

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 9. PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES

SUBCHAPTER F. WORKFORCE CONTINUING EDUCATION COURSES

19 TAC §§9.112 - 9.117

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Chapter 9, Subchapter F, Workforce Continuing Education Courses, §9.112, and proposes new §§9.113 - 9.117 that apply to Public Community Colleges regarding enrollment of certain students in continuing education courses. The intent of the subchapter is to create rules to align with HB 2994, 85th Texas Legislature, Regular Session, regarding the enrollment of certain high school students in non-credit continuing education courses. The revised Chapter 9, Subchapter F establishes rules for public community colleges concerning the enrollment of certain students under the age of 18 in non-credit courses, waiving tuition and fees for courses where a significant portion of the cost is borne by another party, and courses offered in federal prisons. The amended and new rules will affect students enrolling in higher education during the 2018 spring semester. The proposed amendments and new rules were reviewed and approved by the Negotiated Rulemaking Committee on Workforce Continuing Education on October 30, 2017.

Dr. Rex Peebles, Assistant Commissioner for Academic Quality and Workforce, has determined that for the first five years there will be no fiscal implications for state or local governments as a result of amending and creating the rules listed above.

Dr. Peebles has also determined that for the first five years the amendments and new rules are in effect, the public benefits anticipated as a result of administering the sections will be the clarification of the enrollment and reporting for contact hour reimbursement continuing education offered by public junior colleges. There are no anticipated economic costs to persons who are required to comply with the sections as proposed. There is no impact on local employment.

Finally, in accordance with 34 Texas Administrative Code §11.1, Dr. Peebles has determined that for the first five years the proposed amendments and new rules would be in effect:

1. The proposed amendments and new rules do *not* create or eliminate a government program;
2. Implementation of the proposed amendments and new rules do *not* require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the proposed amendments and new rules do *not* require an increase or decrease in future legislative appropriations to the Texas Higher Education Coordinating Board;
4. The proposed amendments and new rules do *not* require an increase or decrease in fees paid to the agency;
5. The proposed amendments and new rules do *not* create a new regulation;
6. The proposed amendments and new rules *do* expand, limit, or repeal an existing regulation, as specified in House Bill 2994, 85th Texas Legislature, Regular Session;
7. The proposed amendments and new rules do *not* increase or decrease the number of individuals subject to the rules' applicability; and
8. The proposed amendments and new rules do *not* affect this state's economy.

Comments on the amendments and new rules may be submitted by mail to Rex C. Peebles, Assistant Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711 or via email at AQWComments@THECB.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments and new rules are proposed under the Texas Education Code, §§54.051(n), 54.545, 61.054, 61.060, 61.061, 61.062, 130.001(b)(3) - (4), 130.003(e)(4), 130.005, 130.006, and 130.305, that authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges for the coordination of workforce continuing education courses eligible for state appropriations.

The amendments and new rules affect the implementation of Texas Education Code, Chapter 51.

§9.112.Authority.

The Texas Education Code, §§54.051(n), 54.545, [61.051(j), 61.053], 61.054, 61.060, 61.061, 61.062, 130.001(b)(3) - (4), 130.003(e)(4), 130.005, and 130.006, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges for the coordination of [career technical/]workforce continuing education courses eligible for state appropriations.

§9.113.Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Adult--

(A) a person who has completed the person's sophomore year of high school, or

(B) is 17 years of age and has been awarded a high school diploma or its equivalent, or

(C) is 18 years of age or older, regardless of the person's previous educational experience.

(2) Avocational course--a course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course.

(3) Basic employability course--a course that covers topics such as conducting a job search, developing a resume, completing an application for employment, and interviewing skills.

(4) Basic learning skills course--a non-college-level course that covers learning strategies such as note-taking, and test preparation.

(5) Coordinating board-- the Texas Higher Education Coordinating Board.

(6) Disabilities of minority--as defined in Texas Family Code, Chapter 31, Removal of the Disabilities of Minority. Applies to students over the age of 16 and not over the age of 18.

(7) Learning framework course--a college-level course that is solely or primarily focused on skill acquisition related to the learning process and is not a workforce education course.

(8) Workforce continuing education--non-credit instruction that is designed primarily for adults and is intended, on completion by a participant, to prepare the participant to qualify to apply for and accept an employment offer or a job upgrade within a specific occupational category or to bring the participant's knowledge or skills up to date on new developments in a particular occupation or profession.

(9) Workforce continuing education course--a course of non-credit instruction in workforce continuing education that is approved by the coordinating board. The term does not include an avocational course.

§9.114. General Provisions.

(a) Any workforce continuing education program meeting or exceeding 360 contact hours shall be subject to all of the requirements for workforce education programs for state appropriations as outlined in Chapter 9, Subchapter E of this title (relating to Certificate and Associate Degree Programs).

(b) Any workforce continuing education program meeting or exceeding 780 contact hours in length must result in the award of semester or quarter credit hours and be applicable to a certificate and an applied associate degree program. An exception shall be made for Emergency Medical/Paramedic continuing education programs, which may reach 800 contact hours.

(c) A public junior college may offer, or may enter into an agreement with a school district, organization, or other person that operates a high school to offer, workforce continuing education courses other than learning framework courses, basic employability courses, and basic learning skills courses to a person who is:

(1) enrolled in high school after the completion of the person's sophomore year;

(2) is enrolled in a school that is not formally organized as a high school and is at least 16 years of age; or

(3) is attending high school while incarcerated, is at least 16 years of age, and is not eligible for release from incarceration before the person's 18th birthday.

§9.115. Application and Approval Procedures for Workforce Continuing Education Courses.

(a) Any workforce continuing education course listed in the Workforce Education Course Manual (WECM) may be offered by any public two-year college without prior approval by the Board. Courses in the current WECM are valid until revised or deleted by subsequent updates of the WECM.

(b) All workforce continuing education courses shall be in compliance with the guidelines outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Board, the Workforce Education Course Manual, and state law.

§9.116. Waiver of Tuition and Fees.

A public junior college may waive all or part of the tuition or fees charged to a student for a workforce continuing education course only if:

(1) the student:

(A) is enrolled in high school or in a school that is not formally organized as a high school, or;

(B) is 16 years of age or older, who has had the disabilities of minority removed, and is not enrolled in secondary education, or;

(C) is under the age of 18 and is incarcerated; and

(2) the institution:

(A) determines all or a significant portion of the college's costs for facilities, instructor salaries, equipment, and other expenses for the course are covered by business, industry, or other local public or private entities; or

(B) offers the course in a federal correctional facility and the facilities, equipment, supplies, and other expenses for the course are funded by the federal government.

§9.117. Funding.

(a) Contact hours attributable to the enrollment of a student in a workforce continuing education course offered by a public junior college shall be included in the contact hours used to determine the college's proportionate

share of state money appropriated and distributed to public junior colleges under Texas Education Code §130.003 and §130.0031, regardless of whether the college waives all or part of the tuition or fees for the course under §130.304.

(b) Workforce continuing education courses with fewer than seven (7) contact hours of instruction will not receive state funding unless the specific type and length of instruction are required by local, state, or national licensing, certifying, regulatory, or accrediting agencies.

(c) No funds appropriated to any public two-year college may be expended for any workforce continuing education course which has not been approved by the Board staff.

(d) A vocational courses shall not be eligible for state appropriations. This includes community interest courses. A community college can offer community interest courses using local funds.

(e) Workforce Education Course Manual continuing education special topics courses that are not designed to prepare adult students for employment shall not be eligible for state appropriations. This includes basic employability courses, basic learning skills courses and learning framework courses.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 6, 2017.

TRD-201704473

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: December 17, 2017

For further information, please call: (512) 427-6104

SUBCHAPTER F. CAREER TECHNICAL/WORKFORCE CONTINUING EDUCATION COURSES

19 TAC §§9.113 - 19.117

The Texas Higher Education Coordinating Board proposes to repeal Chapter 9, Subchapter F, Career Technical/Workforce Continuing Education Courses, §§9.113 - 9.117 that apply to Public Community Colleges regarding enrollment of certain students in continuing education courses.

The intent of the repeal of these sections is to then develop new rules to align with HB 2994, 85th Texas Legislature, Regular Session, regarding the enrollment of certain high school students in non-credit continuing education courses. The proposed repealed rules were reviewed and approved by the Negotiated Rulemaking Committee on Workforce Continuing Education on October 30, 2017.

Rex Peebles, Assistant Commissioner for Academic Quality and Workforce, has determined that for the first five years there will be no fiscal implications for state or local governments as a result of repealing the rules listed above.

Dr. Peebles has also determined that for the first five years the repealed rules are in effect, there are no anticipated economic costs to persons who are required to comply with the sections as proposed. There is no impact on local employment.

Finally, in accordance with 34 Texas Administrative Code §11.1, Dr. Peebles has determined that for the first five years the proposed repeals would be in effect:

1. The proposed repeals do *not* create or eliminate a government program;
2. Implementation of the proposed repeals do *not* require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the proposed repeals do *not* require an increase or decrease in future legislative appropriations to the Texas Higher Education Coordinating Board;
4. The proposed repeals do *not* require an increase or decrease in fees paid to the agency;
5. The proposed repeals do *not* create a new regulation;
6. The proposed repeals *do* expand, limit, or repeal an existing regulation, as specified in House Bill 2994, 85th Texas Legislature, Regular Session;
7. The proposed repeals do *not* increase or decrease the number of individuals subject to the rules' applicability; and
8. The proposed repeals do *not* affect this state's economy.

Comments on the repealed rules may be submitted by mail to Rex C. Peebles, Assistant Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711 or via email at AQWComments@THECB.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repealed rules are proposed under the Texas Education Code, §§54.051(n), 54.545, 61.054, 61.060, 61.061, 61.062, 130.001(b)(3) - (4), 130.003(e)(4), 130.005, 130.006, and 130.305, that authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges for the coordination of workforce continuing education courses eligible for state appropriations.

The repealed rules affect the implementation of Texas Education Code, Chapter 51.

§9.113.General Provisions.

§9.114.Application and Approval Procedures for Career Technical/Workforce Continuing Education Courses.

§9.115.Funding.

§9.116.Reporting to the Board.

§9.117.Disapproval of Courses; Noncompliance.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 7, 2017.

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Bill Franz

General Counsel

Texas Higher Education Coordinating Board

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SUBCHAPTER F. WORKFORCE CONTINUING EDUCATION COURSES

19 TAC §9.118

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new §9.118, in Chapter 9, Subchapter F, Workforce Continuing Education Courses, of Board rules that apply to Public Community Colleges regarding enrollment of certain students in continuing education courses. The intent of the new section is to clarify the reporting of contact hours for contact hour reimbursement and to align with HB 2994, 85th Texas Legislature, Regular Session, regarding the enrollment of certain high school students in non-credit continuing education courses. The revised Chapter 9, Subchapter F establishes rules for public community colleges concerning the enrollment of certain students under the age of 18 in non-credit courses, waiving tuition and fees for courses where a significant portion of the cost is borne by another party, and courses offered in federal prisons. The new rule will affect students enrolling in higher education during the 2018 spring semester. The rule proposed for this section was reviewed and approved by the Negotiated Rulemaking Committee on Workforce Continuing Education on October 30, 2017.

Dr. Rex Peebles, Assistant Commissioner for Academic Quality and Workforce, has determined that for the first five years there will be no fiscal implications for state or local governments as a result of creating the rules listed above.

Dr. Peebles has also determined that for the first five years the new rule is in effect, the public benefits anticipated as a result of administering the section will be the clarification of the enrollment and reporting for contact hour reimbursement continuing education offered by public junior colleges. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no impact on local employment.

Finally, in accordance with Texas Administrative Code, §34.11.1, Dr. Peebles has determined that for the first five years the proposed rule would be in effect:

1. The proposed rule does *not* create or eliminate a government program;
2. Implementation of the proposed rule does *not* require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the proposed rule does *not* require an increase or decrease in future legislative appropriations to the Texas Higher Education Coordinating Board;
4. The proposed rule does *not* require an increase or decrease in fees paid to the agency;
5. The proposed rule does *not* create a new regulation;
6. The proposed rule *not* expand, limit, or repeal an existing regulation, as specified in House Bill 2994, 85th Texas Legislature, Regular Session;
7. The proposed rule does *not* increase or decrease the number of individuals subject to the rule's applicability; and
8. The proposed rule does *not* affect this state's economy.

Comments on the new rules may be submitted by mail to Rex C. Peebles, Assistant Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711 or via email at AQWComments@THECB.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new section is proposed under the Texas Education Code, §§54.051(n), 54.545, 61.054, 61.060, 61.061, 61.062, 130.001(b)(3) - (4), 130.003(e)(4), 130.005, 130.006, and 130.305, which authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges for the coordination of workforce continuing education courses eligible for state appropriations.

The new rule affects the implementation of Texas Education Code, Chapter 51.

§9.118.Reporting to the Board.

Contact hours for workforce continuing education courses from public two-year colleges must be determined and reported in compliance with Board policy as outlined in the Guidelines for Instructional Programs in Workforce Education as approved by the Board, the Workforce Education Course Manual, and state law.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 6, 2017.

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Bill Franz

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For further information, please call: (512) 427-6104