

Negotiated Rulemaking Committee on Apply Texas

Presentation to the Apply Texas Advisory Committee, September 15, 2015 by Christine Gann

Senate Bill 215, 83rd Texas Legislature, Regular Session, directs the Texas Higher Education Coordinating Board (THECB), to employ the negotiated rulemaking process described in Chapter 2008 of the Texas Government Code, when adopting a policy, procedure, or rule relating to an admission policy regarding the common admission application under Section 51.762 of the Texas Education Code.

Update:

The committee met on July 31, 2015 at the Texas Higher Education Coordinating Board boardroom.

There was brief Introduction and overview of the Negotiated Rulemaking Process. Roles were explained and voted upon.

Facilitator: David Mead
Alternative Dispute Resolution Coordinator: Mary Smith, Ph.D.
Convener: Laurie Frederick

The committee agreed to adopt and update the drafted proposed rules, rather than starting from scratch. The rest of the meeting was spent going over line by line each section's language and relevancy to Senate Bill 215. The overall sentiment was to not write the proposed rule with so many constraints that the Apply Texas committee would be hindered in making decisions regarding the common application.

The proposed rule is included. It was published in the August 21 edition of the Texas Register and the 30-day public comment period expires on September 21.

Committee Members:

Public Community Colleges

Linda Kluck, Executive Director of Admissions and Records, Austin Community College
Vincent Solis, Vice President for Instruction and Student Services, Laredo Community College
Sheila Reece, Associate Vice President of Student Access and Success, Paris Junior College
Kevin McKisson, Dean of Enrollment Services, San Jacinto College
Matthew S. Hebbard, Dean of Enrollment Services and Registrar, South Texas College
Nichole Mancone, District Director of Admissions and Records, Tarrant County College

Public State Colleges

Jason Smith, Dean of Students, Lamar Institute of Technology

Public Technical Colleges

Janyth Ussery, Admissions Statewide Director, Texas State Technical College-Sweetwater

Public Universities

Lisa Hernandez, Assistant Director of Admissions, Angelo State University
Christine Gann, Undergraduate Admission, Sam Houston State University
Mary Nelle Brunson, Associate Provost and Dean of Graduate School, Stephen F. Austin State University
Scott McDonald, Assistant Vice President and Director of Admissions, Texas A&M University
Clifton Jones, Interim Executive Director of Enrollment Management/Director of Student Financial Assistance, Texas A&M University-Central Texas
Margaret Dechant, Associate Vice President for Enrollment Management, Texas A&M University-Corpus Christi
Hasan Jamil, Vice President for Enrollment Management, Texas Southern University
Stephanie Anderson, Assistant Vice President for Enrollment Management/Director of Undergraduate Admissions, Texas State University
Jamie Hansard, Managing Director in Undergraduate Admissions, Texas Tech University
Dara Newton, Executive Director of University Recruiting, The University of Texas at Arlington
Susan Kearns, Interim Director of Admissions, The University of Texas at Austin
Janna Arney, Chief of Staff and Vice President for Operations, The University of Texas Rio Grande Valley
Billy Lagal, Director of Admissions and Recruitment, University of Houston Victoria

Private/Independent, Non-Profit Institutions

Christine D. Bowman, Dean of Admission and Enrollment Services, Southwestern University

Texas Counseling Association

Stephen Samet, Counselor, Alamo Colleges-San Antonio College

Texas Higher Education Coordinating Board

Jerel Booker, Deputy Assistant Commissioner, College Readiness and Success

Rule Notice Posted in the Texas Register August 21, 2015:

TITLE 19. EDUCATION PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD CHAPTER 1. AGENCY ADMINISTRATION SUBCHAPTER G. APPLY TEXAS ADVISORY COMMITTEE 19 TAC §§1.128 - 1.134

Description of Proposed Changes

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to §§1.128 - 1.134 concerning the Apply Texas Advisory Committee (ATAC). Changes to these sections are made in accordance with Senate Bill 215, passed by the 83rd Texas Legislature, Regular Session, which called for the Board to engage institutions of higher education in a negotiated rulemaking process as described by Chapter 2008, Government Code, "when adopting a policy, procedure, or rule relating to... an admission policy regarding the common admission application under the Texas Education Code, §51.762." The ATAC rule amendments proposed for §§1.128 - 1.134 were reviewed and approved by the Negotiated Rulemaking

Committee on Apply Texas on July 31, 2015. The report of the Negotiated Rulemaking Committee is available at the offices of the Coordinating Board located at 1200 East Anderson Lane, Austin, Texas.

Specifically, §1.128(a) (Authority) is amended to include a reference to the Texas Education Code, §61.0331, passed by the 83rd Legislature, which calls for the Coordinating Board to use negotiated rulemaking "when adopting a policy, procedure, or rule relating to... an admission policy regarding the common application under §51.762." A reference is also added to the subsection for the Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter A, §1.6, which contains the Coordinating Board's general rules for advisory committees.

Amendments to §1.128(b) (Purposes) clarify that the primary purpose of the Apply Texas Advisory Committee (ATAC) is to provide advice and recommendations for the improvement and maintenance of the Apply Texas System.

Section 1.129 (Definitions) is amended to eliminate the definition for "Commissioner" since that term is not used in the rules and a new definition is provided for the "Apply Texas System" to clarify the scope of the activities supported by the ATAC. Subsequent definitions in §1.129 are renumbered accordingly. The definition of "Interested persons" is amended to replace the term "presiding officer" with "co-chairs," since the committee is now overseen by two co-chairs, one from two-year and one from four-year institutions. One final amendment indicates interested persons attending committee meetings can gain permission to participate in discussions if they advise the committee co-chairs or Coordinating Board staff of their desire to do so.

Section 1.130 (Committee Membership and Officers) has several amendments. Throughout this section and the balance of the rules, the term "Apply Texas System" is used to replace the old term "ApplyTexas system" to more accurately reflect the wording of the title of the subchapter (Apply Texas) and to incorporate the new definition for Apply Texas System in §1.129. In addition, minor changes are made throughout the document to improve punctuation and grammar.

In §1.130(b), paragraphs (5), (6), and (7) are amended to replace three old references to "public community or technical colleges" with "public community, technical or state colleges" to clearly include the Lamar State Colleges. Paragraph (8) is amended to increase the number of representatives from participating private institutions from one to two since approximately one half of the state's private or independent colleges and universities (as defined in the Texas Education Code, §61.003(15)) now participate in the Apply Texas System. Paragraph (9) was changed to indicate the student serving on the committee is to be an undergraduate.

The amendments to §1.130(c) are being made to add the names of three additional stakeholder organizations that should be notified when committee meetings are scheduled.

The amendments to §1.130(d) are being made to include the citation for the subsection in the Texas Government Code that limits the number of members of an advisory committee to no more than 24.

The amendments to §1.130(e) are being made to use the term "co-chairs" and to indicate there are to be two co-chairs, one from a four-year and one from a two-year institution, and that they are to be selected on an annual basis.

The amendments to §1.131 (Duration) are being made to include the word "the" prior to the phrase, "Texas Education Code."

The amendments to §1.132 (Meetings) are being made to indicate the minimum of ATAC meetings per year is two and that additional meetings may be scheduled by the co-chairs. Language was also adjusted to reflect that minutes for a given meeting will not be publicly posted until they have been reviewed and adopted by the ATAC.

The amendments to §1.133 (Tasks Assigned the Committee) are being made in paragraph (1) to broaden the scope from revisions to applications to technical and functional revisions of the forms and the Apply Texas System. Task paragraph (2) is changed from adding applications to developing training materials for the users of the Apply Texas System. Task paragraph (3) was amended to reflect the ATAC's role in identifying Apply Texas System issues that are admissions policy issues and therefore should be referred to a negotiated rulemaking committee (in accordance with the Texas Education Code, §61.0331).

The amendments to §1.134 (Report to the Board) are being made to use the term "co-chairs" rather than "presiding officer" in talking about the ATAC leadership and to include an indication that Board staff can be involved in the scheduling of committee reports to the Board.

Dr. Mary Smith, Interim Assistant Commissioner for College Readiness and Success, has determined that for each year of the first five years the amendments are in effect, there will be no significant fiscal implications to state or local government as a result of enforcing or administering the rules.

Dr. Smith has also determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of administering the sections will be a clearer understanding of the duties of the committee. There is no effect on small businesses. 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.

Comments on the proposal may be submitted to Dr. Mary Smith, P.O. Box 12788, Austin, Texas 78711, (512) 427-6213, Mary.Smith@theccb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §51.762, which provides the Coordinating Board with the authority to adopt rules to administer Texas Education Code, Chapter 51, Subchapter S.

The amendments affect Texas Education Code, Chapter 51, Subchapter S.

Proposed Changes to Current Rule:

§1.128. Authority and Specific Purposes of the Apply Texas Advisory Committee.

(a) Authority. Statutory authority for this subchapter is provided in the Texas Education Code, §51.762, and in accordance with the Texas Education Code, §61.0331, regarding requirements for Negotiated Rulemaking. Moreover, the committee is governed in accordance with the Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter A, §1.6 (relating to General Provisions).

(b) Purposes. The Apply Texas Advisory Committee is created to provide the Board with advice and recommendation(s) regarding ~~[changes that may be needed to]~~ the common admission applications and the Apply Texas System ~~[application or Apply Texas system for the upcoming academic year. The committee also focuses on additional initiatives to strengthen student participation and access to higher education]~~.

§1.129. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings:

(1) Apply Texas System--The state's primary method for applying for admission to Texas public institutions of higher education. The Apply Texas System includes, but is not limited to, common admission applications; a portal for completing application forms; help desks to provide users assistance; and a portal through which Texas high school counselors gain access to status data regarding their students' progress in applying for admission and financial aid.

~~(2) [(1)]~~ Board--The Texas Higher Education Coordinating Board.

~~[(2) Commissioner--The Commissioner of Higher Education, the Chief Executive Officer of the Board.]~~

(3) Interested persons--Persons who attend committee meetings as representatives of stakeholder entities and any other persons who have made their interest in the work of the committee known to its co-chairs or Board staff ~~[presiding officer]~~. Such interested persons may participate in committee discussions, as invited by the co-chairs ~~[presiding officer]~~ to do so, but do not have the authority to cast votes.

§1.130. Committee Membership and Officers.

(a) Membership shall consist of admissions ~~[admission]~~ administrators from Texas public institutions of higher education and participating private institutions of higher education that use the Apply Texas System ~~[Apply Texas system]~~.

(b) Membership on the committee should include:

(1) four representatives from public universities with enrollment of more than 30,000 students in previous fall semester;

(2) three representatives from public universities with enrollment between 10,000 - 30,000 students in previous fall semester;

(3) three representatives from public universities with enrollment between 0 - 9,999 students in previous fall semester;

(4) one representative from public universities using the graduate application in the Apply Texas System [~~Apply Texas system~~] not selected from paragraphs (1) - (3) of this subsection;

(5) three representatives from public community, ~~[or]~~ technical, or state colleges with enrollment of more than 16,000 students in previous fall semester;

(6) four [~~five~~] representatives from public community, ~~[or]~~ technical, or state colleges with enrollment between 10,000 - 15,999 students in previous fall semester;

(7) three representatives from public community, ~~[or]~~ technical, or state colleges with enrollment between 0 - 9,999 students in previous fall semester;

(8) two representatives [~~one representative~~] from [a] participating private institutions [~~institution~~]; and

(9) one undergraduate student representative.

(c) Interested persons, such as members of the Texas Association of Collegiate Registrars and Admissions Officers, Council of Public University Presidents and Chancellors, Texas Association of Community Colleges, Independent Colleges and Universities of Texas and legislative and governmental relations staff shall be regularly advised of committee meetings.

(d) In accordance with the Texas Government Code, §2110.002(a), the [~~The~~] number of committee members shall not exceed twenty-four (24).

(e) Members of the committee shall annually select co-chairs, one from a four-year and one from a two-year institution [~~the presiding officer~~], who will be responsible for conducting meetings and conveying committee recommendations to the Board.

(f) Members shall serve staggered terms of up to three years.

§1.131.Duration.

The committee shall be abolished no later than October 31, 2017 in accordance with the Texas Government Code, Chapter 2110. It may be reestablished by the Board.

§1.132.Meetings.

The committee shall meet at least twice a year. Additional meetings, if necessary, may be scheduled as determined by the co-chairs [~~may meet approximately four times a year between September and May. Special meetings may be called as deemed appropriate by the presiding~~]

~~officer~~]. Meetings shall be open to the public and broadcast via the web, unless prevented by technical difficulties. Minutes shall be available to the public after they have been prepared by the Board staff and reviewed and adopted by members of the committee.

§1.133.Tasks Assigned the Committee.

Tasks assigned the committee may include:

(1) technical and functional revisions to the common admission ~~[of]~~ applications and the Apply Texas System;

(2) development of training materials for the users of the various components of the Apply Texas System ~~[addition of application types]~~;

(3) recommendations on admission policy pursuant to the Texas Education Code, §61.0331 ~~[initiatives to improve the ApplyTexas system or strengthen student participation and access into higher education]~~; and

(4) other activities necessary for the maintenance of the Apply Texas System ~~[ApplyTexas system]~~.

§1.134.Report to the Board~~[- Evaluation of Committee Costs and Effectiveness]~~.

The co-chairs ~~[committee chairperson]~~ shall annually report any recommendations to the Board at a Board meeting determined in consultation with Board staff. They shall also provide an annual report ~~[on no less than an annual basis. The committee shall also report committee activities]~~ to the Board to allow it ~~[the Board]~~ to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.

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 August 10, 2015.

TRD-201503018

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: September 20, 2015

For further information, please call: (512) 427-6114