

SUPPLEMENTAL MATERIALS

Committee on Academic and Workforce Success

AGENDA ITEM V-V (3)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed amendments to Chapter 7, Subchapter A, Sections 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.10, 7.11, and 7.14 of Board rules concerning the oversight of new postsecondary educational institutions

RECOMMENDATION: Approval

Background Information:

The intent of these amendments is to provide clearer guidance to degree granting colleges and universities other than Texas public institutions and accrediting agencies and ensure continuing protection of students.

Dr. Rex Peebles, Assistant Commissioner for Academic Quality and Workforce, is available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: August 1, 2016

Date Published in the *Texas Register*: August 12, 2016

The 30-day comment period with the *Texas Register* ends on: September 12, 2016

Comments were received regarding these proposed rules. Coordinating Board staff responses to the comments will be provided as supplemental materials prior to the meeting.

Comment: Western Technical College, El Paso, Texas (Western Tech), is one of two Texas institutions which have been grandfathered in and allowed to grant AOS degrees. Western Tech asked if the associate of occupational studies (AOS) degree programs will be limited to 72 Semester Credit Hours, as defined in revised Rule 7.3(4)(B).

Staff Response: The definition in revised Rule 7.3(4)(B) specifically provides a semester credit hour range for associate of applied arts and associate of applied science degrees. AOS degrees are not included in the semester credit hour range. Revised Rule 7.5(u) sets forth the limitations on AOS degrees, but does not require a semester credit range. Neither the current rule nor the revised rule include a semester credit hour limitation of AOS degrees. No further change is needed in the proposed rules.

Comment: Western Tech referred to revised Rule 7.3(20) defining experiential learning. Experiential learning for medical, nursing, allied health, and other health professions degree programs are included in the definition. Western Tech asked if it, as a Texas-based campus, would be required to provide a listing of all its clinical sites for its AAS Physical Therapist Assistant program.

Staff Response: Current Rule 7.7(1)(A)(ii) requires institutions which are only providing clinicals or internships in Texas to list the physical location of its clinical or internship sites. These clinicals or internships are included in the experiential learning definition found in revised Rule 7.3(2). However, Rule 7.7(1)(A)(ii) does not require institutions which have campus locations in Texas to report their clinical or internship sites. No further change is needed in the proposed rules.

Comment: Western Tech stated that its accreditor, the Accrediting Commission of Career Schools and Colleges (ACCSC), requires general education instructors to have a Master's degree and a minimum of 15 hours in their discipline. The current and revised Rule 7.4(11)(C) requires at least 18 graduate semester credit hours in the discipline, or closely related discipline, being taught. Western Tech asked if general education faculty will be required to have 18 semester credit hours, all at the master's level.

Staff Response: The 18 graduate semester credit hours in the discipline taught is a current requirement for general education faculty that has not been changed in the revised Rule 7.4(11)(C). This requirement will remain in the rule. The subsection was revised to require a Master's degree for general education faculty. This revision aligns with the requirements of most accrediting agencies and clarifies that general education faculty should hold at least a Master's degree with 18 of the graduate semester credit hours in the discipline taught. No further change is needed in the proposed rules.

Comment: The Career Colleges & Schools of Texas board of directors (CCST) asked if, under revised Rule 7.4(11)(C), a long-time faculty member, with a successful program, would be grandfathered in and considered to have exceptional experience in the field.

Staff response: Institutions continue to have the option found in Rule 7.4(11)(E) to document justification for faculty with exceptional experience in the field of appointment. Such documentation includes continuous documented excellence in teaching. A long-time faculty member, with a successful program, may meet this standard. No further change is needed to the proposed rules.

Comment: Western Tech asked if in revised Rule 7.4(24)(b), faculty qualifications were being removed for faculty size.

Staff Response: Revised Rule 7.4(24) was revised to clarify that the only standards for operation which may be deviated for a compelling academic reason are the standards relating to faculty size and credit for work completed outside a collegiate setting. Faculty qualifications remain in subsection (11) of Rule 7.4. No further change is needed in the proposed rules.

Comment: Texas Workforce Commission staff noted that revised Rule 7.5(u) states that Texas has two career schools or colleges awarding the AOS degree, Universal Technical Institute and

Western Technical College. Southwest Institute of Technology is no longer in operation. However, the revised rule later refers to three institutions.

Staff Response: Staff agrees with this change. Further revision is made to correctly state the number of career schools or colleges allowed to award the AOS degree.

The original language posted in the *Texas Register* for Rule 7.5(u) was:

(u) Associate of Occupational Studies (AOS Degree— Texas has [~~three~~] two career schools or colleges awarding the AOS degree: Universal Technical Institute, [~~Southwest Institute of Technology,~~] and Western Technical College. The AOS degree shall be awarded in only the following fields: automotive mechanics, diesel mechanics, refrigeration, electronics, and business. Each of the three Institutions may continue to award the AOS degree for those fields listed in this subsection and shall be restricted to those fields. The Board shall not consider new AOS degree programs from any other career schools or colleges. A career school or college authorized to grant the AOS degree shall not represent such degree by using the terms "associate" or "associate's" without including the words "occupational studies." An institution authorized to grant the AOS degree shall not represent such degree as being the equivalent of the AAS or AAA degrees.

The change based on the comment for Rule 7.5(u) is:

(u) Associate of Occupational Studies (AOS Degree— Texas has [~~three~~] two career schools or colleges awarding the AOS degree: Universal Technical Institute, [~~Southwest Institute of Technology,~~] and Western Technical College. The AOS degree shall be awarded in only the following fields: automotive mechanics, diesel mechanics, refrigeration, electronics, and business. Each of the [~~three~~] two Institutions may continue to award the AOS degree for those fields listed in this subsection and shall be restricted to those fields. The Board shall not consider new AOS degree programs from any other career schools or colleges. A career school or college authorized to grant the AOS degree shall not represent such degree by using the terms "associate" or "associate's" without including the words "occupational studies." An institution authorized to grant the AOS degree shall not represent such degree as being the equivalent of the AAS or AAA degrees.

Comment: Western Tech asked if they will not be allowed to add any further sub-specialties or concentrations to the AOS degree programs under Rule 7.5(u).

Staff Response: The current Rule 7.5(u) limits the AOS degree to the following fields: automotive mechanics, diesel mechanics, refrigeration, electronics, and business. The grandfathered institutions may continue to award the AOS degree for those fields listed in this subsection and shall be restricted to those fields. The revised rule does not change this restriction. No further change is needed in the proposed rules.

Comment: Education Corporation of America (ECA), on behalf of Brightwood College, Golf Academy of America, and Virginia College locations in Texas, requested additional revisions in Rule 7.7 to clarify procedures to request a provisional time period if an institution's accrediting

agency is removed from the US Department of Education and/or the Board's list of approved accreditors.

Staff Response: Staff agrees with this change. Further revisions are made to clarify what an institution must do in order to stay a revocation of its Certificate of Authorization.

The original language posted in the *Texas Register* for Rule 7.7(2)(C) was:

(C) Institution's Accreditor is removed from the U.S. Department of Education or the Board's list of approved accreditors. If the institution's Certificate of Authorization is revoked due to its accrediting agency's removal from the U.S. Department of Education and/or the Board's list of approved accreditors, the Board, or Board staff as delegated, shall set a provisional time period within which institutions may continue to operate, not to exceed any provisional time period set by the United States Department of Education.

The change based on the comment for Rule 7.7(2)(C) is:

(C) Institution's Accreditor is removed from the U.S. Department of Education or the Board's list of approved accreditors.

(i) If the institution's Certificate of Authorization is revoked due to its accrediting agency's removal from the U.S. Department of Education and/or the Board's list of approved accreditors, the Board, or Board staff as delegated, shall set a provisional time period within which institutions may continue to operate, not to exceed any provisional time period set by the United States Department of Education.

(ii) If the institution's Certificate of Authorization is revoked due to its accrediting agency's removal from the U.S. Department of Education or the Board's list of approved accreditors, a request to extend its Certificate of Authorization for the provisional time period set under paragraph (2)(C) of this section, must be submitted to the Commissioner within ten (10) days of publication, by either the U.S. Department of Education or the Board, of such revocation.

The original language posted in the *Texas Register* for Rule 7.7(3)(A) was:

(3) [(4)] Process for Removal of Authorization.

(A) Commissioner notifies institution of grounds for revocation as outlined in paragraph (2) [(3)] of this section.

The change based on the comment for Rule 7.7(3)(A) is:

(3) [(4)] Process for Removal of Authorization.

(A) Commissioner notifies institution of grounds for revocation as outlined in paragraph (2) [(3)] of this section **unless paragraph (2)(C) above applies and the Board sets a provisional time period for compliance.**

The original language posted in the *Texas Register* for Rule 7.7(3)(C)(vi) and (vi) [sic] was:

(vi) a written teach-out plan, which must be approved by Board staff before implementation; or

(vi) if the institution's Certificate of Authorization is revoked due to its accrediting agency's removal from the U.S. Department of Education or the Board's list of approved accreditors, a request to extend its Certificate of Authorization for the provisional time period set under paragraph (2) of this section.

The change based on the comment for Rule 7.7(3)(C)(vi) and (vi) [sic], due to movement of the second (vi) listed above to Rule 7.7(2)(C) is:

(vi) a written teach-out plan, which must be approved by Board staff before implementation ~~or~~.

~~**(vi) if the institution's Certificate of Authorization is revoked due to its accrediting agency's removal from the U.S. Department of Education or the Board's list of approved accreditors, a request to extend its Certificate of Authorization for the provisional time period set under paragraph (2) of this section.**~~

Comment: CCST noted inconsistencies in revised Rule 7.7(2) and (3) regarding the language of revocation.

Staff response: Clarifications based on changes suggested by ECA and made to Rule 7.7(2) and (3) addressed inconsistencies. No further change is needed in the proposed rules.

Comment: CCST asked for clarification of revised Rule 7.11, specifically (a) regarding voiding a Certificate of Authorization and (b)(3) and (4) regarding documentation. CCST asked if a time lapse will occur for approval of a Change of Ownership, noting there have been delays in the past.

Staff response: A Certificate of Authorization will only be automatically void if the institution does not meet the requirements of this section. Requirements include documentation showing the new owner has been approved by the institution's Board-recognized accreditor or is able to meet the requirements of the existing Certificate of Authority; and that the institution has the financial ability to adequately support and conduct all approved programs. Inadequate documentation or inability to meet the requirements of this Rule may result in a delay for approval of a Change of Ownership. Sufficient notification and submission of documentation prior to a change of ownership should mitigate unnecessary delays. No further change is needed in the proposed rules.