preparedness prior to the semester in which tuition reimbursement is being sought, unless the A+ school district has met all of the Department of Elementary and Secondary Education's (DESE) requirements for waiver of the Algebra I end-of-course exam for the student:

- A. Have achieved a score of proficient or advanced on the official Algebra I end-of-course exam, or a higher level DESE approved end-of-course exam in the field of mathematics; or
 - B. Meet other criteria established by the CBHE. The CBHE will develop these criteria in consultation with approved institutions and A+ designated high schools and may revise these criteria annually;
7. Have maintained a record of good citizenship and avoidance of the unlawful use of drugs and/or alcohol through the semester immediately preceding the semester in which reimbursement is being sought. Student participation in the Constitution Project of Missouri may be included in a student’s record of good citizenship in accordance with the A+ designated high school’s policy.

The proposed rule contains requirements that are not in the initial legislation. The new requirements could set unprecedented legislation constraints. In addition, the proposed rules will have a negative impact on Missouri’s marginalized communities, which would hinder the furtherance of the legislation's intent.

III. COMMENTS AND RECOMMENDATIONS

I. 6 CSR 10-2.195(4)(A)1. “Attend an A+ designated high school or high schools for at least two (2) years prior to the semester in which tuition reimbursement is being sought.”

◇ There are currently seven hundred and ninety-four public high schools in Missouri has and only five hundred and sixteen are A+ designated schools specifically.¹² The average Missouri student only has a 65 percent chance of attending an A+ designated high school. This criterion disregards students who transfer high schools frequently due to parents’ job responsibilities, changes in guardianship, or any other factor beyond the students’ control. Therefore, we recommend that this requirement be eliminated and students not be punished by being denied aid solely due to what school(s) their resources allow them to attend.

II. 6 CSR 10-2.195(4)(A)5. “Have at least a ninety-five percent (95%) attendance record overall through the semester immediately preceding the semester in which tuition reimbursement is being sought.”

◇ In 2020, Missouri public schools had an attendance rate of 85.3 percent.³ Further, the state’s expected attendance rate was set at 90 percent for the academic year. The proposed rule’s 95 percent attendance requirement is far too high and disregards already marginalized students who may perform well in the classroom without a 95 percent attendance rate. These students may not be able to attend school at this rate due to transportation restrictions, homelessness, responsibilities to care for younger siblings, working part-time to provide extra income, or other familial duties in addition to their coursework. We recommend focusing more on the student’s specific

¹ <https://dese.mo.gov/quality-schools/designated-schools>

² <https://dese.mo.gov/directory>

³ https://apps.dese.mo.gov/MCDS/Reports/SSRS_Print.aspx?Reportid=84d85ca8-c722-4f9b-9935-70d36a53cf54

academic performance through their grade point average than attendance rate. In addition, we recommend a more equitable and reasonable attendance rate of 75 percent in the semester immediately preceding the semester in which tuition reimbursement is being sought, as is similarly referenced in 6 CSR 10-2.195(4)(A)1.

III. 6 CSR 10-2.195(4)(A)6. A. “Have achieved a score of proficient or advanced on the official Algebra I end-of-course exam, or a higher level DESE approved end-of-course exam in the field of mathematics.

- ◇ This requirement bars students who excel in other subject areas from receiving aid. Students who are advanced in ELA, Science, or Social Studies, but score poorly on Mathematics exams, are excluded from aid opportunities solely based on their performance in this section alone. In 2019, among all public high school students who took the Algebra I EOC exam, 30.5 percent scored basic, 23.2 percent scored proficient, and 22.1 percent scored advanced.⁴⁵ The results indicate that over half of all high school students would likely be ineligible for increased learning opportunities offered by this aid. Moreover, most students scored proficient on English I (40.7 percent) and English II (48.1 percent) on the EOC exam that same year.⁶ We recommend that the proposed rule call for students who “have achieved a score of proficient or advanced on an official DESE approved end-of-course exam in any of the appropriately offered fields.”

IV. 6 CSR 10-2.195(4)(A)7. “Have maintained a record of good citizenship and avoidance of the unlawful use of drugs and/or alcohol through the semester immediately preceding the semester in which reimbursement is being sought.”

- ◇ The term “good citizenship” is ambiguous. The proposed rule does not define what a good citizen is, let alone the attributes of a good citizen. Further, the text does not identify the body that will be responsible for making the judgment call. The lack of clarity can result in discriminatory practices. Therefore, we recommended that the good citizen requirement be eliminated or redefined.

IV. CONCLUSION

The proposed rule should not go into action as it stands. The new criteria consist of logical fallacies and will undermine the legislatures’ intent of Mo. Rev. Stat. §160.545.9. The purpose of the legislation was to provide aid for Missouri students going into post-secondary learning—not to create a system that would generate disparities amongst the allocation of the aid. In good faith, 6 CSR 10-2.195(4)(A) must be reevaluated immediately before making any permanent decision. In the interim, we strongly suggest considering all demographics of students while drafting so that no student is excluded on the basis of criteria they do not control.

⁴ https://apps.dese.mo.gov/MCDS/Reports/SSRS_Print.aspx?Reportid=d5b59cb8-843d-41c8-96e9-268c2ca26a37

⁵ <https://dese.mo.gov/media/pdf/asmt-eoc-gir-1920>

⁶ https://apps.dese.mo.gov/MCDS/Reports/SSRS_Print.aspx?Reportid=d5b59cb8-843d-41c8-96e9-268c2ca26a37