

During the 89th Texas Legislative Session, the legislature passed House Bill 3041 which made several changes to various statutes within the Texas Education Code. The bill was filed to support the enrollment of students with nontraditional secondary education backgrounds in Texas public higher education institutions.

One of the many changes made was the addition of **TEC §51.9675** which read as follows:

Sec. 51.9675. EQUAL ACCESS TO DUAL CREDIT COURSES.

(a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

*(b) In admitting or enrolling high school students in a dual credit course, an institution of higher education must apply the same criteria and conditions to each student wishing to enroll in the course without regard to whether the student attends a public school or a private or parochial school, including a home school. **For purposes of this section, a student who attends a school that is not formally organized as a high school and is at least 16 years of age is considered to be attending a high school.***

Following the enactment of HB3041, the Texas Higher Education Coordinating Board (THECB) adopted rule changes as part of the implementation of TEC §51.9675. Specifically, they adopted rule changes under Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, Rule §4.85 – Dual Credit Requirements. **TAC §4.85(b)** reads as follows:

(b) Student Eligibility.

*(1) **A high school student** who attends a public school, private school, parochial school, or a home school so long as the student is at least 16 years of age, is eligible to enroll in dual credit courses if the student:*

(A) is not a degree-seeking student as defined in §4.83(10) of this subchapter (relating to Definitions);

(B) demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in §4.54 of this chapter (relating to Exemption);

(C) demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative as set forth in §4.57 of this chapter (relating to Texas Success Initiative Assessment College Readiness Standards) on relevant section(s) of an assessment instrument approved by the Board as set forth in §4.56 of this chapter (relating to Assessment Instrument); or

(D) Meets the eligibility requirements for a Texas First Diploma under §21.52 of this title (relating to Eligibility for Texas First Diploma).

These two provisions along with Texas Education Code §103.008 (Courses for Joint high School and Junior College Credit) and Texas Education Code §28.009 (College Credit Program), the language is clear that only high school students are eligible for enrollment into dual credit courses. Further, the legislature and the THECB via rulemaking have outlined that for dual credit enrollment, in order for a homeschool student to be considered a high school student, the student must be at least 16 years of age at the time of the dual credit course to enroll in dual credit courses.

An inquiry was sent to THECB to confirm that their interpretation has not changed, and the following was sent back via email: *According to Texas Education Code 51.9675, a student who attends a school that is not formally organized as a high school must be 16 years of age to be considered attending a high school for dual credit purposes.*

Frequently Asked Questions

When did the bill and rule changes become effective?

While the bill was enacted in 2025 the implementation was delayed for the start of the 2026-2027 Academic Year. This means the new rules begin with dual credit programming starting in Fall 2026.

For homeschool students interested in enrolling in dual credit courses do they need to be 16 to enroll?

Yes. They must be 16 years of age at the time the course starts in order to enroll in dual credit programming.

Do homeschool students who are 16 years of age have to meet other requirements to enroll in dual credit courses?

Yes, the requirements are the same as other students, meaning they must meet the criteria outlined in TAC Rule §4.85

Can a homeschool student enroll in an 8-week course or flex term if they are 16 years of age at the time the course begins?

Yes. So long as the student is 16 at the time the course begins, the student can enroll in the dual credit course.

What if the homeschool student is not 16 until the start of the Spring Semester, can they enroll in courses for Spring and skip the Fall semester?

Yes. Homeschool students should be allowed for Spring Semester courses if they are 16 years of age at the time the courses begin. It does not matter that they did not enroll in courses in the Fall semester.

What if a homeschool student was enrolled and participated in dual credit programming during the 2025-2026 academic year, wants to re-enroll for the Fall 2026 semester but they are not at least 16 years of age. Are they allowed to re-enroll?

Unfortunately, they are unable to re-enroll even though they participated in dual credit courses during the last academic year. What we can do is re-enroll them for dual credit courses that occur after they reach the age of 16.