



**State of Tennessee**  
**PUBLIC CHAPTER NO. 967**

**SENATE BILL NO. 2809**

**By Tracy, Marrero, Stewart, Crowe**

Substituted for: House Bill No. 2613

By Harry Brooks, McCormick, Naifeh, Lois DeBerry, Fitzhugh, Montgomery, Powers, Dunn,  
Kevin Brooks, Hensley, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 49, relative to dual credit articulation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-15-102, is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Office of postsecondary coordination and alignment" means the office of postsecondary coordination and alignment in the division of career and technical education in the Department of Education;

SECTION 2. Tennessee Code Annotated, Section 49-15-102(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) "Dual credit program" means a postsecondary course, taught in a high school by certified secondary instructors, the successful completion of which prepares a secondary student to sit for a postsecondary challenge examination, administered under the supervision of postsecondary faculty or a consortium approved certified secondary instructor. The student's score on the challenge examination shall be used by a postsecondary institution for evaluation to determine the granting of postsecondary credit towards a diploma or a certificate or an associate or baccalaureate degree.

SECTION 3. Tennessee Code Annotated, Section 49-15-103, is amended by deleting the section in its entirety and substituting instead the following:

(a) The chancellor of the board of regents or the chancellor's designee, the president of the University of Tennessee system or the president's designee, the executive director of the Tennessee Higher Education Commission or the executive director's designee, the executive director of the State Board of Education or the executive director's designee, and the Commissioner of Education or the commissioner's designee shall compose the consortium for cooperative innovative education.

(b) The consortium shall:

(1) Develop and put into effect a program to align secondary and postsecondary courses;

(2) Develop and implement early postsecondary credit opportunities; and

(3) Create marketing channels to advise students of early postsecondary education opportunities. Early postsecondary education opportunities may include, but are not limited to, dual enrollment, dual credit, Advanced Placement (AP), College-Level Examination Program (CLEP) and International Baccalaureate opportunities.

(c) The chancellor of the board of regents and the president of the University of Tennessee system, or their designees, shall be co-chairs of the consortium.

(d) The consortium may create an advisory committee to assist the consortium by examining best practices in cooperative innovative education, suggesting options for promotion of opportunities for early college credit and advising the consortium on workforce needs. The advisory committee shall invite and encourage the Tennessee Chamber of

Commerce and Industry, the Tennessee Business Roundtable and the Tennessee Independent College and Universities Association to participate in the advisory committee's activities.

(e) The consortium may establish and appoint committees and subcommittees to perform its tasks or to otherwise assist the consortium as it deems necessary. It is the prerogative of the chancellor and the president of the respective postsecondary governing boards to convene postsecondary faculty.

(f) The board of trustees of the University of Tennessee and the board of regents shall develop, amend or adopt relevant policies and guidelines to realize dual credit or dual enrollment for postsecondary institutions with the secondary schools of the state.

(g) The state board and the Department of Education shall develop, amend or adopt relevant policies and guidelines to realize dual credit or dual enrollment in the public high schools.

SECTION 4. Tennessee Code Annotated, Section 49-15-104, is amended by deleting the section in its entirety and substituting instead the following:

(a) By July 1, 2013, the consortium shall review existing dual credit pilot projects established under this chapter, determine the viability of those courses for statewide implementation and implement statewide those courses determined to be viable. Additionally, the consortium shall develop and implement statewide postsecondary courses, with accompanying challenge examinations, that reflect common learning outcomes established among the postsecondary institutions that have the course already in the individual institution's academic inventory. The initial statewide early postsecondary credit opportunities and their assessments shall be piloted on a statewide basis in the 2013-2014 school year in those high schools that choose to integrate the postsecondary curriculum into their secondary programs of study. In succeeding years additional early postsecondary credit opportunities, including dual enrollment, shall be developed as funds are made available for this purpose.

(b)(1) The consortium, in cooperation with the office of postsecondary coordination and alignment, shall develop a plan for the establishment of statewide early postsecondary credit opportunities through dual enrollment and dual credit, and for the other purposes of § 49-15-101. This plan shall not prevent an individual postsecondary institution from initiating dual credit or dual enrollment opportunities with individual high schools. Participating high schools and postsecondary institutions developing unique dual credit or dual enrollment opportunities shall notify students prior to such dual credit course being taught of the availability of transfer of the course.

(2) For the purpose of dual credit, the plan shall establish a process for the development of challenge examinations consistent with the most current "Standards for Educational and Psychological Testing" developed jointly by the American Educational Research Association, American Psychological Association and National Council on Measurement in Education and shall result in a statewide challenge examination program for designated postsecondary courses. Those dual credit courses identified within the plan that are part of the Tennessee transfer pathways shall be developed in alignment with the provisions of the Complete College Act of 2010 codified in § 49-7-202(e)(1) and (2).

(3) Dual enrollment opportunities under this plan shall demonstrate equivalent postsecondary course learning outcomes and equivalent faculty preparation in order for the course to be taught in the high school.

(4) The chancellor of the board of regents and the president of the University of Tennessee, or their designees, shall be responsible for the convocation of postsecondary faculty to develop statewide early postsecondary credit opportunities within the plan developed under this section.

(c) The office of postsecondary coordination and alignment shall:

(1) Make recommendations to the consortium for the development of specific early postsecondary credit opportunities. Each recommendation shall demonstrate how the opportunity is integrated within a secondary college-and-career pathway of study;

(2) Provide such funds as are necessary for the implementation of the plan of the consortium;

(3) Develop a secure database to maintain escrowed assessment scores resulting from dual credit course challenge examinations. Additionally, the office shall provide a process for furnishing postsecondary institutions access to a student's score, for the purpose of evaluating the score for possible postsecondary credit; and

(4) Make available to students, their parents, and other stakeholders, prior to students enrolling in an early postsecondary credit course, the requirements for receipt of credit at each postsecondary institution and the transferability of credits among public postsecondary institutions.

(d) The State Board of Education, the board of regents and the board of trustees of the University of Tennessee shall have final approval of statewide early postsecondary credit initiatives relevant to their individual institutions.

(e) Funds appropriated prior to the effective date of this act to the State Board of Education to fund the consortium that are unexpended shall be transferred by the State Board of Education to the department to fund activities of the office of postsecondary coordination and alignment and the consortium under this chapter.

SECTION 5. Tennessee Code Annotated, Section 49-15-105(a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) A public charter school;

SECTION 6. Tennessee Code Annotated, Section 49-15-105(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b)(1) Remediation of students may occur through cooperative agreements between postsecondary and secondary institutions.

(2) A community college may participate in the development of a cooperative innovative program under this chapter that is targeted to high school students who need remediation upon enrollment in an institution of higher education. If the community college successfully remediates a student in such program then the student, upon certification by the community college of the student's successful participation and upon admittance to the postsecondary institution, shall be deemed to need no further remediation.

(3) A technology center may participate in the development of a cooperative innovative program under this chapter that is targeted to high school students who may need remediation in technical math and reading upon enrollment in a technology center. If the remediation is successful, upon admittance to any technology center, the student shall be deemed to need no further remediation.

SECTION 7. Tennessee Code Annotated, Section 49-15-106(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) A program of early postsecondary credit approved under this chapter shall operate under the terms of a written agreement signed by the executive director of the board of education, the commissioner of education, the chancellor of the board of regents, the president of the University of Tennessee and the executive director of the Tennessee Higher Education Commission. The agreement shall be reviewed on a periodic basis.

SECTION 8. Tennessee Code Annotated, Section 49-15-106(g), is amended by deleting the following language:

Except as provided in this chapter and under the terms of the agreement, a program may apply to the state board of education or the governing board of the applicant public postsecondary institution for a waiver of any law or rule that inhibits or hinders the program's ability to meet its goals. Neither the state board of education nor the governing board of the applicant public postsecondary institution shall waive regulatory or statutory requirements related to:

and by substituting instead the following:

Except as provided in this chapter and under the terms of the agreement, the State Board of Education or the postsecondary governing board may waive any law or rule that inhibits or

hinders the participating institutions' and schools' abilities to meet the goals of this chapter. Neither the State Board of Education nor the postsecondary governing boards of postsecondary institutions shall waive regulatory or statutory requirements related to:

SECTION 9. Tennessee Code Annotated, Section 49-15-107, is amended by deleting the language "§ 49-15-103(a)" wherever it appears and substituting instead the language "§ 49-15-105(a)".

SECTION 10. Tennessee Code Annotated, Section 49-15-107(b), is amended by deleting the language "applicant".

SECTION 11. Tennessee Code Annotated, Section 49-15-108(b), is amended by deleting the language "The consortium shall report" and substituting instead the language "The consortium and its constituent members shall report" and by deleting the last sentence of the subsection in its entirety and substituting instead the following:

Included in the report shall be a report by the board of regents and the trustees of the University of Tennessee of the number of students who, under the process created in this chapter, enroll in public postsecondary institutions and receive early postsecondary credit and who are retained and graduate. Also included in the report shall be a report by the office of postsecondary coordination and alignment of the effectiveness of the secondary institutions in meeting the purposes of § 49-15-101, including participation numbers, graduation rates of the participants, and the number of students continuing into postsecondary education within one (1) year of graduation.

SECTION 12. Tennessee Code Annotated, Section 49-15-109, is amended by deleting the section in its entirety and substituting instead the following:

(a) To facilitate the creation of cooperative innovative high school programs and to provide a seamless transition process from secondary to postsecondary education, the consortium shall oversee the development of a statewide high school to postsecondary agreement that shall build on aligned, secondary college-and-career technical pathways to specific postsecondary programs of study and shall include early postsecondary credit.

(b) The chancellor of the board of regents and the president of the University of Tennessee, or their designees, shall be responsible for the convocation of postsecondary faculty to develop common learning outcomes, develop statewide challenge examinations, conduct reliability and validation activities to assure the quality and fairness of the examinations, establish cut scores, and report student scores resulting from the examinations to the division of career and technical education in the Department of Education. Validation requirements for postsecondary credit through a dual credit course shall be determined by the postsecondary institutions and their respective governing boards.

(c) The office of postsecondary coordination and alignment, with the cooperation of the postsecondary institutions, shall make students aware of the requirements for receiving postsecondary credit for a dual credit course prior to the students' enrolling in the course.

(d) Each private postsecondary institution located in this state is encouraged to assess the statewide agreement produced by the consortium and determine which courses, if any, qualify for award of college credit at such institution. If a private institution determines that a course qualifies for award of college credit at such institution, the institution, in addition to any institutional publication made of this fact, may notify the Department of Education of the potential for award of college credit for such course at the institution in order that the department may disseminate the information to LEAs for notification of high school students.

SECTION 13. Tennessee Code Annotated, Section 49-15-110, is amended by deleting the language "shall be reimbursed" and substituting instead the language "may be reimbursed".

SECTION 14. Tennessee Code Annotated, Title 49, Chapter 15, is amended by adding the following language as a new section:

49-15-111.

(a) When the consortium approves a program under this part and the program successfully provides a dual credit class that is accepted by an institution of higher education in either the board of regents system or the University of Tennessee system, then any high school in the state may replicate the class. Dual credit for the class shall be granted by public institutions of higher education offering a major or program for which the class is designed upon a student's completion of the course

and successful passage of the challenge examination with a score equal to or higher than the cut score.

(b) Any public institution of higher education may, at any time, request the consortium to review a dual credit course and its challenge examination, if the institution perceives the course or its assessment to possess deficiencies. A public higher education institution may also challenge the right of a high school to continue offering a dual credit course to the consortium should a perceived deficiency be demonstrated within the high school. The consortium shall review the dual credit course, assessment or high school and may provide remedies to remove any deficiencies as it determines to be in the best interests of high schools or institutions of higher education, and their students.

(c) Notwithstanding any provision of this part to the contrary, the consortium shall not approve a program if the program in any way adversely affects the accreditation of an institution.

SECTION 15. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

49-7-1\_\_.

(a)(1) When the consortium approves a dual credit class that is accepted for credit by a four-year institution of higher education in either the board of regents system or the University of Tennessee system, then, upon approval by the State Board of Education of the class's curriculum standards, any high school in the state may replicate the class. Dual credit shall be granted to a student by a four-year institution offering a program for which the class is designed, if the student completes the course and successfully passes the challenge examination with a score equal to or higher than the cut score required by the institution.

(2) When the consortium approves a dual credit class that is accepted for credit by a two-year institution of higher education in the board of regents system, then, upon approval by the State Board of Education of the class's curriculum standards, any high school in the state may replicate the class. Dual credit shall be granted to a student by a two-year institution offering a program for which the class is designed, if the student completes the course and successfully passes the challenge examination with a score equal to or higher than the cut score required by the institution.

(3) When the consortium approves a dual credit class that is accepted for credit by a Tennessee technology center in the board of regents system, then, upon approval by the State Board of Education of the class's curriculum standards, any high school in the state may replicate the class. Dual credit shall be granted to a student by a Tennessee technology center offering a program for which the class is designed, if the student completes the course and successfully passes the challenge examination with a score equal to or higher than the cut score required by the institution.

(4) Prior to the consortium approving a dual credit class, the consortium shall direct its representatives from the University of Tennessee and the board of regents to consult with faculty members who teach at institutions in the major or program for which the class is designed as to whether the approval of the class would have any negative consequences on the accreditation of the institution or the program. The representatives shall report concerns of the faculty members to the consortium within a reasonable time frame as set by the consortium. The consortium shall consider the report in making its determination as to approval of classes and cut scores.

(5) Any dual credit class designed and approved by the consortium under this section shall include a postsecondary challenge examination. The successful passing of a postsecondary challenge examination, with a score equal to or higher than the cut score determined by a receiving higher education institution, is a requirement for the award of postsecondary credit.

(6) The governing board of the higher education institutions shall assign common numbers for the courses for which statewide challenge examinations are developed under Chapter 15 of this title.

(b) The high school at which the student takes the class shall record the completion of the class including the student's grade, the postsecondary challenge examination score and the course number assigned by the appropriate postsecondary governing board on the student's secondary transcript. Where common numbering of a course is indicated within the Tennessee transfer pathway that common number shall be used on the secondary transcript.

(c) Each higher education institution awarding the credit for a postsecondary class, based upon a challenge examination, may determine whether the class credit shall be accepted for credit toward a major or the requirements of a specific program or as an elective. A postsecondary institution may also set the cut score on the challenge examination results that is required for the award of credit in a major or a specific program or as an elective at the institution. Each higher education institution shall inform the consortium of its requirements for awarding dual credit in a major, a specific program or as an elective. The office of postsecondary coordination and alignment shall provide high schools offering the class with information specific to the acceptance of challenge examinations and of each postsecondary institution's requirement for the awarding of postsecondary credit within a major or as an elective. High schools shall disseminate the information to students taking the class.

(d) Any public institution of higher education may, at any time, request that the consortium review a dual credit class or a replicated class offered by a high school, if the institution perceives the class to possess deficiencies. The consortium shall review the class and work with the high school or high schools to alter the class to remove any deficiencies as the consortium determines to be in the best interests of strengthening the class. The consortium may also request that the class at a high school be withdrawn for the dual credit process until such deficiencies are corrected.

(e) Notwithstanding any provision of this part to the contrary, the consortium shall not approve an early postsecondary credit class if the class in any way affects the accreditation of the postsecondary institutions or their programs.

(f) The office of postsecondary coordination and alignment shall encourage LEAs throughout the state, including those in rural areas, to offer early postsecondary credit classes.

SECTION 16. This act shall take effect July 1, 2012, the public welfare requiring it.

SENATE BILL NO. 2809

PASSED: April 27, 2012

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 10<sup>th</sup> day of May 2012

  
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BILL HASLAM, GOVERNOR