

## Question and Answers Related to Dual Credit Courses and Students with Individualized Education Programs (IEPs)

### 1. What is a dual credit course?

[Kentucky Revised Statute \(KRS\) 164.002 \(5\)](#) defines dual credit as “a college-level course of study developed in accordance with KRS 164.098 in which a high school student receives credit from both the high school and postsecondary institution in which the student is enrolled upon completion of a single class or designated program of study, including participating in the Gatton Academy of Mathematics and Science in Kentucky or the Craft Academy for Excellence in Science and Mathematics.” In other words, a dual credit course allows a student to earn high school and college credit at the same time. Dual credit courses may be delivered in person or online at the student’s high school, technical school or a college campus.

The Kentucky Department of Education (KDE) [Dual Credit 101](#) document provides additional general information about dual credit courses within Kentucky. For more information on specific local dual credit offerings, please speak with local school district personnel. Contact information for Kentucky public school districts is located on the KDE [Open House](#) website.

### 2. Can students with Individualized Education Programs (IEPs) participate in dual credit courses?

Yes. A student with a disability cannot be automatically denied entrance to a dual credit course due to their disability. The United States Department of Education’s (USED’s) Office for Civil Rights (OCR) states: “The practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II” ([Dear Colleague, 2007](#)). However, all students, including students with disabilities who have an IEP, may be required to meet the postsecondary institution’s enrollment criteria for the specific course which they intend to complete.

### 3. Are dual credit courses included with the provision of a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA)?

Typically, no. The Admissions and Release Committee (ARC) determines what special education and related services a student requires to ensure the provisions of FAPE. However, [34 CFR Sec 300.17](#) defines FAPE as “special education and related services that (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the SEA [State Educational Agency], including the requirements of this part; (c) include an appropriate preschool, elementary school, or

*secondary school education* (emphasis added) in the State involved; and (d) are provided in conformity with an individualized education program (IEP) ...”

Under Kentucky law, dual credit courses are defined as college-level courses, which means students do not have a right to FAPE under the IDEA in a dual credit course. The IDEA, in Kentucky, applies to elementary and secondary, but not post-secondary, education.

#### **4. How can the ARC support students with IEPs in dual credit courses?**

Though Kentucky students do not have a right to FAPE under the IDEA in dual credit courses, students with disabilities are permitted to enroll in dual credit courses (see Question 2 for more information). Students with disabilities enrolled in both dual credit courses and secondary education are still entitled to a FAPE in their secondary education setting which includes special education and related services. For students age 16 and older, or earlier if appropriate, the ARC must determine students’ transition service needs. Some students may also be eligible to receive transition services to participate in dual credit courses through the Office of Vocational Rehabilitation (OVR). The ARC and local district may consider coordinating with OVR when providing transition services to support a student in a dual credit course.

For more information, including strategies to assist ARCs in increasing participation of students with disabilities in dual credit courses, please see the [Additional Resources](#) section of this document.

#### **5. What accommodations, modifications or other supports are permitted for students with disabilities in dual credit courses?**

When a course is considered part of secondary school in Kentucky, the provisions of the IDEA apply. In these courses, a student’s accommodations, modifications and other supports, as determined by the ARC and outlined within the student’s IEP, must be implemented.

Postsecondary institutions have different rules to determine what accommodations students receive, so the accommodations may be different from the accommodations a student receives in high school courses. Postsecondary institutions are required to provide reasonable accommodations to students with disabilities pursuant to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). For more information about available accommodations, contact the specific postsecondary institution’s Disability Support Services office.

### Additional Resources

[Dear Colleague Letter December 26, 2007](#) From the OCR, this letter explores issues related to students with disabilities and enrollment in advanced academic programs.

[Dual Credit 101](#) This document from the KDE answers frequently asked questions concerning dual credit courses in Kentucky.

[Dual Credit & Student Success: The Effect of High School Dual Credit on Educational Outcomes at Kentucky Public Universities](#) From the Kentucky Council on Postsecondary Education, this study investigated the impact of dual credit courses on student persistence in higher education.

[Dual Enrollment Programs](#) This report from the What Works Clearinghouse presents findings from a review of dual enrollment programs.

[Increasing Postsecondary Opportunities and Success for Students and Youth with Disabilities](#) This Q&A from the USED describes how various agencies can coordinate to support youth with disabilities access to postsecondary opportunities.

[Understanding Academic Accommodations](#) This website from the PACER Center's National Parent Center on Transition and Employment provides information for parents and students about disability service offices at postsecondary institutions, including questions to ask about different aspects of postsecondary education centered on academic accommodations.