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**SUBSTITUTE SENATE BILL 5080**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Dammeier, Rolfes, Fain, Frockt, Litzow, and McAuliffe)

READ FIRST TIME 01/30/15.

1 AN ACT Relating to dual credit options; amending RCW 28A.320.196,  
2 28A.600.290, 28A.600.310, and 28B.15.821; creating new sections; and  
3 providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington has  
6 been a front-runner in dual credit innovation through the  
7 establishment of the running start and college in the high school  
8 programs, and has continued to expand student choices in dual credit  
9 programs.

10 In Washington, a range of dual credit or dual enrollment programs  
11 are available to students. Dual credit programs, such as running  
12 start, college in the high school, tech prep (course completion  
13 options), and AP and international baccalaureate and Cambridge  
14 (standardized exam options) offer academically prepared students the  
15 opportunity to earn college credits while still in high school.  
16 Students who participate in these programs achieve improved high  
17 school graduation rates and are more likely to continue on to college  
18 and complete a degree. In addition, dual credit and dual enrollment  
19 programs support students' individual college and career pathways.

20 The legislature further finds that through the development and  
21 implementation of the 2013 roadmap the student achievement council

1 has identified key barriers that limit access to dual credit  
2 programs, particularly for low-income students. Removing these  
3 barriers is a critical step toward achieving the state educational  
4 attainment goals outlined in the roadmap.

5 The legislature recognizes that the decision to enroll in a dual  
6 credit program should be made by the student and the student's  
7 parents or guardians, in consultation with counselors or academic  
8 advisors, and based on the academic, cultural, and developmental  
9 needs and college and career goals of the student. The decision to  
10 choose one dual credit option over another should not be based on the  
11 difference in the costs of one option over another.

12 In the college in the high school program, credit is awarded  
13 based on successful course completion and ability to pay tuition and  
14 fees. Under the current college in the high school system, some  
15 students may successfully complete the course but do not receive  
16 credit because they are unable to pay.

17 Students in the running start program face a different but  
18 equally challenging situation. Students in the running start program  
19 do not receive funding for books and transportation costs. These  
20 financial barriers decrease opportunities for lower income students  
21 to benefit from dual credit programs.

22 Therefore, the legislature intends to increase opportunities for  
23 academically prepared high school students to earn up to two years of  
24 college credit through dual credit programs, and to reduce  
25 disparities in access to, and completion of, these programs. This act  
26 provides a new funding model to eliminate tuition in the college in  
27 the high school program, and provides flexibility in the academic  
28 acceleration incentive program to assist students with transportation  
29 and book expenses associated with the running start program. It is  
30 the intent of the legislature, once this new funding model is enacted  
31 and operational, to establish a distinction between the college in  
32 the high school program as a program occurring in high schools and  
33 the running start program as a program occurring on a college  
34 campus.

35 The legislature finds that dual credit opportunities are a  
36 valuable means of supporting students on their way to successful  
37 completion of college and career pathways. The legislature seeks  
38 additional recommendations to mitigate financial and other barriers  
39 for students enrolled in the running start program, and dual credit  
40 programs based on standardized exams.

1       **Sec. 2.** RCW 28A.320.196 and 2013 c 184 s 3 are each amended to  
2 read as follows:

3       (1) Subject to funds appropriated specifically for this purpose,  
4 the academic acceleration incentive program is established as  
5 provided in this section. The intent of the legislature is that the  
6 funds awarded under the program be used to support teacher training,  
7 curriculum, technology, examination fees, textbook fees, and other  
8 costs associated with offering dual credit courses to high school  
9 students, including transportation for running start students to and  
10 from the institution of higher education as defined in RCW  
11 28B.10.016.

12       (2) The office of the superintendent of public instruction shall  
13 allocate half of the funds appropriated for the purposes of this  
14 section on a competitive basis to provide one-time grants for high  
15 schools to expand the availability of dual credit courses. To be  
16 eligible for a grant, a school district must have adopted an academic  
17 acceleration policy as provided under RCW 28A.320.195. In making  
18 grant awards, the office of the superintendent of public instruction  
19 must give priority to grants for high schools with a high proportion  
20 of low-income students and high schools seeking to develop new  
21 capacity for dual credit courses rather than proposing marginal  
22 expansion of current capacity.

23       (3) The office of the superintendent of public instruction shall  
24 allocate half of the funds appropriated for the purposes of this  
25 section to school districts as an incentive award for each student  
26 who earned dual high school and college credit, as described under  
27 subsection (4) of this section, for courses offered by the district's  
28 high schools during the previous school year. School districts must  
29 distribute the award to the high schools that generated the funds.  
30 The award amount for low-income students eligible to participate in  
31 the federal free and reduced-price meals program who earn dual  
32 credits must be set at one hundred twenty-five percent of the base  
33 award for other students. A student who earns more than one dual  
34 credit in the same school year counts only once for the purposes of  
35 the incentive award.

36       (4) For the purposes of this section, the following students are  
37 considered to have earned dual high school and college credit in a  
38 course offered by a high school:

39       (a) Students who achieve a score of three or higher on an AP  
40 examination;

1 (b) Students who achieve a score of four or higher on an  
2 examination of the international baccalaureate diploma programme;

3 (c) Students who successfully complete a Cambridge advanced  
4 international certificate of education examination;

5 (d) Students who successfully complete a course through the  
6 college in the high school program under RCW 28A.600.290 and are  
7 awarded credit by the partnering institution of higher education; and

8 (e) Students who satisfy the dual enrollment and class  
9 performance requirements to earn college credit through a tech prep  
10 course.

11 (5) If a high school provides access to online courses for  
12 students to earn dual high school and college credit at no cost to  
13 the student, such a course is considered to be offered by the high  
14 school. (~~Students enrolled in the running start program under RCW  
15 28A.600.300 do not generate an incentive award under this section.~~)

16 (6) The office of the superintendent of public instruction shall  
17 report to the education policy committees and the fiscal committees  
18 of the legislature, by January 1st of each year, information about  
19 the demographics of the students earning dual credits in the schools  
20 receiving grants under this section for the prior school year.  
21 Demographic data shall be disaggregated pursuant to RCW 28A.300.042.

22 **Sec. 3.** RCW 28A.600.290 and 2012 c 229 s 801 are each amended to  
23 read as follows:

24 (1) (~~The superintendent of public instruction, the state board  
25 for community and technical colleges, and the public baccalaureate  
26 institutions shall jointly develop and each adopt rules governing the  
27 college in the high school program. The association of Washington  
28 school principals shall be consulted during the rules development.  
29 The rules shall be written to encourage the maximum use of the  
30 program and may not narrow or limit the enrollment options.~~

31 (2)) Commencing with the 2015-16 school year, in addition to a  
32 school district's other general fund allocations, districts shall be  
33 allocated an amount per college credit for students enrolled in  
34 college in the high school courses under this section as specified in  
35 the omnibus appropriations act and adjusted for inflation from the  
36 2015-16 school year. The minimum allocation under this section is  
37 seventy dollars per quarter credit for credit-bearing postsecondary  
38 coursework. The office of the superintendent of public instruction,  
39 the student achievement council, the state board for community and

1 technical colleges, and the public baccalaureate institutions shall  
2 review funding levels for the program every four years beginning in  
3 2017 and recommend changes.

4 (2)(a) For the purposes of funding students enrolled in the  
5 college in the high school program in accordance with subsection (1)  
6 of this section, college in the high school is defined as a dual  
7 credit program located on a high school campus or in a high school  
8 environment in which a high school student is able to earn both high  
9 school and postsecondary credit by completing postsecondary level  
10 courses with a passing grade.

11 (b) Running start is defined as a dual credit program where  
12 course sections and programs must be open for registration to  
13 matriculated students at the participating institution of higher  
14 education as defined in RCW 28B.10.016, in which a high school  
15 student is able to earn both high school and postsecondary credit by  
16 completing postsecondary level courses with a passing grade. This  
17 definition does not apply to a course consisting solely of high  
18 school students offered at a high school campus.

19 (3) College in the high school programs may include both academic  
20 and career and technical education.

21 (4) College in the high school programs shall each be governed by  
22 a local contract between the district and the participating  
23 institution of higher education, in compliance with the ((guidelines  
24 adopted by the superintendent of public instruction, the state board  
25 for community and technical colleges, and the public baccalaureate  
26 institutions))rules adopted by the superintendent of public  
27 instruction under this section.

28 ((~~(3)~~))(5) The college in the high school program must include  
29 the provisions in this subsection.

30 (a) The high school and participating institution of higher  
31 education together shall define the criteria for student eligibility.  
32 ((The institution of higher education may charge tuition fees to  
33 participating students.))

34 (b) ((School districts shall report no student for more than one  
35 full-time equivalent including college in the high school courses))In  
36 lieu of tuition and fees as defined in RCW 28B.15.020 and services  
37 and activities fees as defined in RCW 28B.15.041, the student's  
38 school district shall transmit to the participating institution of  
39 higher education as defined in RCW 28B.10.016 and 28B.07.020 an  
40 amount per credit for each full-time equivalent student. The

1 superintendent of public instruction shall consult with participating  
2 institutions of higher education and the state board for community  
3 and technical colleges on the calculation and distribution of the  
4 funds.

5 (c) The funds received by the participating institution of higher  
6 education may not be deemed tuition or operating fees and may be  
7 retained by the institution of higher education.

8 (d) Enrollment information on persons registered under this  
9 section must be maintained by the institution of higher education  
10 separately from other enrollment information and may not be included  
11 in official enrollment reports, nor may such persons be considered in  
12 any enrollment statistics that would affect higher education  
13 budgetary determinations.

14 (e) A school district must grant high school credit to a student  
15 enrolled in a program course if the student successfully completes  
16 the course. If no comparable course is offered by the school  
17 district, the school district superintendent shall determine how many  
18 credits to award for the course. The determination shall be made in  
19 writing before the student enrolls in the course. The credits shall  
20 be applied toward graduation requirements and subject area  
21 requirements. Evidence of successful completion of each program  
22 course shall be included in the student's secondary school records  
23 and transcript.

24 (f) (~~An~~) A participating institution of higher education must  
25 grant college credit to a student enrolled in a program course if the  
26 student successfully completes the course. The college credit shall  
27 be applied toward general education requirements or (~~major~~  
28 ~~requirements. If no comparable course is offered by the college, the~~  
29 ~~institution of higher education at which the teacher of the program~~  
30 ~~course is employed shall determine how many credits to award for the~~  
31 ~~course and whether the course fulfills general education or~~  
32 ~~major~~) degree requirements at institutions of higher education.  
33 Evidence of successful completion of each program course must be  
34 included in the student's college transcript.

35 (g) (~~Eleventh and twelfth grade~~) Students in grades nine through  
36 twelve or students who have not yet received a high school diploma or  
37 its equivalent and are eligible to be in (~~the eleventh or twelfth~~)  
38 grades nine through twelve may participate in the college in the high  
39 school program.

1 (h) Participating school districts must provide general  
2 information about the college in the high school program to all  
3 students in grades ~~((ten, eleven, and))~~eight through twelve and to  
4 the parents and guardians of those students.

5 ~~((i) Full-time and part-time faculty at institutions of higher  
6 education, including adjunct faculty, are eligible to teach program  
7 courses.~~

8 ~~(4))~~(6) The superintendent of public instruction shall adopt  
9 rules for the administration of this section. The rules shall be  
10 jointly developed by the superintendent of public instruction, the  
11 state board for community and technical colleges, the student  
12 achievement council, and the public baccalaureate institutions. The  
13 association of Washington school principals and the private nonprofit  
14 colleges in Washington must be consulted during the rules  
15 development. The rules must outline quality and eligibility standards  
16 that are informed by nationally recognized standards or models. In  
17 addition, the rules must encourage the maximum use of the program and  
18 may not narrow or limit the enrollment options.

19 (7) The definitions in this subsection apply throughout this  
20 section.

21 (a) "Institution of higher education" has the  
22 ~~((meaning))~~definitions in RCW 28B.07.020 and 28B.10.016, and also  
23 includes a public tribal college located in Washington and accredited  
24 by the Northwest commission on colleges and universities or another  
25 accrediting association recognized by the United States department of  
26 education.

27 (b) "Program course" means a college course offered in a high  
28 school under the college in the high school program.

29 **Sec. 4.** RCW 28A.600.310 and 2012 c 229 s 702 are each amended to  
30 read as follows:

31 (1) Eleventh and twelfth grade students or students who have not  
32 yet received the credits required for the award of a high school  
33 diploma and are eligible to be in the eleventh or twelfth grades may  
34 apply to a participating institution of higher education to enroll in  
35 courses or programs offered by the institution of higher education.  
36 The course sections and programs offered as running start courses  
37 must also be open for registration to matriculated students at the  
38 participating institution of higher education and may not be a course  
39 consisting solely of high school students offered at a high school

1 campus. A student receiving home-based instruction enrolling in a  
2 public high school for the sole purpose of participating in courses  
3 or programs offered by institutions of higher education shall not be  
4 counted by the school district in any required state or federal  
5 accountability reporting if the student's parents or guardians filed  
6 a declaration of intent to provide home-based instruction and the  
7 student received home-based instruction during the school year before  
8 the school year in which the student intends to participate in  
9 courses or programs offered by the institution of higher education.  
10 Students receiving home-based instruction under chapter 28A.200 RCW  
11 and students attending private schools approved under chapter 28A.195  
12 RCW shall not be required to meet the student learning goals, obtain  
13 a certificate of academic achievement or a certificate of individual  
14 achievement to graduate from high school, or to master the essential  
15 academic learning requirements. However, students are eligible to  
16 enroll in courses or programs in participating universities only if  
17 the board of directors of the student's school district has decided  
18 to participate in the program. Participating institutions of higher  
19 education, in consultation with school districts, may establish  
20 admission standards for these students. If the institution of higher  
21 education accepts a secondary school pupil for enrollment under this  
22 section, the institution of higher education shall send written  
23 notice to the pupil and the pupil's school district within ten days  
24 of acceptance. The notice shall indicate the course and hours of  
25 enrollment for that pupil.

26 (2)(a) In lieu of tuition and fees, as defined in RCW 28B.15.020  
27 and 28B.15.041:

28 (i) Running start students shall pay to the community or  
29 technical college all other mandatory fees as established by each  
30 community or technical college and, in addition, the state board for  
31 community and technical colleges may authorize a fee of up to ten  
32 percent of tuition and fees as defined in RCW 28B.15.020 and  
33 28B.15.041; and

34 (ii) All other institutions of higher education operating a  
35 running start program may charge running start students a fee of up  
36 to ten percent of tuition and fees as defined in RCW 28B.15.020 and  
37 28B.15.041 in addition to technology fees.

38 (b) The fees charged under this subsection (2) shall be prorated  
39 based on credit load.

1           (3)(a) The institutions of higher education must make available  
2 fee waivers for low-income running start students. Each institution  
3 must establish a written policy for the determination of low-income  
4 students before offering the fee waiver. A student shall be  
5 considered low income and eligible for a fee waiver upon proof that  
6 the student is currently qualified to receive free or reduced-price  
7 lunch. Acceptable documentation of low-income status may also  
8 include, but is not limited to, documentation that a student has been  
9 deemed eligible for free or reduced-price lunches in the last five  
10 years, or other criteria established in the institution's policy.

11           (b) Institutions of higher education, in collaboration with  
12 relevant student associations, shall aim to have students who can  
13 benefit from fee waivers take advantage of these waivers.  
14 Institutions shall make every effort to communicate to students and  
15 their families the benefits of the waivers and provide assistance to  
16 students and their families on how to apply. Information about  
17 waivers shall, to the greatest extent possible, be incorporated into  
18 financial aid counseling, admission information, and individual  
19 billing statements. Institutions also shall, to the greatest extent  
20 possible, use all means of communication, including but not limited  
21 to web sites, online catalogues, admission and registration forms,  
22 mass e-mail messaging, social media, and outside marketing to ensure  
23 that information about waivers is visible, compelling, and reaches  
24 the maximum number of students and families that can benefit.

25           (4) The pupil's school district shall transmit to the institution  
26 of higher education an amount per each full-time equivalent college  
27 student at statewide uniform rates for vocational and nonvocational  
28 students. The superintendent of public instruction shall separately  
29 calculate and allocate moneys appropriated for basic education under  
30 RCW 28A.150.260 to school districts for purposes of making such  
31 payments and for granting school districts seven percent thereof to  
32 offset program related costs. The calculations and allocations shall  
33 be based upon the estimated statewide annual average per full-time  
34 equivalent high school student allocations under RCW 28A.150.260,  
35 excluding small high school enhancements, and applicable rules  
36 adopted under chapter 34.05 RCW. The superintendent of public  
37 instruction, participating institutions of higher education, and the  
38 state board for community and technical colleges shall consult on the  
39 calculation and distribution of the funds. The funds received by the  
40 institution of higher education from the school district shall not be

1 deemed tuition or operating fees and may be retained by the  
2 institution of higher education. A student enrolled under this  
3 subsection shall be counted for the purpose of meeting enrollment  
4 targets in accordance with terms and conditions specified in the  
5 omnibus appropriations act.

6 ~~((5) The state board for community and technical colleges, in  
7 collaboration with the other institutions of higher education that  
8 participate in the running start program and the office of the  
9 superintendent of public instruction, shall identify, assess, and  
10 report on alternatives for providing ongoing and adequate financial  
11 support for the program. Such alternatives shall include but are not  
12 limited to student tuition, increased support from local school  
13 districts, and reallocation of existing state financial support among  
14 the community and technical college system to account for  
15 differential running start enrollment levels and impacts. The state  
16 board for community and technical colleges shall report the  
17 assessment of alternatives to the governor and to the appropriate  
18 fiscal and policy committees of the legislature by September 1,  
19 2010.))~~

20 **Sec. 5.** RCW 28B.15.821 and 2009 c 215 s 8 are each amended to  
21 read as follows:

22 As used in this chapter, "dual credit program" means a program,  
23 administered by either an institution of higher education or a high  
24 school, through which high school students ~~((in the eleventh or  
25 twelfth grade))~~ who have not yet received the credits required for  
26 the award of a high school diploma apply to a participating  
27 institution of higher education to enroll in courses or programs  
28 offered by the institution of higher education and simultaneously  
29 earn high school and college credit.

30 NEW SECTION. **Sec. 6.** (1) By September 15, 2016, the student  
31 achievement council, in collaboration with the state board for  
32 community and technical colleges, the office of the superintendent of  
33 public instruction, the public baccalaureate institutions, and the  
34 private nonprofit colleges, shall make recommendations to the  
35 legislature to streamline and improve dual credit programs in  
36 Washington with particular attention to increasing participation of  
37 students who are low income and/or currently underrepresented in the

1 running start, AP, international baccalaureate, and Cambridge  
2 international programs.

3 (2) This section expires January 1, 2017.

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