



DEPARTMENT OF
HIGHER EDUCATION &
WORKFORCE DEVELOPMENT

December 17, 2021

Joint Committee on Administrative Rules
State Capitol, Room B8
Jefferson City, Missouri 65101

Dear Chairman White, Senators, and Representatives,

Re: 6 CSR 10-2.195 Dual Credit/Dual Enrollment Scholarship Program

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Department of Higher Education and Workforce Development.

Statutory Authority: Section 160.545, RSMo.

If there are any questions regarding the content of this order of rulemaking, please contact:

Kelli Reed
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Kristin Stokely

Kristin Stokely, General Counsel
Missouri Department of Higher Education and Workforce Development



DEPARTMENT OF
HIGHER EDUCATION &
WORKFORCE DEVELOPMENT

December 17, 2021

John R. Ashcroft
Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

Dear Secretary Ashcroft,

Re: 6 CSR 10-2.195 Dual Credit/Dual Enrollment Scholarship Program

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John R. Ashcroft

Secretary of State
Administrative Rules
RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 6 CSR 10-2.195

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

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TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination

Effective Date for the Emergency _____

Proposed Rulemaking __ Rule __ Amendment __ Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal X Adopt __ Amendment __ Rescission

Effective Date for the Order _____

Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Title, (1), (2), (4), (5), (6), and (7)

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

RECEIVED

By JCAR at 11:19 am, Dec 17, 2021

**Title 6 – DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE
DEVELOPMENT**
Division 10 – Commissioner of Higher Education and Workforce Development
Chapter 2 – Student Financial Assistance Programs

ORDER OF RULEMAKING

By the authority vested in the Department of Higher Education and Workforce Development under Subsection 160.545.9, RSMo, the Department of Higher Education and Workforce Development adopts a rule as follows:

6 CSR 10-2.195 is amended.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2021 (46 MoReg 1757 – 1759). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Higher Education and Workforce Development received 58 comments from 23 individuals or organizations on the proposed rule.

COMMENT #1: Aja McCoy and Sara Rutherford, with The Scholarship Foundation of St. Louis, requested elimination of the requirement that students must attend an A+-designated high school for at least two years since factors that are beyond a student’s control, such as transferring high schools due to a change in family circumstances, affect a student’s ability to meet this requirement. Alternatively, Michele Collins, with an unknown high school, requested the scholarship be limited to only high school seniors.

RESPONSE: Both requests relate to a statutory rather than a regulatory requirement. Subsection 160.545.9, RSMo provides this scholarship for any student who meets the requirements in subsection 8. of that statute, including attendance at an A+ high school for at least two years. No changes have been made to the rule as a result of this comment.

COMMENT #2: Kellie Austene, with Hallsville High School, requested that the high school grade point average required to qualify students for this scholarship be raised from 2.5 to 3.0 on a 4.0 scale to ensure the scholarship serves high caliber students.

RESPONSE: Increasing the grade point average requirement would be inconsistent with the other state student financial aid programs, including the merit-based Bright Flight scholarship. No changes have been made to the rule as a result of this comment.

COMMENT #3: Rebecca Maher, with California High School, Linda Johns, with Ozarks Technical Community College, and Kellie Austene, with Hallsville High School, indicated that the documentation requirements for verifying a student’s U.S. citizenship or permanent residency create a barrier for students, and the verification itself by postsecondary institutions would violate federal prohibitions against discrimination on the basis of citizenship. In addition, the criterion automatically eliminates some students from eligibility.

RECEIVED
By JCAR at 11:19 am, Dec 17, 2021

RESPONSE: Paragraph 160.545.8(4), RSMo, requires that students be a U.S. citizen or permanent resident. Therefore, the requirement itself cannot be changed or eliminated through the rulemaking process. In addition, federal requirements prohibit high schools from verifying students' citizenship status as it would interfere with the right of all students to receive free K-12 public education. However, this prohibition does not apply to postsecondary institution verification of citizenship for financial aid purposes. No changes have been made to the rule as a result of this comment.

COMMENT #4: Rebecca Maher, with California High School, Sharon Patton, with Willow Springs High School, Cindy Aldrich, with Neosho High School, Doug Peirick, with New Haven High School, Michele Collins, with an unknown high school, Erin Peirce, with Hillsboro High School, Brittany Bowser, with Republic High School, and Marlene Jackson, with Cameron High School recommended this scholarship's eligibility requirements and name be decoupled from the A+ Scholarship for postsecondary students. Closely tying the two scholarships creates confusion as students who are eligible for one may not be eligible for the other, and students may not understand the difference.

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees that there is significant potential for confusion and will remove "A+" from the references to the program's name in the rule, including the title, Subsections (1)(B), (1)(O), (5)(A), (6)(J), and Section (7). In addition, the eligibility requirements found in subsection (4)(A), paragraphs 3, 5 and 6, which are not required by statute, are removed. Removal of these paragraphs is also related to Comments #5 and #6 below.

COMMENT #5: Senator Lauren Arthur, representing District 17, Kellie Austene, with Hallsville High School, and Aja McCoy and Sara Rutherford, with The Scholarship Foundation of St. Louis, recommended the 95 percent attendance requirement be reduced or eliminated as it is too stringent and unmanageable.

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees that paragraph (4)(A)5 should be removed in response to comments #4 and #5. The rule is amended to remove this paragraph.

COMMENT #6: Beth Gandy, with Carthage High School, Alicia Cokerham, with Meadville High School, Senator Lauren Arthur, representing District 17, Trish McCray, with Dixon High School, Michele Collins, with an unknown high school, Kellie Austene, with Hallsville High School, Marlene Jackson, with Cameron High School, and Aja McCoy and Sara Rutherford, with The Scholarship Foundation of St. Louis, recommended that the Algebra I EOC requirement either be expanded to include any end of course exam or eliminated. Weaknesses in math but strength in other areas, COVID exemptions, and ACT test availability were cited as barriers to students.

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees that paragraph (4)(A)6 should be removed in response to comments #4 and #6. The rule is amended to remove this paragraph.

COMMENT #7: Senator Lauren Arthur, representing District 17, and Aja McCoy and Sara Rutherford, with The Scholarship Foundation of St. Louis, recommended the requirement that

students be good citizens and avoid the unlawful use of drugs and/or alcohol be removed or redefined as it is too ambiguous and does not clearly identify the entity responsible for determining the requirement is met.

RESPONSE AND EXPLANATION OF CHANGE: Staff agrees that clarification of the responsible entity is needed. However, in accordance with advice received from advisory groups consisting of high school and postsecondary institution personnel, the requirement will remain, with definitions determined by local control. Paragraph (4)(A)(7) is amended to indicate the A+ high school the student is attending will be responsible for determining this requirement is met.

COMMENT #8: Kellie Austene, with Hallsville High School, recommended that the requirement that students complete 50 hours of tutoring or mentoring be removed from the rule.

RESPONSE: This requirement is only found in the A+ Scholarship rule, 6 CSR 10-2.190. It is not included in this rule, 6 CSR 10-2.195. No changes have been made to this rule as a result of this comment.

COMMENT #9: Rebecca Maher, with California High School, Eric Sclesky, with Raymore-Peculiar High School, Kellie Austene, with Hallsville High School, Brittany Bowser, with Republic High School, and Marlene Jackson with Cameron High School indicated that the high school responsibilities, including eligibility verification and student notification, were overly burdensome and that the process be simplified.

RESPONSE AND EXPLANATION OF CHANGE: Staff agree with this comment and revised Subsections (2)(A) to reduce student verification to eligible applicants only. Subsection (2)(B) is revised to indicate student eligibility will not be evaluated until this verification is received. In addition, the changes to the eligibility criteria made in response to Comment #5 above will reduce the amount of verification required of high schools. Finally, functional processes outside of this rule will be adjusted to reduce the burden on high school personnel to the extent possible.

COMMENT #10: Beth Gandy, with Carthage High School, and Stacey Hooper, with Crowder College, indicated the timing of the proposed priority application deadline did not work well with dual credit enrollment deadlines. In addition, the Executive Director of the Joint Committee on Administrative Rules requested that the rule specify deadline dates.

RESPONSE AND EXPLANATION OF CHANGE: Staff agree with this comment and revised subsections (5)(A) to remove ambiguous language and (5)(B) to specify priority and final deadline dates for each semester and to identify the treatment of applications received between those dates.

COMMENT #11: Rebecca Maher, with California High School, Erika Derboven, with the Glasgow School District, Stacy Pitts, with Clinton High School, Michele Collins, with an unknown high school, and Marlene Jackson, with Cameron High School requested that the need component of the scholarship be eliminated. Reasons given were that some low income students already have their dual credit/dual enrollment tuition covered by other aid, the information required to determine the need cutoff will not be available in time for low income students to make informed enrollment decisions, and that this requirement is out of alignment with the A+

Scholarship, which does not have a need component as it is designed to help middle income families. One commenter recommended limiting the number of credit hours instead when there is a funding shortfall.

RESPONSE: Subsection 12, paragraph (2) of Section 160.545, RSMo requires that reimbursement for this scholarship be made on the basis of financial need. Therefore, the requirement cannot be changed or eliminated through the rulemaking process. No changes have been made to the rule as a result of this comment.

COMMENT #12: Rebecca Maher, with California High School, Trish McCray, with Dixon High School, Becky Whitmer, affiliation unknown, and Kellie Austene, with Hallsville High School requested that Free Application for Federal Student Aid (FAFSA) or Free and Reduced Lunch information be used instead of adjusted gross income (AGI) to determine student need, and that the department establish a secure method for students to transmit the documentation demonstrating their need.

RESPONSE: Subsection 12, paragraph (2) of Section 160.545, RSMo requires that reimbursement for this scholarship be made on the basis of financial need. The FAFSA is not available for all high school students and Free and Reduced Lunch does not provide sufficient information to establish a need cutoff. However, the department is exploring options for the secure transmission of the AGI information and will include the established option in functional procedures outside of this rule. No changes have been made to the rule as a result of this comment.

COMMENT #13: Beth Gandy, with Carthage High School, Rebecca Maher, with California High School, Trish McCray, with Dixon High School, Michele Collins, with an unknown high school, Becky Whitmer, affiliation unknown, and Brittany Bowser, with Republic High School recommended that award notification be made earlier in the process so students with financial need could make informed enrollment decisions. This would also reduce the risk of a low income student discovering their award was unfunded after it was too late for the student to withdraw with a refund, leading to unaffordable debt.

RESPONSE: Subsection 160.545.9, RSMo establishes this scholarship as a reimbursement program covering actual tuition and fees. As a result, it is not possible to accelerate the process or provide early notification of awards. No changes have been made to the rule as a result of this comment.

COMMENT #14: Marilyn Allen, with Affton Schools, recommended that fall 2021 awards be reimbursed since funding was provided for the 2021-2022 academic year.

RESPONSE: Implementation of this program will begin in the spring 2022 semester to provide time for the program's policies and processes to be established. Reimbursement for the fall 2021 term would come too late to influence student enrollment in dual credit or dual enrollment coursework for the fall 2021 term. No changes have been made to the rule or functional processes as a result of this comment.

COMMENT #15: Marlene Jackson, with Cameron High School, indicated that outstanding questions needed to be addressed before spring implementation.

RESPONSE: Staff agree with this comment and will provide updated information about the program as it becomes available. No changes have been made to the rule or implementation timeline as a result of this comment.

COMMENT #16: Senator Lauren Arthur, representing District 17, recommended that the rule should allow for reimbursement of dual credit or dual enrollment coursework taken during the summer term to increase educational opportunity and scheduling flexibility for students.

RESPONSE: Advisory groups comprised of high school and postsecondary institution personnel confirmed students take a very limited amount of dual credit during the summer and highlighted issues with high school verification of either dual credit or dual enrollment courses during summer periods. No changes have been made to the rule as a result of this comment.

COMMENT #17: Beth Gandy, with Carthage High School, indicated high schools will have difficulty identifying students who are dually enrolled, creating eligibility verification issues.

RESPONSE: Staff understand these difficulties and will make extra effort to help ensure dual enrollment students are aware of the program and to assist high schools in identifying these students. No changes have been made to the rule as a result of this comment.

COMMENT #18: Aja McCoy and Sara Rutherford, with The Scholarship Foundation of St. Louis, indicated the requirements outlined in the proposed rule go beyond the legislation and would negatively impact marginalized communities.

RESPONSE: Paragraph 160.545.8.(3), RSMo, gives the Department of Higher Education and Workforce Development the authority to establish "...other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of the department..." No changes have been made to the rule as a result of this comment.

COMMENT #19: Amanda Wersching, with School of the Osage High School, and Madeline Culbertson, with Cottey College, expressed support for the program as an incentive for students to participate in postsecondary education while still in high school, benefitting students by providing challenging coursework and shortening the time to completion.

RESPONSE: Staff thank these commenters for their support. No changes have been made to the rule as a result of this comment.

6 CSR 10-2.195 Dual Credit/Dual Enrollment Scholarship Program

(1) Definitions.

(B) Dual Credit/Dual Enrollment Scholarship shall mean the tuition reimbursement program set forth in subsection 9. of section 160.545, RSMo.

(O) Tuition reimbursement shall mean an amount of money paid by the state of Missouri to an eligible student enrolled in dual credit or dual enrollment coursework under the Dual Credit/Dual Enrollment Scholarship program for costs related to tuition and general fees, subject to state appropriations, after all other sources of non-loan funding have been applied.

(2) Responsibilities of A+ Designated High Schools.

(A) For students who have completed a dual credit/dual enrollment scholarship application, verify they are enrolled in dual credit or dual enrollment coursework and have met the eligibility requirements listed in section (4) of this rule except for paragraph 2 of subsection (4)(A).

(B) Submit the information required to verify student eligibility to the department. Student eligibility for an award will not be evaluated until this information is provided to the department.

(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. Meet the high school's requirements for taking dual credit or dual enrollment coursework, except that students 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;

4. 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 as determined by the A+ high school the eligible student is attending. 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; and

5. Be enrolled in eligible coursework.

(5) Application and Evaluation

(A) The department shall prescribe the time and method for filing applications for tuition reimbursement under the Dual Credit/Dual Enrollment Scholarship program.

(B) Students must submit a completed application by the following deadlines to be considered for tuition reimbursement.

1. The priority deadline for the fall semester (August through December) shall be October 1 and for the spring semester (January through May) shall be February 1 of the current academic year.
2. The final deadline shall be December 1 for the fall semester and April 1 for the spring semester
3. Students filing after the priority deadline has passed and on or before the final deadline shall be considered for payment if funds are available

(6) Award Policy.

(B) Tuition reimbursement will be as specified for the following categories of eligible coursework:

1. Completed coursework for which a grade is assigned under the institution's standard grading policy, including coursework assigned a grade of Incomplete, will be reimbursed;
2. Dropped or withdrawn coursework will be reimbursed, based on the approved institution's tuition refund policy;
3. Repeat high school dual credit or dual enrollment coursework will not be reimbursed.

(J) An eligible student's failure to provide required information by the established deadlines may result in loss of the Dual Credit/Dual Enrollment Scholarship for the period covered by the deadline

(7) Information Sharing Policy. All information on an individual's Dual Credit/Dual Enrollment Scholarship application may be shared with the financial aid office of the approved institution providing the individual's dual credit or dual enrollment coursework, or the A+ designated high school the student is attending, to permit verification of data submitted. Information may be shared with federal financial aid offices, if necessary, to verify data furnished by state or federal governments as provided for in the Privacy Act of 1974, 5 U.S.C. sections 552, 552a.