



TEXAS HIGHER EDUCATION COORDINATING BOARD

P.O. Box 12788 Austin, Texas 78711

MEMORANDUM

Robert W. Jenkins
CHAIR

Stuart W. Stedman
VICE CHAIR

David D. Teuscher, M.D.
SECRETARY OF THE BOARD

Haley R. DeLaGarza
STUDENT REPRESENTATIVE

Arcilia C. Acosta
S. Javaid Anwar
Fred Farias III, O.D.
Ricky A. Raven
Janelle Shepard
John T. Steen, Jr.

Raymund A. Paredes
COMMISSIONER
OF HIGHER EDUCATION

512/ 427-6101
Fax 512/ 427-6127

Web site:
<http://www.thecb.state.tx.us>

October 6, 2016

To: Coordinating Board Members & Interested Parties

From: Raymund A. Paredes *RAP*

Subject: Coordinating Board Meeting

The agenda for the October 20, 2016, Coordinating Board meeting is attached. The meeting will be held in the Board Room at 1200 East Anderson Lane in Austin according to the schedule below. The agenda is organized according to committees. The times indicated for the start and conclusion of each section of the agenda are approximate and depend on the length of discussion for each item.

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other time as determined by the presiding chair. For procedures on testifying please go to [http://www.thecb.state.tx.us/public testimony](http://www.thecb.state.tx.us/public_testimony).

Wednesday, October 19

2:00 p.m.

Agency Operations Committee

Texas Higher Education Coordinating Board
Board Room 1.170

6:00 p.m.

Dinner for Board Members with Texas Association of Community Colleges

Double Tree Suites Hotel
303 W 15th St.
Austin, TX 78701

Thursday, October 20

Coordinating Board Meeting

Texas Higher Education Coordinating Board
Board Room 1.170

8:30 a.m.

Call to Order: Opening Remarks and Strategic Planning Presentation

Agenda Item I

9:40 a.m.	<u>Approval of Minutes</u> Agenda Item II
9:42 a.m.	<u>Approval of Consent Calendar for entire meeting</u> Agenda Item III
9:45 a.m.	<u>Major Policy Discussion</u> Agenda Item IV
10:45 a.m.	<u>Recognition of Excellence</u> Agenda Item V
11:15 a.m.	<u>Matters relating to the Full Board</u> Agenda Item VI
11:15 a.m.	<u>Matters relating to the Committee on Affordability, Accountability and Planning</u> Agenda Item VII
12:30 p.m.	<u>Lunch</u> Agenda Item VIII
1:00 p.m.	<u>Matters Relating to the Committee on Academic and Workforce Success</u> Agenda Item IX
2:15 p.m.	<u>Matters Relating to the Committee on Agency Operations</u> Agenda Item X
2:30 p.m.	<u>Adjournment</u> Agenda Item XI

Texas Penal Code Section 46.035(c) states: "A license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter." Thus, no person can carry a handgun and enter the room or rooms where a meeting of the THECB is held if the meeting is an open meeting subject to Chapter 551, Government Code.

Please Note that this governmental meeting is, in the opinion of counsel representing THECB, an open meeting subject to Chapter 551, Government Code and THECB is providing notice of this meeting as required by Chapter 551. In addition, **please note** that the written communication required by Texas Penal Code Sections 30.06 and 30.07, prohibiting both concealed and open carry of handguns by Government Code Chapter 411 licensees, will be posted at the entrances to this governmental meeting.

TEXAS HIGHER EDUCATION COORDINATING BOARD**PREFERRED MAILING ADDRESS LIST**EMAIL: boardmember@theccb.state.tx.us

BOARD MEMBER	ADDRESS/PHONE/EMAIL	TERM ENDS
Robert W. "Bobby" Jenkins, Jr. <i>Chair</i> AUSTIN	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/17
Stuart W. Stedman <i>Vice Chair</i> HOUSTON	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/21
David D. Teuscher, M.D. <i>Secretary of the Board</i> BEAUMONT	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/17
Arcilia Acosta DALLAS	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/19
S. Javaid Anwar MIDLAND	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/21
Fred Farias III, O.D. McALLEN	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/19
Ricky A. Raven SUGAR LAND	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/21
Janelle Shepard WEATHERFORD	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/17
John T. Steen, Jr. SAN ANTONIO	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/19
Haley R. DeLaGarza <i>Student Representative</i> VICTORIA	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	05/31/17

dated 06.01.16

**TEXAS HIGHER EDUCATION COORDINATING BOARD
STANDING COMMITTEE MEMBERSHIP**

Effective June 1, 2016

Committee on Academic and Workforce Success (CAWS)

Janelle Shepard, Chair
Fred Farias III, O.D., Vice Chair
Arcilia C. Acosta
Ricky A. Raven
John T. Steen, Jr.
Haley R. DeLaGarza (Student Representative), Ex-Officio
Robert “Bobby” Jenkins, Jr., Ex-Officio

Committee on Affordability, Accountability and Planning (CAAP)

David D. Teuscher, M.D., Chair
S. Javaid Anwar, Vice Chair
Arcilia C. Acosta
Janelle Shepard
Stuart W. Stedman
Haley R. DeLaGarza (Student Representative), Ex-Officio
Robert “Bobby” Jenkins, Jr., Ex-Officio

Agency Operations Committee (AOC)

John T. Steen, Jr., Chair
David D. Teuscher, M.D., Vice Chair
S. Javaid Anwar
Fred Farias III, O.D.
Ricky A. Raven
Stuart W. Stedman
Haley R. DeLaGarza (Student Representative), Ex-Officio
Robert “Bobby” Jenkins, Jr., Ex-Officio

NOTE: The Coordinating Board meeting will be broadcast live on the Internet at <http://www.thecb.state.tx.us/Events>. Board meeting agendas, minutes, presentations and reports are also available at this address.

TEXAS HIGHER EDUCATION COORDINATING BOARD
A G E N D A
Regular Quarterly Meeting

**1200 EAST ANDERSON LANE, ROOM 1.170
AUSTIN, TEXAS**

8:30 A.M., Thursday, October 20, 2016

The Texas Higher Education Coordinating Board may convene in Executive Session at any point in this meeting, concerning any item listed in the agenda or to seek or to receive its attorney's advice on legal matters related thereto, pursuant to Texas Government Code Ann. 551.071.

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other time as determined by the presiding chair. For procedures on testifying please go to [http://www.thecb.state.tx.us/public testimony](http://www.thecb.state.tx.us/public%20testimony).

I. Call to Order: Opening Remarks and Strategic Planning Presentation

- A. Commissioner's Remarks
- B. Strategic Planning Presentation by Chancellor John Sharp, Texas A&M University System

II. Approval of Minutes

- A. July 21, 2016, Board Meeting

III. Approval of the Consent Calendar

- A. Consent Calendar

IV. Major Policy Discussion

- A. Achieving the Goals of 60x30TX: Facilitated Graduation

V. Recognition of Excellence

- A. Texas Tech University – Red to Black Peer Financial Coaching

VI. Matters relating to the Full Board

(No Items)

VII. Matters relating to the Committee on Affordability, Accountability and Planning

A. Committee Chair's Overview

B. Public Testimony on Items Relating to the Committee on Affordability, Accountability and Planning

C. Consideration of adopting the Committee's recommendation to the Board relating to approval of the 2016 Regional Plan for Texas Higher Education

D. Consideration of adopting the Committee's recommendation to the Board relating to approval of the progress report on the state higher education plan, *60x30TX (Texas Education Code (TEC) 61.051 (a-3))*

E. Consideration of adopting the Committee's recommendation to the Board relating to the Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2015 (*House Bill 1, General Appropriations Act, Rider 30, page III-51, 84th Legislature*)

F. Consideration of adopting the Committee's recommendation to the Board relating to a report on The Feasibility of Providing Off-Campus Work-Study Employment (*Senate Bill 947, 84th Texas Legislature, Regular Session*)

G. Consideration of adopting the Committee's recommendation to the Board relating to the report on Student Loan Default Prevention and Financial Aid Literacy Pilot Program (*Senate Bill 680, 83rd Texas Legislature, Regular Session*)

H. Consideration of adopting the Committee's recommendation to the Board for approval of the nominated member of the Financial Aid Advisory Committee

I. Consideration of adopting the Committee's recommendation to the Board for approval of the nominated members of the Financial Literacy Advisory Committee

J. Presentation on the Preliminary Headcount for fall 2016

K. Report on facilities projects that were submitted to the Coordinating Board

L. Proposed Rules:

(1) Consideration of adopting the Committee's recommendation to the Board relating to moving Chapter 21, Subchapters G, J, P, R, S, U, W, X and KK of Board rules relating to Loan Repayment Programs to new Chapter 23, Education Loan Repayment Programs, Subchapters B – J

VIII. Lunch

IX. Matters relating to the Committee on Academic and Workforce Success

- A. Committee Chair's Overview
- B. Public Testimony on Items Relating to the Committee on Academic and Workforce Success
- C. Report to the Board on activities of the Community and Technical College Leadership Council
- D. Consideration of adopting the Committee's recommendation to the Board relating to requests for a new degree program:

UNIVERSITY OF TEXAS AT AUSTIN

(1) Bachelor of Science (BS) degree with a major in Computational Engineering

(2) Bachelor of Science (BS) degree with a major in Environmental Engineering

UNIVERSITY OF TEXAS AT EL PASO

(3) Doctor of Pharmacy (PharmD) degree with a major in Pharmacy and create a School of Pharmacy

UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO

(4) Doctor of Occupational Therapy (OTD) degree in Occupational Therapy

WEST TEXAS A&M UNIVERSITY

(5) Bachelor of Science in Electrical Engineering (BSEE) degree with a major in Electrical Engineering

- E. Consideration of adopting the Committee's recommendation to the Board relating to the Report on Uniform Pre-Nursing Curriculum (*H.B. 3078, 84th Texas Legislature, Regular Session*)
- F. Consideration of adopting the Committee's recommendation to the Board relating to the Progress Report on Success of Students at Institutions of Higher Education Who Receive Credit From Advanced Placement Exams (*H.B. 1992, 84th Texas Legislature, Regular Session*)
- G. Consideration of adopting the Committee's recommendation to the Board relating to the Report on Developmental Education (*Rider 42, H.B. 1, and S.B. 1776, 84th Texas Legislature, Regular Session*)
- H. Consideration of adopting the Committee's recommendation to the Board relating to the Report on the Recruitment of Persons with Intellectual and Developmental Disabilities at Institutions of Higher Education (*S.B. 37, 84th Texas Legislature, Regular Session*)
- I. Consideration of adopting the staff recommendation to the Board relating to the Texas General Academic Institutions: Increasing Successful Community College Transfer Report (*General Appropriations Act, H.B. 1, Article III, Section 52, 84th Texas Legislature, Regular Session*)

Note: Highlighted items in gray are on the Consent Calendar

- J. Consideration of adopting the Committee's recommendation to the Board relating to the Progress Report on the Bachelor of Science in Dental Hygiene at Tyler Junior College (*H.B. 3348, 84th Texas Legislature, Regular Session*)
- K. Consideration of adopting the Committee's recommendation to the Board relating to the Report on the Assessment of Graduate Medical Education Positions (*S.B. 215, 83rd Texas Legislature, Regular Session*)
- L. Consideration of adopting the Committee's recommendation to the Board relating to the approval of amendments to provide additional funding and extend contracts to February 2018 for Teacher Quality Grant Projects
- M. Consideration of adopting the Committee's recommendation to the Board relating to the approval of amendments to provide additional funding to contracts awarded under the 2016-2018 Comprehensive College Readiness and Success Models for 60x30TX (CRSM)
- N. Consideration of adopting the Committee's recommendation to the Board relating to the approval to fund GradTX activities designed to help meet the completion goal of 60x30TX
- O. Report on the Carl D. Perkins Career and Technical Education Improvement Act funds to colleges for Basic and Leadership Grants
- P. Report to the Board on school closures and/or teach-outs pursuant to Chapter 7, Subchapter A, Section 7.7(5)
- Q. Consideration of adopting the Committee's recommendation to the Board relating to revising fees for Certificate of Authority applications, amendments, and renewals pursuant to Texas Education Code, Sections 61.305, 61.307 and 61.308
- R. Consideration of adopting the Committee's recommendation to the Board relating to a request to amend the current contract with Querium Corporation, providing for continued services of pre-assessment activities
- S. Consideration of adopting the Committee's recommendation to the Board relating to issuance of additional Requests for Applications for the Minority Health Research and Education Grant Program
- T. Consideration of adopting the Committee's recommendation to the Board relating to issuance of a Request for Applications for Intensive College Transition Programs for Underprepared Learners
- U. Consideration of adopting the Committee's recommendation to the Board relating to the appointment of a member to the Graduate Education Advisory Committee (GEAC)
- V. Proposed Rules:
 - (1) Consideration of adopting the Committee's recommendation to the Board relating to the proposed amendments to Chapter 5, Subchapter B, Sections 5.21 - 5.25 of Board rules concerning Planning Notifications

(2) Consideration of adopting the Committee's recommendation to the Board relating to the proposed amendments to Chapter 5, Subchapter D, Sections 5.71, 5.72, 5.73, 5.76, and 5.78 of Board rules concerning the approval and operation of off-campus educational units

(3) Consideration of adopting the Committee's recommendation to the Board 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

(4) Consideration of adopting the Committee's recommendation to the Board relating to proposed amendments to Chapter 21, Subchapter B, Sections 21.21 – 21.30, Chart I, and Chart II of Board rules concerning the Determination of Resident Status

W. Consideration of adopting the Committee's recommendation to the Board relating to providing funds for the Innovative Academies-The Next Generation of Early College High Schools, an initiative of the Texas Higher Education Coordinating Board, Texas Education Agency, and the Texas Workforce Commission

X. Consideration of adopting the staff recommendation to the Board relating to the request from Texas A&M University to establish a Single Institution Center in McAllen

Y. Report on institutional requests acted on by the Commissioner or Assistant Commissioner since the previous Board meeting

X. Matters relating to the Agency Operations Committee

A. Committee Chairs' Overview

B. Public Testimony on Items Relating to the Agency Operations Committee

C. Consideration of adopting the Committee's recommendation to the Board relating to the Board Operating Policies and Procedures

D. Consideration of adopting the Committee's recommendation to the Board relating to a resolution authorizing the issuance of State of Texas College Student Loan Bonds in one or more series and delegating to the Commissioner the authority for the filing of one or more applications to obtain a portion of the state's allocation for private activity bonds

E. Consideration of adopting the Committee's recommendation to the Board relating to South Texas College's proposal regarding the Board's determination that South Texas College not receive certain additional formula funding and repay formula funds rendered in error pursuant to the findings of a Compliance Monitoring report dated July 7, 2016

XI. Adjournment

DRAFT

TEXAS HIGHER EDUCATION COORDINATING BOARD MINUTES

Regular Quarterly Meeting
1200 East Anderson Lane, Austin, Texas
July 21, 2016

The Texas Higher Education Coordinating Board convened at 8:30 a.m. on July 21, 2016, with the following members present: Bobby Jenkins, presiding; Fred Farias; Ricky Raven; Janelle Shepard; Stuart Stedman; John Steen; David Teuscher; and Haley Delagarza.

Members not present: Arcilia Acosta and Javaid Anwar

AGENDA ITEM	ACTION
I. Call to order: Opening Remarks, Announcements and Appointments	Mr. Jenkins called the meeting of the Coordinating Board to order.
A. Recognition of Katherine Martin, recipient of the Kenneth H. Ashworth Fellowship Award 2016-2017	No action required.
B. Commissioner's Remarks	No action required.
C. Strategic Planning Presentation by Chancellor Robert L. Duncan, Texas Tech University System	No action required.
II. Approval of Minutes	
A. April 28, 2016, Board Meeting	On a motion by Mr. Steen, seconded by Dr. Farias, the Board approved the April 28, 2016, minutes.
B. June 29, 2016 Special Called Board Meeting	On a motion by Mr. Steen, seconded by Dr. Farias, the Board approved the June 29, 2016, minutes.

AGENDA ITEM	ACTION
III. Approval of the Consent Calendar	On a motion by Dr. Teuscher, seconded by Mr. Raven, the Board approved the Consent Calendar. Items on the Consent Calendar were: VII-I(1); VII-I(3); VII-I(4); VII-I(5); IX-C; IX-F; IX-H; IX-I; IX-J; IX-K; IX-N; IX-O; X-E; X-F.
IV. Major Policy Discussion	
A. Achieving the Goals of <i>60x30TX</i> : Building the financial literacy of Texans to promote a better understanding of how and why to pay for higher education	Dr. Charles Puls, Deputy Assistant Commissioner for Student Financial Aid Program provided an overview of understanding the how and why to pay for higher education. The following panel members also gave presentations: Rachel Grimes, Assistant Director for Outreach at University of North Texas (UNT) Student Money Management Center; Ms. Alex Hellinger, Associate Director for Communications at Alamo Community College District Student Financial Aid office; Ms. Samantha Jones, a senior Criminal Justice major at UNT; and Brian Ashton, Director of Student and Institutional Success at TG. No action required.
V. Recognition of Excellence	
A. The University of Texas at Austin – Texas Education Consortium for Male Students of Color	No action required. Victor Saenz, Ph.D., Associate Professor and Executive Director, made a presentation to the Board on the Texas Education Consortium for Male Students of Color.
VI. Matters relating to the Full Board	
A. Consideration of adopting the Negotiated Rulemaking Committee's recommendation relating to the allocation methodology for distribution of the one-time appropriation of unexpended balances in the Texas B-On-Time Program (<i>House Bill 1, Article IX, Section 18.38, 84th Texas Legislature, Regular Session</i>)	On a motion by Mr. Steen, seconded by Mr. Raven, the Board approved the recommendation relating to the allocation methodology for distribution of the one-time appropriation of unexpended balances in the Texas B-On-Time Program.

AGENDA ITEM	ACTION
B. Consideration of adopting the Negotiated Rulemaking Committee's recommendation relating to an allocation methodology for the one-time distribution of funds associated with the Teacher Education Program in Bilingual Education (<i>House Bill 1, Article III, Special Provisions, Section 45, 84th Texas Legislature</i>)	On a motion by Ms. Shepard, seconded by Mr. Stedman, the Board approved the recommendation relating to an allocation methodology for the one-time distribution of funds associated with the Teacher Education Program in Bilingual Education.
C. Consideration of adopting the staff recommendations relating to a report on Veterinary Medical Education in Texas	On a motion by Dr. Teuscher, seconded by Mr. Raven, the Board approved recommendations 1 and 3 of this study and requested that further study be done on recommendation 2. Dr. Rex Peebles, Assistant Commissioner, Academic Quality and Workforce and Dr. James Goeman, Assistant Director, Academic Quality presented the findings from this study.
VII. Matters Relating to the Committee on Affordability, Accountability and Planning	
A. Committee Chair's Overview	No action required. An overview of the Committee's activities was presented to the Board by Dr. Teuscher, Chair of the Committee on Affordability, Accountability and Planning.
B. Public Testimony on Items Relating to the Committee on Affordability, Accountability and Planning	No action required.
C. Consideration of adopting the Committee's recommendation to the Board relating to approval of the <i>Closing the Gaps by 2015</i> Final Progress Report	On a motion by Mr. Steen, seconded by Ms. Shepard, the Board approved the <i>Closing the Gaps by 2015</i> Final Progress Report.
D. Consideration of adopting the Committee's recommendation to the Board relating to approval of the Space Model Study (<i>House Bill 1, Article III, Rider 55, 84th Texas Legislature</i>)	On a motion by Mr. Steen, seconded by Dr. Farias, the Board gave authority to the Board Chair, Vice-Chair, and CAAP Committee Chair to approve the study after revisions were made to reflect institutional and third party reviewers.

AGENDA ITEM	ACTION
E. Consideration of adopting the Committee's recommendation to the Board relating to a report on the TEXAS Grant Program (<i>Senate Bill 28, 82nd Texas Legislature, Regular Session</i>)	On a motion by Ms. Shepard, seconded by Mr. Raven, the Board approved the report on the TEXAS Grant Program.
F. Consideration of adopting the Committee's recommendation to the Board relating to a report on the Physician Loan Repayment Program Retention Rates (<i>House Bill 1, Article III, Rider 31, 84th Texas Legislature</i>)	On a motion by Mr. Steen, seconded by Dr. Farias, the Board approved the report on the Physician Loan Repayment Program Retention Rates.
G. Consideration of adopting the Committee's recommendation to the Board for approval of the nominated members of the Financial Literacy Advisory Committee	On a motion by Ms. Shepard, seconded by Mr. Stedman, the Board approved the nominated members of the Financial Literacy Advisory Committee.
H. Report on facilities projects that were submitted to the Coordinating Board	No action required.
<p>I. Proposed Rules</p> <p>(1) Consideration of adopting the Committee's recommendation to the Board relating to proposed amendments to Chapter 1, Subchapter J, Sections 1.149 – 1.151, and 1.154 of Board rules, concerning the Financial Aid Advisory Committee</p> <p>(2) Consideration of adopting the Committee's recommendation to the Board relating to the proposed new section to Chapter 4, Subchapter A, General Provisions, Section 4.12 concerning tracking the participation of students with Intellectual and Developmental Disabilities (IDD) in public institutions of higher education in Texas (<i>Senate Bill 37, 84th Texas Legislature, Regular Session</i>)</p> <p>(3) Consideration of adopting the Committee's recommendation to the Board relating to amendments to Chapter 21, Subchapter C, Section 21.53 – 21.55 of Board rules, concerning the Hinson-Hazlewood College Student Loan Program</p>	<p>This item was approved on the Consent Calendar. A copy of the Board rules as adopted may be found in the agenda materials.</p> <p>On a motion by Ms. Shepard, seconded by Dr. Farias, the Board adopted the proposed new section of the rules. A copy of the Board rules as adopted may be found in the agenda materials.</p> <p>This item was approved on the Consent Calendar. A copy of the Board rules as adopted may be found in the agenda materials.</p>

AGENDA ITEM	ACTION
<p>(4) Consideration of adopting the Committee's recommendation to the Board relating to amendments to Chapter 21, Subchapter II, Sections 21.1080; 21.1081; 21.1083 – 21.1085; 21.1087 and 21.1088, concerning the Educational Aide Exemption Program</p> <p>(5) Consideration of adopting the Committee's recommendation to the Board relating to Chapter 21, new Subchapter KK, concerning the Math and Science Scholars Loan Repayment Program (Senate Bill 686, 84th Texas Legislature)</p>	<p>This item was approved on the Consent Calendar. A copy of the Board rules as adopted may be found in the agenda materials.</p> <p>This item was approved on the Consent Calendar. A copy of the Board rules as adopted may be found in the agenda materials.</p>
VIII. Lunch	
IX. Matters relating to the Committee on Academic and Workforce Success	
A. Committee Chair's Overview	No action required. An overview of the Committee's activities was presented to the Board by Ms. Shepard, Chair of the Committee on Academic and Workforce Success.
B. Public Testimony on Items Relating to the Committee on Academic and Workforce Success	No action required.
C. Consideration of adopting the Committee's recommendation to the Board relating to the distribution of funds trustee to the Coordinating Board to support family practice residency programs for Fiscal Year 2017 and the report on trustee funds distributed in Fiscal Year 2016	This item was approved on the Consent Calendar.
<p>D. Consideration of adopting the Committee's recommendation to the Board relating to requests for a new degree program:</p> <p>TEXAS A&M UNIVERSITY (1) Bachelor of Science (BS) degree with a major in Interdisciplinary Engineering</p> <p>UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON (2) Doctor of Clinical Laboratory Sciences (DCLS) degree</p>	<p>On a motion by Dr. Teuscher, seconded by Mr. Raven, the Board approved the new degree program.</p> <p>On a motion by Dr. Teuscher, seconded by Mr. Stedman, the Board approved the new degree program.</p>

AGENDA ITEM	ACTION
<p>with a major in Clinical Laboratory Sciences (3) Doctor in Occupational Therapy (OTD) degree with a major in Occupational Therapy</p> <p>UNIVERSITY OF TEXAS AT ARLINGTON (4) Doctor of Philosophy (PhD) degree with a major in Kinesiology</p> <p>UNIVERSITY OF TEXAS AT SAN ANTONIO (5) Bachelor of Science (BS) degree with a major in Chemical Engineering</p>	<p>On a motion by Dr. Teuscher, seconded by Mr. Raven, the Board approved the new degree program.</p> <p>On a motion by Mr. Raven, seconded by Dr. Farias, the Board approved the new degree program.</p> <p>On a motion by Mr. Steen, seconded by Dr. Teuscher, the Board approved the new degree program.</p>
<p>E. Report on the FY 2016 Annual Report of Low-Producing Programs</p>	<p>No action required.</p>
<p>F. Consideration of adopting the Committee's recommendation to the Board relating to Frank Phillips College's request for a Branch Campus Maintenance Tax Election</p>	<p>This item was approved on the Consent Calendar.</p>
<p>G. Consideration of adopting the staff recommendation to the Board relating to courses required for the Board approved Mexican American Field of Study, as required by Texas Education Code, Section 61.823</p>	<p>On a motion by Dr. Teuscher, seconded by Mr. Raven the Board approved courses required for the Board approved Mexican American Field of Study.</p>
<p>H. Consideration of adopting the Committee's recommendation to the Board relating to the appointment of members to Advisory Committees:</p> <p>(1) Apply Texas Advisory Committee (2) Certification Advisory Council (CAC) (3) Engineering Field of Study (4) Graduate Education Advisory Committee (GEAC) (5) Learning Technology Advisory Committee (LTAC) (6) Lower-Division Academic Course Guide Manual (ACGM) (7) Nursing Field of Study Advisory Committee (8) Undergraduate Education Advisory Committee (UEAC)</p>	<p>This item was approved on the Consent Calendar.</p>

AGENDA ITEM	ACTION
I. Consideration of adopting the Committee's recommendation to the Board relating to a request to amend the contract with The University of Texas at Austin for the maintenance of the Apply Texas System	This item was approved on the Consent Calendar.
J. Consideration of adopting the Committee's recommendation to the Board relating to the reallocation of Work-Study Mentorship Program funding	This item was approved on the Consent Calendar.
K. Consideration of adopting the Committee's recommendation to the Board relating to the Aerospace and Aviation Report (<i>S.B. 458, 84th Texas Legislature, Regular Session</i>)	This item was approved on the Consent Calendar.
L. Consideration of adopting the Committee's recommendation to the Board relating to the January 2016 Annual Compliance Reports for institutions under a Certificate of Authorization (Names beginning with "A" through "O")	On a motion by Dr. Teuscher, seconded by Mr. Raven, the Board approved the January 2016 Annual Compliance Reports for institutions under a Certificate of Authorization (names beginning with "A" through "O").
M. Report to the Board on school closures and/or teach-outs pursuant to Chapter 7, Subchapter A, Section 7.7(5)	No action required.
<p>N. Proposed Rules:</p> <p>(1) Consideration of adopting the Committee's recommendation to the Board relating to amendments to Chapter 4, Subchapter C, Section 4.54 of Board rules concerning Exemptions, Exceptions, and Waivers, as related to Texas education Code, Section 51.3062 Success Initiative</p> <p>(2) Consideration of adopting the Committee's recommendation to the Board relating to the proposed amendments to Chapter 5, Subchapter A, Section 5.5 of Board rules concerning the Uniform Admission Policy</p> <p>(3) Consideration of adopting the Committee's recommendation to the Board relating to the new Chapter 13, Subchapter M, Sections 13.300 – 13.304 of Board rules concerning standards and accounting methods for</p>	<p>This item was approved on the Consent Calendar. A copy of the Board rules as adopted may be found in the agenda materials.</p> <p>This item was approved on the Consent Calendar. A copy of the Board rules as adopted may be found in the agenda materials.</p> <p>On a motion by Dr. Teuscher, seconded by Dr. Farias, the Board approved the new Chapter 13, Subchapter M, Sections 13.300 – 13.304. A copy of the Board rules as adopted may be found in the</p>

AGENDA ITEM	ACTION
determining total research expenditures	agenda materials.
O. Consideration of adopting the Committee's recommendation to the Board relating to moving Chapter 1, Subchapters T – Z and Subchapter BB of Board rules relating to Fields of Study Advisory Committees to new Chapter 27, Fields of Study, Subchapters A – H	This item was approved on the Consent Calendar.
P. Report on institutional requests acted on by the Commissioner or Assistant Commissioner since the previous Board meeting	No action required.
X. Matters relating to the Agency Operation's Committee	
A. Committee Chair's Overview	No action required. An overview of the Committee's activities was presented to the Board by Mr. Steen, Chair of the Committee on Agency Operations.
B. Public Testimony on Items Relating to the Agency Operation's Committee	No action required.
C. Consideration of adopting the Committee's recommendation to the Board relating to the agency's Legislative Appropriation Request for Fiscal Years 2018 and 2019	Ray Martinez, President, Independent Colleges and Universities of Texas testified against this item regarding Tuition Equalization Grant (TEG). On a motion by Dr. Teuscher, seconded by Ms. Shepard the Board approved authorizing the Board Chair, Vice Chair, and AOC Committee Chair to approve the LAR for submission on August 5, if the LBB base reconciliation was substantially lower than what was being considered.
D. Consideration of adopting the Committee's recommendation to the Board relating to amendments to Chapter 25, Subchapter A, Sections 25.3 – 25.6 of Board rules concerning Optional Retirement Program	On a motion by Dr. Teuscher, seconded by Ms. Shepard, the Board approved the amendments to the rules concerning the Optional Retirement Program. A copy of the Board rules as adopted may be found in the agenda materials.

AGENDA ITEM	ACTION
E. Consideration of adopting the Committee's recommendation to the Board relating to the Annual Internal Audit Plan for FY 2017	This item was approved on the Consent Calendar.
F. Consideration of adopting the Committee's recommendation to the Board relating to the Annual Compliance Monitoring Plan for FY 2017	This item was approved on the Consent Calendar.
G. Consideration of adopting the Committee's recommendation to the Board relating to the Final Report – An Audit of Formula Funding at South Texas College	On a motion by Dr. Teuscher, seconded by Ms. Shepard, the Board approved the Final Report and that all future funding of this program to South Texas College be immediately ceased and recruitment of all funds previously rendered in error be obtained.
XI. Adjournment	

With no further business, on a motion by Dr. Teuscher, seconded by Mr. Raven, the meeting adjourned at approximately 2:05 p.m.

Respectfully Submitted,

David D. Teuscher, M.D.
Secretary of the Board

TEXAS HIGHER EDUCATION COORDINATING BOARD
REGULAR QUARTERLY MEETING
****DRAFT****
CONSENT CALENDAR
OCTOBER 2016

VII. Matters relating to the Committee on Affordability, Accountability and Planning

- G. Consideration of adopting the Committee's recommendation to the Board relating to the report on Student Loan Default Prevention and Financial Aid Literacy Pilot Program (Senate Bill 680, 83rd Texas Legislature, Regular Session)
- H. Consideration of adopting the Committee's recommendation to the Board for approval of the nominated member of the Financial Aid Advisory Committee
- I. Consideration of adopting the Committee's recommendation to the Board for approval of the nominated members of the Financial Literacy Advisory Committee
- L. Proposed Rules:
 - (1) Consideration of adopting the Committee's recommendation to the Board relating to moving Chapter 21, Subchapters G, J, P, R, S, U, W, X and KK of Board rules relating to Loan Repayment Programs to new Chapter 23, Education Loan Repayment Programs, Subchapters B – J

IX. Matters relating to the Committee on Academic and Workforce Success

- D. Consideration of adopting the Committee's recommendation to the Board relating to requests for a new degree program:
 - UNIVERSITY OF TEXAS AT AUSTIN
 - (1) Bachelor of Science (BS) degree with a major in Computational Engineering
 - (2) Bachelor of Science (BS) degree with a major in Environmental Engineering
 - WEST TEXAS A&M UNIVERSITY
 - (5) Bachelor of Science in Electrical Engineering (BSEE) degree with a major in Electrical Engineering
- F. Consideration of adopting the Committee's recommendation to the Board relating to the Progress Report on Success of Students at Institutions of Higher Education Who Receive Credit From Advanced Placement Exams (*H.B. 1992, 84th Texas Legislature, Regular Session*)
- G. Consideration of adopting the Committee's recommendation to the Board relating to the Report on Developmental Education (*Rider 42, H.B. 1, and S.B. 1776, 84th Texas Legislature, Regular Session*)

- H. Consideration of adopting the Committee's recommendation to the Board relating to the Report on the Recruitment of Persons with Intellectual and Developmental Disabilities at Institutions of Higher Education (*S.B. 37, 84th Texas Legislature, Regular Session*)
- J. Consideration of adopting the Committee's recommendation to the Board relating to the Progress Report on the Bachelor of Science in Dental Hygiene at Tyler Junior College (*H.B. 3348, 84th Texas Legislature, Regular Session*)
- L. Consideration of adopting the Committee's recommendation to the Board relating to the approval of amendments to provide additional funding and extend contracts to February 2018 for Teacher Quality Grant Projects
- M. Consideration of adopting the Committee's recommendation to the Board relating to the approval of amendments to provide additional funding to contracts awarded under the 2016-2018 Comprehensive College Readiness and Success Models for *60x30TX* (CRSM)
- N. Consideration of adopting the Committee's recommendation to the Board relating to the approval to fund GradTX activities designed to help meet the completion goal of *60x30TX*
- Q. Consideration of adopting the Committee's recommendation to the Board relating to revising fees for Certificate of Authority applications, amendments, and renewals pursuant to Texas Education Code, Sections 61.305, 61.307 and 61.308
- R. Consideration of adopting the Committee's recommendation to the Board relating to a request to amend the current contract with Querium Corporation, providing for continued services of pre-assessment activities
- S. Consideration of adopting the Committee's recommendation to the Board relating to issuance of additional Requests for Applications for the Minority Health Research and Education Grant Program
- T. Consideration of adopting the Committee's recommendation to the Board relating to issuance of a Request for Applications for Intensive College Transition Programs for Underprepared Learners
- U. Consideration of adopting the Committee's recommendation to the Board relating to the appointment of a member to the Graduate Education Advisory Committee (GEAC)
- V. Proposed Rules:
 - (1) Consideration of adopting the Committee's recommendation to the Board relating to the proposed amendments to Chapter 5, Subchapter B, Sections 5.21 - 5.25 of Board rules concerning Planning Notifications
 - (2) Consideration of adopting the Committee's recommendation to the Board relating to the proposed amendments to Chapter 5, Subchapter D, Sections 5.71, 5.72, 5.73, 5.76, and 5.78 of Board rules concerning the approval and operation of off-campus educational units
 - (3) Consideration of adopting the Committee's recommendation to the Board 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

- W. Consideration of adopting the Committee's recommendation to the Board relating to providing funds for the Innovative Academies-The Next Generation of Early College High Schools, an initiative of the Texas Higher Education Coordinating Board, Texas Education Agency, and the Texas Workforce Commission

AGENDA ITEM IV-A

Achieving the goals of 60x30TX: Facilitated Graduation

RECOMMENDATION: No action required

Background Information:

The 60x30TX completion goal is designed to supply graduates of all ages from all two- and four-year institutions of higher education in Texas. The state will need to continue the degree production increases of recent years to reach this goal. One strategy to increase degree production is for institutions to facilitate conferring awards to students who have met required criteria. At most institutions in Texas, students have to track their own progress, and apply for graduation to receive their degree or credential.

Why do students need to apply for graduation? The data and technology exist such that student progress towards completion can be tracked by an institution. The traditional “student initiated” petition process can be problematic because many students failed to realize they are eligible to graduate, or to complete. Institution “facilitated graduation” would circumvent this problem, and could improve degree production substantially. Early adopters of this technology-enabled strategy in Texas have shown promise.

Dr. Ginger Gossman, Senior Director of Innovation and Policy Development, Texas Higher Education Coordinating Board, will give a brief introduction to facilitated graduation.

Panelists who can provide an institution, state, and national perspective have been invited to present to the Board on this topic.

AGENDA ITEM VI

Texas Tech University – Red *to* Black Peer Financial Coaching

RECOMMENDATION: No action required

Background Information:

The Red *to* Black program in the Division of Undergraduate Education and Student Affairs at Texas Tech University (TTU) offers free and confidential peer-to-peer financial coaching to TTU students to help them find financial solutions and achieve financial success. Financial coaches are select TTU students majoring or minoring in Personal Financial Planning who interview for the program, complete extensive training, and participate in continuing education sessions. The purpose of the program is to empower TTU students so that they can achieve their financial goals, with the underlying premise that no one understands the needs and concerns of students better than fellow students.

Red *to* Black volunteer coaches sit down with students individually to confidentially discuss the student's financial situation. Coaches also come to students' classrooms or organization meetings to give presentations on topics such as creating spending plans, the importance of starting to save early, maximizing financial aid (including student loans), how to choose employee benefits, and establishing and wisely using credit. To increase awareness of financial literacy, TTU's Red *to* Black program also sponsors an annual Financial Education Week, which mixes fun and serious activities to get students thinking about their money.

TTU's Red *to* Black program has had 331 volunteer coaches since 2001. They have given approximately 1,387 presentations to about 33,000 students and met individually with 1,235 students from spring 2001 to the beginning of fall 2016. The program has received the Association for Financial Counseling and Planning Education (AFCPE) Outstanding Financial Counseling Center Award. Because Red *to* Black is a model program, other universities often contact TTU when they are attempting to start their own financial literacy programs.

Angela Mazzolini, Program Director, Red *to* Black Peer Financial Coaching, TTU; Dr. Juan Muñoz, Senior Vice President for Institutional Diversity, Equity & Community Engagement and Vice Provost for Undergraduate Education & Student Affairs, TTU; Kimberly Thornton, Director of Center for Campus Life, TTU; and Kaylyn Adams, Red *to* Black Student Organization President and Peer Financial Coach, TTU, will make a presentation on the Red *to* Black program.

AGENDA ITEM VII-A

Committee Chair's Overview

Dr. David D. Teuscher, Chair of the Committee on Affordability, Accountability and Planning, will provide the Board an overview of the items on the agenda.

AGENDA ITEM VII-B

Public Testimony on Items Relating to the Committee on Affordability, Accountability and Planning

RECOMMENDATION: No action required

Background Information:

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other time as determined by the presiding chair.

AGENDA ITEM VII-C

Consideration of adopting the Committee's recommendation to the Board relating to approval of the 2016 Regional Plan for Texas Higher Education

RECOMMENDATION: Approval

Background Information:

Texas Education Code, Chapter 61, Section 61.051 (i) calls for the Coordinating Board to biennially prepare a regional plan for higher education "to provide information and guidance to policy makers to ensure that institutions of higher education meet the current and future needs of each region of this state". The 2016 Regional Plan for Higher Education is designed to provide policy makers and other stakeholders with data, information, and recommendations that will help inform institutional and regional planning activities. Regional workforce matrices, an approach to workforce needs and education supply data developed as part of the RAND report "Using Workforce Information to Inform Program Planning," are a new addition to the report.

The Regional Plan is designed to work in conjunction with the regional data portal on the Texas Higher Education Data website (www.txhighereddata.org). Examples of the types of data available in the Regional Plan and via the web portal include:

- Population projections and educational attainment trends by region;
- Student flow (eighth-grade cohort, transfer data), enrollment, and completion data, disaggregated by ethnicity and gender;
- Enrollment within and outside of regions, including the participation and success of high school graduates by region and institutions within a region;
- Workforce projections for employment needs by region; and
- Regional data about enrollment in high-demand and other programs.

The Regional Plan includes recommendations that integrate statewide priorities with regional considerations.

The report was sent under separate cover.

Dr. Julie Eklund, Assistant Commissioner, Strategic Planning and Funding, will provide a presentation.

AGENDA ITEM VII-D

Consideration of adopting the Committee's recommendation to the Board relating to approval of the progress report on the state higher education plan, 60x30TX (Texas Education Code (TEC) 61.051 (a-3))

RECOMMENDATION: Approval

Background Information:

As required by the Texas Education Code 61.051 (a-3) not later than December 1 of each even-numbered year, the Board must prepare and deliver a report to the Texas Legislature that assesses the state's progress in meeting the goals established in the state's long-range master plan, 60x30TX. The report must recommend legislative action, including statutory or funding changes, to assist the state in meeting those goals. The report must include updates on implementation strategies provided for in the long-range master plan under Subsection (a-1).

The first progress report includes an overview of the process to develop the 60x30TX plan, methodologies for calculating plan metrics, information about plan baseline data, and progress to date on the goals and targets in the plan. It also provides information about media coverage and other activities to promote the plan and progress toward implementing statewide strategies to help achieve the plan goals, including two major conferences held in spring 2016 and other efforts. Legislative recommendations adopted by the Board in support of the 60x30TX plan goals are included in the report and emphasize the Board's commitment to aligning its legislative priorities with the goals of the statewide strategic plan.

Mr. John Wyatt, Director of External Relations, will present an overview of the report.

AGENDA ITEM VII-E

Consideration of adopting the Committee's recommendation to the Board relating to the Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2015 (House Bill 1, General Appropriations Act, Rider 30, page III-51, 84th Texas Legislature)

Recommendation: Approval

Background Information:

General Appropriations Act, House Bill 1, Article III, Section 30, 84th Texas Legislature, directs the Texas Higher Education Coordinating Board to prepare an annual report concerning student financial aid at Texas public and independent institutions of higher education. Following Board adoption, the report will be forwarded to the Legislative Budget Board no later than November 1, 2016. The report provides a comprehensive analysis of the financial aid awarded to students in Texas. The Report on Student Financial Aid in Texas Higher Education, FY 2015 will be provided under separate cover.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer any questions.

AGENDA ITEM VII-F

Consideration of adopting the Committee's recommendation to the Board relating to a report on The Feasibility of Providing Off-Campus Work-Study Employment (*Senate Bill 947, 84th Texas Legislature, Regular Session*)

Recommendation: Approval

Background Information:

Senate Bill 947, 84th Texas Legislature, Regular Session directs the Texas Higher Education Coordinating Board to conduct a study on the feasibility of providing off-campus employment positions through the Texas College Work-Study Program, with a final report to be forwarded to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the House and Senate Higher Education Committee members by December 1, 2016. The report on the Texas College Work-Study Program will be provided under separate cover.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will provide a brief report on the results of the study.

AGENDA ITEM VII-G

Consideration of adopting the Committee's recommendation to the Board relating to the report on Student Loan Default Prevention and Financial Aid Literacy Pilot Program (*Senate Bill 680, 83rd Texas Legislature, Regular Session*)

Recommendation: Approval

Background Information:

Senate Bill 680, 83rd Texas Legislature, Regular Session directs the Texas Higher Education Coordinating Board to submit an annual report regarding the outcomes of the Student Loan Default Prevention and Financial Aid Literacy Pilot Program to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives regarding the outcomes of the pilot program, as reflected in the federal student loan default rates reported for the participating institutions. The report on Student Loan Default Prevention and Financial Aid Literacy Pilot Program will be provided under separate cover.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

AGENDA ITEM VII-H

Consideration of adopting the Committee's recommendation to the Board for approval of the nominated members of the Financial Aid Advisory Committee

Recommendation: Appoint Members

Background Information:

Coordinating Board staff are requesting new member appointments for the Financial Aid Advisory Committee (FAAC).

In accordance with Texas Education Code, Section 61.0776, and Texas Government Code, Section 2110.0012, the FAAC was created to make recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students. To strengthen student access to higher education, the committee also advises the Board regarding strategies for communicating financial aid information to students, parents, secondary school counselors, and others.

The FAAC consists of individuals representing public and private institutions of higher education, public school counselors, and other stakeholders. All members of the advisory committee have student financial aid, admissions, or enrollment experience. The FAAC meets quarterly, and most members serve for a term of three years.

The appointments are needed to replace outgoing members whose terms have expired and to expand representation within certain institutional sectors. Nominations submitted by institutional chancellors and presidents and other stakeholders were reviewed based on a variety of factors to encourage broad representation. A list of the candidates recommended for appointment to the FAAC will be provided under separate cover.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Recommended new members for the Financial Aid Advisory Committee:

Alan Ahmad, President-Elect Texas Association of Student Financial Aid Administrators
Alamo Colleges

Robert Merino, Dean of Financial Aid
San Jacinto Community College District

Alan Pixley, Director of Financial Aid and Veteran's Services
Collin College

Diane Todd Sprague, Director of Financial Aid
The University of Texas at Austin

Ann Walker, Director of Financial Aid
Rice University

Becky Wilson, Senior Managing Director, Student Financial Aid and Scholarships
Texas Tech University

AGENDA ITEM VII-I

Consideration of adopting the Committee's recommendation to the Board for approval of the nominated members of the Financial Literacy Advisory Committee

RECOMMENDATION: Appoint Members

Background Information:

Coordinating Board staff are requesting new member appointments for the Financial Literacy Advisory Committee.

In accordance with Texas Education Code, Section 61.026 and Texas Government Code, Section 2110.0012, the Financial Literacy Advisory Committee was created to provide the Board advice and recommendations regarding better ways to advise students and parents on financial aid options and the impact of those options on students' finances before, during, and after their college careers.

The Financial Literacy Advisory Committee includes business leaders, representatives from community-based organizations, public education leaders, higher education administrators, and financial aid administrators at Texas institutions of higher education. The Financial Literacy Advisory Committee will meet on a monthly basis. A list of recommended candidates was approved at the June meeting, and the attached list represents additions to the advisory committee.

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

Recommended new members for the Financial Literacy Advisory Committee:

Dr. Kenneth Gay, Principal
John Tyler High School

Clint Waters, Director of Strategic Workforce Initiatives
Texas Workforce Commission

Justin Yancy, President
Texas Business Leadership Council

AGENDA ITEM VII-J

Presentation on the Preliminary Headcount for fall 2016

RECOMMENDATION: No action required

Background Information:

Information about enrollment trends is fundamental to higher education planning and even more critical in times of limited resources and growing student populations. Analysis of enrollment patterns, including a solid understanding of the student pipeline, can help inform strategies for reaching the state's *60x30TX* Attainment and Completion goals. Preliminary enrollment data provide insight into the impact of legislative actions and economic conditions on student decisions to enroll in higher education, and serve as an early alert of changes that may require attention at the institutional, regional, or state level.

Each fall, institutions submit preliminary enrollment data to the Coordinating Board based on the 12th class day enrollment. These preliminary data have historically dropped by approximately 2-6 percent when final, certified figures are obtained.

Dr. Julie Eklund, Assistant Commissioner, Strategic Planning and Funding, will provide a brief report.

AGENDA ITEM VII-K

Report on facilities projects that were submitted to the Coordinating Board

RECOMMENDATION: No action required

Background Information:

Senate Bill 215, 83rd Texas Legislature, Regular Session shifted the authority to approve capital projects from the Texas Higher Education Coordinating Board (THECB) to the Boards of Regents. Texas Education Code (TEC) 61.0572 (regarding real property purchases) and TEC 61.058 (regarding new construction and repair and rehabilitation projects) to require institutions to report capital projects to the Board and that THECB staff review facilities projects. The Board must submit a report to the Governor, Lieutenant Governor, Speaker of the House, and Legislative Budget Board on all projects that do not meet standards.

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will be available to answer questions.

Reviewed Projects

Institution Project Name	Project Cost	Space Usage	Space Need	Cost	Building Efficiency
The University of Texas at Arlington <i>Construct Science and Engineering Innovation Research Building</i>	\$125,000,000	Yes	Yes	Yes	Yes
Texas State University <i>Construct Engineering and Science Building</i>	\$120,000,000	Yes	Yes	Yes	Yes
The University of Texas at Dallas <i>Construct Engineering Building</i>	\$110,000,000	Yes	Yes	Yes	Yes
Texas State University <i>Construct Round Rock Health Professions 1</i>	\$67,500,000	Yes	Yes	Yes	Yes
The University of Texas M.D. Anderson Cancer Center <i>Renovate Clinical Research Building Animal Area</i>	\$13,000,000	NA ¹	Yes	Yes	Yes
Texas State Technical College - Marshall <i>Purchase TSTC North Texas Industrial Technology Center</i>	\$11,140,000	NA ²	No	Yes	Yes
Texas State University System <i>Purchase of O. Henry Hall</i>	\$8,260,959	NA ³	NA ³	Yes	NA ³

¹ The standard for Space Usage Efficiency is not calculated for Health Related Institutions.

² The standard for Space Usage Efficiency is not applicable to an improved property purchase with renovations.

³ The standard for Space Usage Efficiency, Space Need, and Building Efficiency are not applicable to University Systems.

Project Type	Space Usage	Space Need	Cost	Building Efficiency
New Construction and Addition	<p>Space Usage Efficiency (SUE) score of:</p> <ul style="list-style-type: none"> 75 points in the classroom score for classroom type facilities 75 points in the class laboratory score for lab type facilities 150 points overall for all others 	Does not create nor add to a surplus as predicted in the space projection model	Does not exceed the annually published cost standard	<p>The ratio of net assignable square feet (NASF) to gross square feet (GSF) shall not exceed:</p> <ul style="list-style-type: none"> Classroom and general – 0.60 Office – 0.65 Clinical, diagnostic support labs, and technical research – 0.50 <p>For parking structures:</p> <ul style="list-style-type: none"> Automobile – 400 SF per space Boathouses – 500 SF per space Airplanes – 3,000 SF per space
Repair and Renovation (including repairs and renovations as part of a real property purchase)	Not applicable	Does not create nor add to a surplus as predicted in the space projection model	Does not exceed the annually published cost standard	Does not reduce existing ratio of NASF to GSF more than ten percent
Real Property Purchases	Not applicable	Does not create nor add to a surplus as predicted in the space projection model	Should not exceed the higher of two appraisals. If the cost exceeds this amount, institution must demonstrate the need to purchase at the higher price	Not applicable

AGENDA ITEM VII-L (1)

Consideration of adopting the Committee's recommendation to the Board relating to moving Chapter 21, Subchapters G, J, P, R, S, U, W, X and KK of Board rules relating to Loan Repayment Programs to new Chapter 23, Education Loan Repayment Programs, Subchapters B – J

Recommendation: Approval

Background Information:

This request is an administrative change to move existing Loan Repayment Program rules from Chapter 21, Student Services of Board rules to a newly created Chapter 23, Education Loan Repayment Programs. Currently, Chapter 21 contains 31 separate subchapters; the rules relate to Student Services. The existing rules in Chapter 21 are numbered from 21.1 to 21.2276. Administratively moving the existing Loan Repayment Programs rules and creating a separate chapter allows better cataloging for these types of programs. The table below summarizes this administrative change.

Move from Chapter 21 Old Subchapter and Section	To new Chapter 23	New Subchapter /Section
Subchapter G 21.171-21.176	Teach for Texas Loan Repayment Assistance Program	Subchapter B 23.31-23.36
Subchapter J 21.251-21.262	Physician Education Loan Repayment Program	Subchapter C 23.62-23.73
Subchapter P 21.490-21.498	Loan Repayment Program for Mental Health Professionals	Subchapter D 23.93-23.101
Subchapter R 21.560-21.566	Dental Education Loan Repayment Program	Subchapter E 23.124-23.130
Subchapter S 21.590-21.596	Border County Doctoral Faculty Education Loan Repayment Program	Subchapter F 23.155-23.161
Subchapter U 21.630-21.638	Nursing Faculty Loan Repayment Assistance Program	Subchapter G 23.186-23.194
Subchapter W 21.710-21.716	Educational Loan Repayment Program for Attorneys Employed by the Office of the Attorney General	Subchapter H 23.217-23.223
Subchapter X 21.730-21.737	Loan Repayment Program for Speech-Language Pathologists and Audiologists	Subchapter I 23.248-23.255
Subchapter KK 21.2021-21.2029	Math and Science Scholars Loan Repayment Program	Subchapter J 23.286-23.294

Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, will be available to answer questions.

AGENDA ITEM IX-A

Committee Chair's Overview

Janelle Shepard, Chair of the Committee on Academic and Workforce Success, will provide the Board an overview of the items on the agenda.

AGENDA ITEM IX-B

Public Testimony on Items Relating to the Committee on Academic and Workforce Success

RECOMMENDATION: No action required

Background Information:

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other item as determined by the presiding chair.

AGENDA ITEM IX-C

Report to the Board on activities of the Community and Technical College Leadership Council

RECOMMENDATION: Information item only

Background Information:

The Community and Technical College Leadership Council (CTCLC) is charged to provide input to the Board, Commissioner, and staff on issues relevant to community, technical, and state colleges. The Council was convened in summer 2013 in response to recommendations by the Task Force on Community and Technical Colleges. The Council is comprised of six presidents or chancellors and six trustees from community, technical, and state colleges.

The Council is tasked to build collaborative relationships that will allow the state to leverage and scale the positive results of initiatives and partnerships at public community, technical, and state colleges. Working in collaboration with the Board's Undergraduate Education Advisory Committee and presidents and trustees of public community, technical, and state colleges, the Council will identify areas to reinforce the distinctive mission of community, technical, and state colleges and develop policy recommendations to ensure seamless student progress through the educational pipeline linking with the K-12 system, adult education, and four-year institutions. The Council also reviews the legislative agenda of the Texas Association of Community Colleges and the Community College Association of Texas Trustees and provides legislative recommendations to the Board. Beginning in 2016, the Council will provide guidance on how community college districts can develop targets to meet statewide goals set by *60x30TX*.

Ms. Marie Flickinger, Chair of CTCLC and San Jacinto College Trustee, will provide a brief update of the council's activities.

AGENDA ITEM IX-D (1)

Consideration of adopting the Committee's recommendation to the Board relating to the request from The University of Texas at Austin for a Bachelor of Science (BS) degree with a major in Computational Engineering

Recommendation: Approval

Rationale: Computational Science/Computational Engineering is a growing multidisciplinary area combining computational/applied mathematics with engineering. It focuses on the development of methodologies and tools for the solution of scientific and engineering problems. As a developing area of study, there is no readily accessible data with which to project workforce need for graduates in this field. According to data from the Integrated Postsecondary Education Data System (IPEDS), only three institutions in the U.S. awarded a bachelor's degree in Computational Science/Engineering in 2014. In 2005, the President's Information Technology Advisory Committee (PITAC) observed that computational science now constitutes what many call "the third pillar of the scientific enterprise, a peer alongside theory and physical experimentation."

Contingencies: The institution will seek accreditation for its Computational Engineering degree program from the Accreditation Board for Engineering and Technology (ABET) upon the graduation of its first student.

The University of Texas at Austin (*Accountability Peer Group: Research*)

<i>Related Programs</i>	<p>The institution has degree programs within the same two-digit CIP code:</p> <p style="text-align: right;"><u>Yes</u> No N/A</p> <p>UT-Austin has nine bachelor's degree programs in Engineering:</p> <ul style="list-style-type: none">• BSASE in Aerospace Engineering• BSAE in Architectural Engineering• BSBME in Biomedical Engineering• BSCHS in Chemical Engineering• BSCE in Civil Engineering• BSEE in Electrical Engineering• BSME in Mechanical Engineering• BSPE in Petroleum Engineering• BSGEH in Geosystem Engineering and Hydrogeology
-------------------------	---

Proposed Program:

The proposed face-to-face program in Computational Engineering would be a multidisciplinary program offered through the Cockrell School of Engineering. It would consist of 122 semester credit hours (SCH) of instruction, with curriculum requirements that are comparable to existing ABET-accredited Engineering programs. The institution would administer the program through the Department of Aerospace Engineering using existing faculty. Because it is able to leverage existing resources, the program's five-year costs would be minimal. The program estimates that new costs over the first five-years would be \$4,200 for expenses associated with accreditation. These expenses would be covered by reallocated funds from the college.

Evidence of Lack of Duplication, Workforce Need, and Student Demand:

<i>Lack of Duplication of Program</i>	<u>Strong</u>	Moderate	Weak
Number of bachelor's degree programs in the state with programs in Computational Engineering (30.0101.00): 1 The University of Texas Rio Grande Valley			
Number of degree programs within a 60-minute drive with the same 6-digit CIP: 0			
<i>Job Market Need</i>	Strong	<u>Moderate</u>	Weak
Advertisements for job openings	<u>Yes</u>	No	N/A
Employer surveys	<u>Yes</u>	No	N/A
Projections from government agencies, professional entities, etc.	Yes	No	<u>N/A</u>
<i>Student Demand</i>	Strong	<u>Moderate</u>	Weak
Increased enrollment in related programs at the institution	Yes	No	<u>N/A</u>
High enrollment in similar programs at other institutions	Yes	No	<u>N/A</u>
Applicants turned away at similar programs at other institutions	Yes	No	<u>N/A</u>
Student surveys	<u>Yes</u>	No	N/A

<i>Start-Up Projections:</i>	<i>Yr. 1</i>	<i>Yr. 2</i>	<i>Yr. 3</i>	<i>Yr. 4</i>	<i>Yr. 5</i>
<i>Student Headcount</i>	30	70	90	100	100
<i>Student FTE</i>	30	70	90	100	100
<i>Core Faculty FTE</i>	2.83	2.83	2.83	2.86	2.83
<i>Core Faculty Headcount</i>	7	7	7	7	7

FIVE-YEAR COSTS		SOURCES OF FUNDING	
Personnel			
Faculty	\$0	Anticipated New Formula	
Clerical/Staff	\$0	Funding (years 3 through 5)	\$0
Other Personnel	\$0		
		Reallocation of Resources	\$4,200
Facilities and Equipment	\$0		
		Designated Tuition & Fees	\$0
Library, Supplies, and		Statutory Tuition	\$0
Materials	\$0		
ABET Accreditation	\$4,200	Other: Special Item Funding	\$0
Est. 5-Year Costs	\$4,200	Est. 5-Year Revenues	\$4,200

Major Commitments:

The program will seek ABET accreditation for its Computational Engineering degree program upon the graduation of its first student.

Final Assessment:

The chief executive officer of the institution certified, and staff has determined, that the institution will have sufficient funds to support the program: **Yes** No

The proposed program satisfactorily meets the Board's criteria for new baccalaureate and master's degree programs (19 TAC Section 5.45): **Yes** No

Online Resume for Legislators and Other Policymakers

THE UNIVERSITY OF TEXAS AT AUSTIN

Location: Austin, Central Region

Research Accountability Peer Group: Texas A&M Univ

Out-Of-State Peers: Ohio State University - Main Campus, University Of California - Berkeley, University Of Illinois At Urbana - Champaign, University Of Michigan - Ann Arbor, University Of Minnesota - Twin Cities

Degrees Offered: Bachelor's, Master's, Doctoral, Professional

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment						
Race/Ethnicity	Fall 2009		Fall 2013		Fall 2014	
	Number	Percent	Number	Percent	Number	Percent
White	27,273	53.5%	25,246	48.5%	24,087	46.9%
Hispanic	8,512	16.7%	10,273	19.7%	10,210	19.9%
African American	2,284	4.5%	2,353	4.5%	2,270	4.4%
Asian	8,213	16.1%	8,536	16.4%	8,861	17.3%
International	4,088	8.0%	3,901	7.5%	3,977	7.8%
Other & Unknown	625	1.2%	1,750	3.4%	1,907	3.7%
Total	50,995	100.0%	52,059	100.0%	51,312	100.0%
TX First Time Transfers	Number	% of UG	Number	% of UG	Number	% of UG
	690	1.8%	777	1.9%	692	1.8%
Two-Year Institutions	Number	% of UG	Number	% of UG	Number	% of UG
	1,241	3.3%	1,142	2.9%	1,108	2.8%

Costs				
Average Annual Total Academic Costs for Resident Undergraduate Student Taking 30 SCH				
Fiscal Year	Texas Rates			
	Institution Average	Percent Increase	Peer Group Average	Percent Increase
2010	\$8,842	.0%	\$8,616	.0%
2011	\$9,418	6.5%	\$8,949	3.9%
2012	\$9,794	4.0%	\$9,136	2.1%
2013	\$9,794	.0%	\$9,136	.0%
2014	\$9,790	.0%	\$9,412	3.0%
2015	\$9,798	.1%	\$9,520	1.1%

Financial Aid						
Fiscal Year	Institution		Peer Group		OOS Peer Group	
	Percent	Avg Amt	Percent	Avg Amt	Percent	Avg Amt
Federal Student Loans						
2012	42%	\$7,404	39%	\$6,854	41%	\$6,553
2013	40%	\$7,344	37%	\$6,859	39%	\$6,526
Federal, State, Institutional or Other Grants Known by Institutions						
2012	45%	\$8,250	50%	\$8,091	55%	\$10,783
2013	48%	\$8,627	52%	\$8,533	55%	\$11,188
Federal (Pell) Grants						
2012	28%	\$4,713	25%	\$4,353	23%	\$4,119
2013	27%	\$4,503	24%	\$4,300	22%	\$4,220

Student Success							
One-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Graduation Rates			
		Enter Fall 2008	Enter Fall 2012	Enter Fall 2013	Cohort	Institution Rate	Peer Group Rate
Cohort		6,663	8,035	7,105	Fall 2005 4-year	53.0%	51.9%
Total		96.3%	96.8%	95.8%	Fall 2009 4-year	51.9%	52.8%
Same		92.0%	93.5%	93.0%	Fall 2010 4-year	54.5%	54.8%
Other		4.3%	3.3%	2.8%	Fall 2004 5-year	77.2%	77.7%
Two-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates					Fall 2008 5-year	78.7%	79.6%
		Enter Fall 2007	Enter Fall 2011	Enter Fall 2012	Fall 2009 5-year	76.8%	78.6%
Institution Persistence					Fall 2003 6-year	83.5%	83.8%
Cohort		7,378	7,065	7,939	Fall 2007 6-year	82.8%	83.8%
Total		91.9%	93.0%	92.0%	Fall 2008 6-year	83.6%	84.5%
Same		85.1%	88.0%	86.8%	National Comparison (IPEDS Definition)		
Other		6.7%	5.0%	5.1%	Cohort	Institution Rate	OOS Peers Rate
Peer Group Persistence					Fall 2004 4-year	48.0%	56.2%
Cohort		7,482	7,332	7,552	Fall 2008 4-year	51.0%	63.2%
Total		93.3%	93.8%	92.7%	Fall 2009 4-year	51.0%	65.8%
Same		86.1%	87.5%	86.7%	Fall 2003 5-year	73.0%	76.2%
Other		7.2%	6.3%	5.9%	Fall 2007 5-year	74.0%	80.8%
					Fall 2008 5-year	75.0%	82.4%
					Fall 2002 6-year	78.0%	79.8%
					Fall 2006 6-year	79.0%	84.2%
					Fall 2007 6-year	79.0%	84.6%
Average Number of Fall & Spring Semesters and SCH Attempted for Bachelor's Degree							
Institution	Peer Group		Average				
Grads	Same	SCH	Grads	Same	SCH		

Six-year Graduation & Persistence Rate, Fall 2008		
Student Group	Cohort	Rate
<i>For Students Needing Dev Ed</i>		
Institution	119	68.1%
Peer Group	116	71.6%
<i>For Students NOT Needing Dev Ed</i>		
Institution	6,455	88.7%
Peer Group	6,894	89.3%

*Peer Group data is average for peer group.

Funding						
Source	FY 2009 Amount	Pct of Total	FY 2013 Amount	Pct of Total	FY 2014 Amount	Pct of Total
Appropriated Funds	\$557,966,973	30.9%	\$567,704,856	25.4%	\$622,324,610	25.9%
Federal Funds	\$391,726,581	21.7%	\$484,329,654	21.6%	\$425,604,074	17.7%
Tuition & Fees	\$373,376,151	20.7%	\$458,702,122	20.5%	\$444,317,943	18.5%
Total Revenue	\$1,805,762,468	100.0%	\$2,237,253,846	100.0%	\$2,398,352,329	100.0%

Online Resume for Prospective Students, Parents and the Public

THE UNIVERSITY OF TEXAS AT AUSTIN

Location: Austin, Central Region

Research Accountability Peer Group: Texas A&M Univ

Out-Of-State Peers: Ohio State University - Main Campus, University Of California - Berkeley, University Of Illinois At Urbana - Champaign, University Of Michigan - Ann Arbor, University Of Minnesota - Twin Cities

Degrees Offered: Bachelor's, Master's, Doctoral, Professional

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment		
Race/Ethnicity	Fall 2014	
	Number	Percent
White	24,087	46.9%
Hispanic	10,210	19.9%
African American	2,270	4.4%
Asian	8,861	17.3%
International	3,977	7.8%
Other & Unknown	1,907	3.7%
Total	51,312	100.0%
TX First Time Transfers		
Number	% of UG	
Two-Year Institutions	692	1.8%
Other Institutions	1,108	2.8%

Baccalaureate Success			
Graduation Rate of First-time, Full-time Degree-seeking Students			
Measure	Entering		Rate
	Fall		
4-year Rate Total	2010		54.5%
Same Institution			53.5%
Other Institutions			1.0%
5-year Rate Total	2009		76.8%
Same Institution			74.1%
Other Institutions			2.7%
6-year Rate Total	2008		83.6%
Same Institution			79.6%
Other Institutions			4.0%

[Grad Rates by Ethnicity](#)

1-Year Persistence, Fall 2013	
Total	95.8%
Same	93.0%
Other	2.8%
2-Year Persistence, Fall 2012	
Total	92.0%
Same	86.8%
Other	5.1%

Avg Number SCH for Bachelor's Degree		
FY 2014 Average		
Sem	SCH	
All	9.09	129.92

Degrees Awarded	
Type	FY 2014
Bachelor's	9,482
Master's	3,145
Doctoral	877
Professional	477
Total	13,981

[Degrees by Ethnicity](#)

First-time Licensure or Certification Examination Pass Rate	
Field	FY 2014 Rate
Education*	98.00%
Law	93.30%
Pharmacy	97.70%
Nursing	94.3%
Engineering	93.4%

*Data for FY 2013

Admissions		
Middle 50% of Test Scores, for First-Time Undergraduates, Fall 2014		
Test Section	ACT	SAT
Composite		
Math	http://www.CollegePortraits.org	
English		
Critical Reading		

Application for First-time Undergraduate Admission Fall 2014			
Race/Ethnicity	Applicants	Accepted	Enrolled
White	13,647	47.7%	50.2%
African American	1,803	39.1%	43.4%
Hispanic	7,315	47.6%	44.9%
Asian	5,749	56.5%	54.0%
International	3,504	15.9%	19.4%
Other	1,202	49.4%	47.3%
Total	33,220	45.5%	48.2%

Costs					
Average Annual Academic Costs for Resident Undergraduate Student Taking 30 SCH					Annual Costs for Resident Undergraduate Student Taking 30 SCH, FY 2015
Fiscal Year	Institution Average	Percent Increase	Peer Group Average	Percent Increase	
2010	\$8,842	.0%	\$8,391	.0%	Type of Cost
2011	\$9,418	6.1%	\$8,481	1.1%	
2012	\$9,794	3.8%	\$8,480	.0%	Total Academic Cost
2013	\$9,794	.0%	\$8,480	.0%	On-campus Room & Board
2014	\$9,790	.0%	\$9,036	6.2%	Books & Supplies
2015	\$9,798	.1%	\$9,242	2.2%	Off-Campus Transportation & Personal Expenses
					Total Cost
					\$26,314

[Rates of Tuition per SCH](#)
[Mandatory Fees](#)

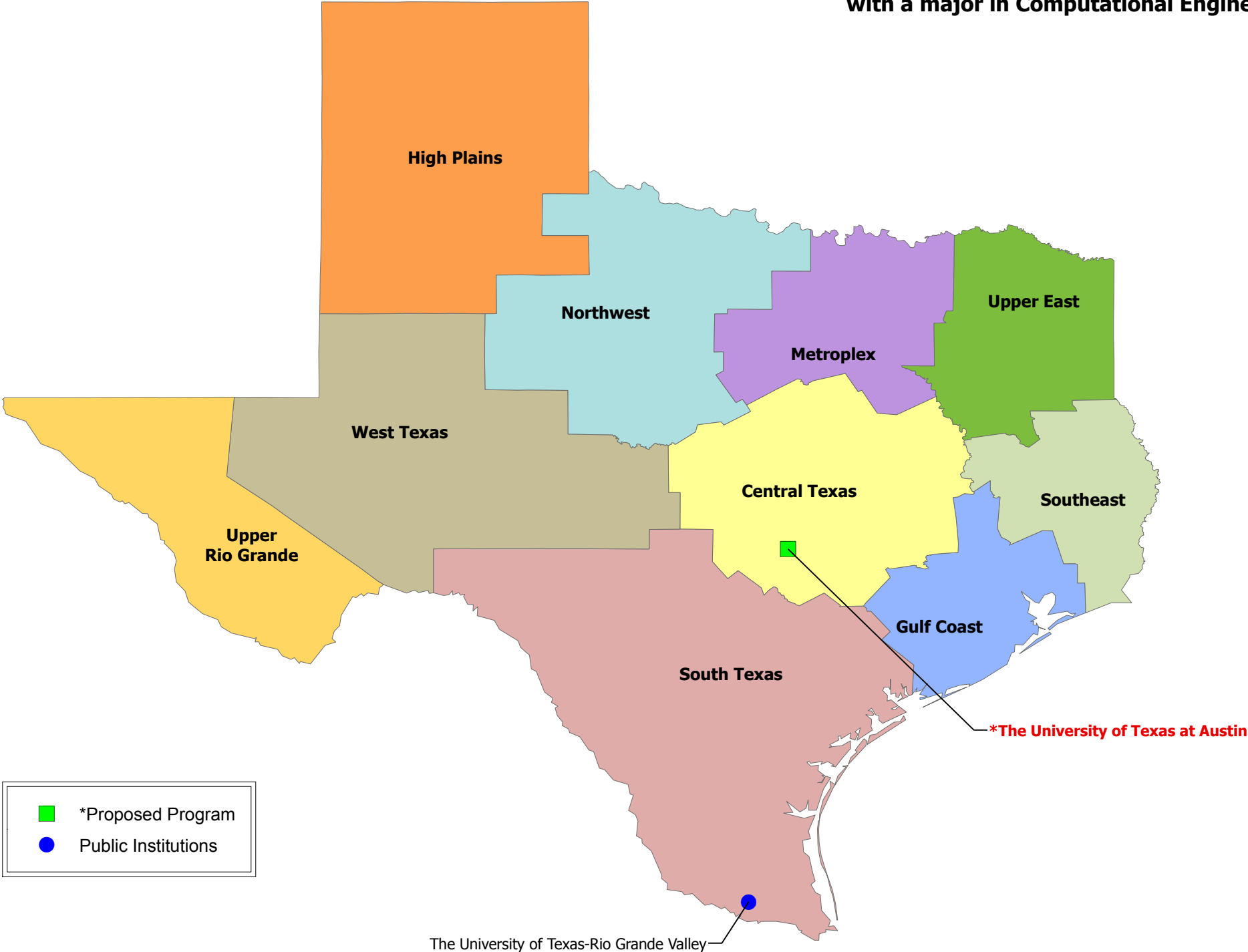
Instruction		
Measure of Excellence	Fall 2014	
Undergraduate Classes with < 20 Students	37.2%	
Undergraduate Classes with > 50 Students	25.6%	
% of Teaching Faculty Tenured/Tenure-track *	70.1%	
Student/Faculty Ratio *	19:1	

* Fall 2013 Data

Financial Aid		
Enrolled in FY 2013		
Type of Aid	% of UGs Receiving	Average Amount
Grants or Scholarships	48%	\$8,627
Federal (Pell) Grants	27%	\$4,503
Federal Student Loans	40%	\$7,344

Funding		
Source	FY 2014 Amount	Pct of Total
Appropriated Funds	\$622,324,610	25.9%
Federal Funds	\$425,604,074	17.7%
Tuition & Fees	\$444,317,943	18.5%
Total Revenue	\$2,398,352,329	100.0%

**Existing Program: Bachelor of Science (BS) degree
with a major in Computational Engineering**



AGENDA ITEM IX-D (2)

Consideration of adopting the Committee's recommendation to the Board relating to the request from The University of Texas at Austin for a Bachelor of Science (BS) degree with a major in Environmental Engineering

Recommendation: Approval

Rationale: The proposed undergraduate program at The University of Texas at Austin (UT-Austin) addresses regional, state, and national job needs. Graduates are likely to find jobs with environmental consulting firms, chemical and petroleum industries, high tech industries, municipal governments, state government, and manufacturing industries. The 2015 total number of Environmental Engineering graduates from existing Texas baccalaureate programs (42) is less than one-third of the average number of job openings per year (140) through 2022 projected by the Texas Workforce Commission. *Forbes* magazine cited Environmental Engineering in 2012 as the fifth most valuable college major in the nation, ahead of all other traditional engineering disciplines.

Contingencies: The institution will begin to admit students no earlier than fall 2017. It will seek accreditation for its Environmental degree program from the Accreditation Board for Engineering and Technology (ABET) upon the graduation of its first student.

The University of Texas at Austin (*Accountability Peer Group: Research*)

<i>Related Programs</i>	<p>The institution has degree programs within the same two-digit CIP code:</p> <p style="text-align: right;"><u>Yes</u> No</p> <p>UT-Austin has nine bachelor's degree programs in Engineering:</p> <ul style="list-style-type: none">• BSASE in Aerospace Engineering• BSAE in Architectural Engineering• BSBME in Biomedical Engineering• BSCHE in Chemical Engineering• BSCE in Civil Engineering• BSEE in Electrical Engineering• BSME in Mechanical Engineering• BSPE in Petroleum Engineering• BSGEH in Geosystem Engineering and Hydrogeology
-------------------------	---

Proposed Program:

This proposed traditional face-to-face program would require students to complete 124 semester credit hours and begin in fall 2017, with curriculum requirements that are comparable to the other ABET-accredited Environmental Engineering programs. The proposed program builds upon UT-Austin's established Master of Science (MS) program in Environmental and Water Resources, ranked fourth in the nation by *US News and World Report*. The proposed program would incur minimal cost, as its projected enrollments would be balanced one-to-one by enrollment reductions in UT-Austin's Civil Engineering Bachelor of Science (BS) program. Existing faculty from the BS in Civil Engineering program would be reassigned to the proposed Environmental Engineering program. There would be no new formula funding because there would be no net increase of students in the Cockrell School of Engineering. The only expenses would be \$4,200 for accreditation costs, which UT-Austin would cover by reallocating funds.

Evidence of Lack of Duplication, Workforce Need, and Student Demand:

<i>Lack of Duplication of Program</i>	<u>Strong</u>	Moderate	Weak
Number of bachelor's degree programs in the state with programs in Environmental Engineering (14.1401.00): 5			
Southern Methodist University			
Tarleton State University			
Texas A&M University-Kingsville			
Texas Tech University			
West Texas A&M University			
Number of degree programs within a 60-minute drive with the same 6-digit CIP: 0			
<i>Job Market Need</i>	<u>Strong</u>	Moderate	Weak
Advertisements for job openings	<u>Yes</u>	No	N/A
Employer surveys	Yes	No	<u>N/A</u>
Projections from government agencies, professional entities, etc.	<u>Yes</u>	No	N/A
<i>Student Demand</i>	<u>Strong</u>	Moderate	Weak
Increased enrollment in related programs at the institution	<u>Yes</u>	No	N/A
High enrollment in similar programs at other institutions	<u>Yes</u>	No	N/A
Applicants turned away at similar programs at other institutions	<u>Yes</u>	No	N/A
Student surveys	Yes	No	<u>N/A</u>

<i>Start-Up Projections:</i>	<i>Yr. 1</i>	<i>Yr. 2</i>	<i>Yr. 3</i>	<i>Yr. 4</i>	<i>Yr. 5</i>
<i>Student Headcount</i>	75	125	170	217	235
<i>Student FTE</i>	75	125	170	217	235
<i>Core Faculty FTE</i>	8.5	8.5	8.5	8.5	8.5
<i>Core Faculty Headcount</i>	17	17	17	17	17

FIVE-YEAR COSTS		SOURCES OF FUNDING	
Personnel	\$0	Anticipated New Formula	
Faculty	\$0	Funding (years 3 through 5)	\$0
Clerical/Staff	\$0		
Other Personnel	\$0	Reallocation of Resources	\$4,200
Facilities and Equipment	\$0	Designated Tuition & Fees	\$0
Library, Supplies, and		Statutory Tuition	\$0
Materials			
<u>ABET Accreditation</u>	<u>\$4,200</u>	<u>Other: Special Item Funding</u>	<u>\$0</u>
Est. 5-Year Costs	\$4,200	Est. 5-Year Revenues	\$4,200

Major Commitments:

The program will seek ABET accreditation for its Environmental Engineering degree program upon the graduation of its first student.

Final Assessment:

The chief executive officer of the institution certified, and staff has determined, that the institution will have sufficient funds to support the program: **Yes** No

The proposed program satisfactorily meets the Board's criteria for new baccalaureate and master's degree programs (19 TAC Section 5.45): **Yes** No

Online Resume for Legislators and Other Policymakers

THE UNIVERSITY OF TEXAS AT AUSTIN

Location: Austin, Central Region

Research Accountability Peer Group: Texas A&M Univ

Out-Of-State Peers: Ohio State University - Main Campus, University Of California - Berkeley, University Of Illinois At Urbana - Champaign, University Of Michigan - Ann Arbor, University Of Minnesota - Twin Cities

Degrees Offered: Bachelor's, Master's, Doctoral, Professional

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment						
Race/Ethnicity	Fall 2009		Fall 2013		Fall 2014	
	Number	Percent	Number	Percent	Number	Percent
White	27,273	53.5%	25,246	48.5%	24,087	46.9%
Hispanic	8,512	16.7%	10,273	19.7%	10,210	19.9%
African American	2,284	4.5%	2,353	4.5%	2,270	4.4%
Asian	8,213	16.1%	8,536	16.4%	8,861	17.3%
International	4,088	8.0%	3,901	7.5%	3,977	7.8%
Other & Unknown	625	1.2%	1,750	3.4%	1,907	3.7%
Total	50,995	100.0%	52,059	100.0%	51,312	100.0%
TX First Time Transfers	Number	% of UG	Number	% of UG	Number	% of UG
	690	1.8%	777	1.9%	692	1.8%
Two-Year Institutions	1,241	3.3%	1,142	2.9%	1,108	2.8%
Other Institutions						

Costs				
Average Annual Total Academic Costs for Resident Undergraduate Student Taking 30 SCH				
Fiscal Year	Texas Rates			
	Institution Average	Percent Increase	Peer Group Average	Percent Increase
2010	\$8,842	.0%	\$8,616	.0%
2011	\$9,418	6.5%	\$8,949	3.9%
2012	\$9,794	4.0%	\$9,136	2.1%
2013	\$9,794	.0%	\$9,136	.0%
2014	\$9,790	.0%	\$9,412	3.0%
2015	\$9,798	.1%	\$9,520	1.1%

Financial Aid						
Fiscal Year	Institution		Peer Group		OOS Peer Group	
	Percent	Avg Amt	Percent	Avg Amt	Percent	Avg Amt
Federal Student Loans						
2012	42%	\$7,404	39%	\$6,854	41%	\$6,553
2013	40%	\$7,344	37%	\$6,859	39%	\$6,526
Federal, State, Institutional or Other Grants Known by Institutions						
2012	45%	\$8,250	50%	\$8,091	55%	\$10,783
2013	48%	\$8,627	52%	\$8,533	55%	\$11,188
Federal (Pell) Grants						
2012	28%	\$4,713	25%	\$4,353	23%	\$4,119
2013	27%	\$4,503	24%	\$4,300	22%	\$4,220

Student Success						
One-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Graduation Rates		
		Enter Fall 2008	Enter Fall 2012	Enter Fall 2013	Cohort	Peer Group
Cohort		6,663	8,035	7,105	Fall 2005 4-year	51.9%
Total		96.3%	96.8%	95.8%	Fall 2009 4-year	52.8%
Same		92.0%	93.5%	93.0%	Fall 2010 4-year	54.8%
Other		4.3%	3.3%	2.8%	Fall 2004 5-year	77.7%
Two-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Fall 2008 5-year	79.6%	
		Enter Fall 2007	Enter Fall 2011	Enter Fall 2012	Fall 2009 5-year	78.6%
Institution Persistence				Fall 2003 6-year	83.8%	
Cohort				Fall 2007 6-year	83.8%	
Total				Fall 2008 6-year	84.5%	
Same				National Comparison (IPEDS Definition)		
Other				Cohort	Institution Rate	OOS Peers Rate
Peer Group Persistence				Fall 2004 4-year	48.0%	56.2%
Cohort				Fall 2008 4-year	51.0%	63.2%
Total				Fall 2009 4-year	51.0%	65.8%
Same				Fall 2003 5-year	73.0%	76.2%
Other				Fall 2007 5-year	74.0%	80.8%
				Fall 2008 5-year	75.0%	82.4%
				Fall 2002 6-year	78.0%	79.8%
				Fall 2006 6-year	79.0%	84.2%
				Fall 2007 6-year	79.0%	84.6%

Average Number of Fall & Spring Semesters and SCH Attempted for Bachelor's Degree						
Year	Institution			Peer Group Average		
	Grads	Sem	SCH	Grads	Sem	SCH
FY 2010	7,256	8.72	129.04	7,281	8.86	133.00
FY 2013	7,393	9.10	130.59	7,802	9.20	131.64
FY 2014	7,563	9.09	129.92	7,949	9.12	129.92

Six-year Graduation & Persistence Rate, Fall 2008		
Student Group	Cohort	Rate
<i>For Students Needing Dev Ed</i>		
Institution	119	68.1%
Peer Group	116	71.6%
<i>For Students NOT Needing Dev Ed</i>		
Institution	6,455	88.7%
Peer Group	6,894	89.3%

*Peer Group data is average for peer group.

Funding						
Source	FY 2009 Amount	Pct of Total	FY 2013 Amount	Pct of Total	FY 2014 Amount	Pct of Total
Appropriated Funds	\$557,966,973	30.9%	\$567,704,856	25.4%	\$622,324,610	25.9%
Federal Funds	\$391,726,581	21.7%	\$484,329,654	21.6%	\$425,604,074	17.7%
Tuition & Fees	\$373,376,151	20.7%	\$458,702,122	20.5%	\$444,317,943	18.5%
Total Revenue	\$1,805,762,468	100.0%	\$2,237,253,846	100.0%	\$2,398,352,329	100.0%

Online Resume for Prospective Students, Parents and the Public

THE UNIVERSITY OF TEXAS AT AUSTIN

Location: Austin, Central Region

Research Accountability Peer Group: Texas A&M Univ

Out-Of-State Peers: Ohio State University - Main Campus, University Of California - Berkeley, University Of Illinois At Urbana - Champaign, University Of Michigan - Ann Arbor, University Of Minnesota - Twin Cities

Degrees Offered: Bachelor's, Master's, Doctoral, Professional

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment		
Race/Ethnicity	Fall 2014	
	Number	Percent
White	24,087	46.9%
Hispanic	10,210	19.9%
African American	2,270	4.4%
Asian	8,861	17.3%
International	3,977	7.8%
Other & Unknown	1,907	3.7%
Total	51,312	100.0%
TX First Time Transfers		
Number	% of UG	
Two-Year Institutions	692	1.8%
Other Institutions	1,108	2.8%

Baccalaureate Success			
Graduation Rate of First-time, Full-time Degree-seeking Students			
Measure	Entering		Rate
	Fall		
4-year Rate Total	2010		54.5%
Same Institution			53.5%
Other Institutions			1.0%
5-year Rate Total	2009		76.8%
Same Institution			74.1%
Other Institutions			2.7%
6-year Rate Total	2008		83.6%
Same Institution			79.6%
Other Institutions			4.0%

[Grad Rates by Ethnicity](#)

1-Year Persistence, Fall 2013	
Total	95.8%
Same	93.0%
Other	2.8%
2-Year Persistence, Fall 2012	
Total	92.0%
Same	86.8%
Other	5.1%

Avg Number SCH for Bachelor's Degree		
FY 2014 Average		
Sem	SCH	
All	9.09	129.92

Degrees Awarded	
Type	FY 2014
Bachelor's	9,482
Master's	3,145
Doctoral	877
Professional	477
Total	13,981

[Degrees by Ethnicity](#)

First-time Licensure or Certification Examination Pass Rate	
Field	FY 2014 Rate
Education*	98.00%
Law	93.30%
Pharmacy	97.70%
Nursing	94.3%
Engineering	93.4%

*Data for FY 2013

Admissions		
Middle 50% of Test Scores, for First-Time Undergraduates, Fall 2014		
Test Section	ACT	SAT
Composite		
Math		http://www.CollegePortraits.org
English		
Critical Reading		

Application for First-time Undergraduate Admission Fall 2014			
Race/Ethnicity	Applicants	Accepted	Enrolled
White	13,647	47.7%	50.2%
African American	1,803	39.1%	43.4%
Hispanic	7,315	47.6%	44.9%
Asian	5,749	56.5%	54.0%
International	3,504	15.9%	19.4%
Other	1,202	49.4%	47.3%
Total	33,220	45.5%	48.2%

Costs					
Average Annual Academic Costs for Resident Undergraduate Student Taking 30 SCH					Annual Costs for Resident Undergraduate Student Taking 30 SCH, FY 2015
Fiscal Year	Institution Average	Percent Increase	Peer Group Average	Percent Increase	
2010	\$8,842	.0%	\$8,391	.0%	Type of Cost
2011	\$9,418	6.1%	\$8,481	1.1%	
2012	\$9,794	3.8%	\$8,480	.0%	Total Academic Cost
2013	\$9,794	.0%	\$8,480	.0%	On-campus Room & Board
2014	\$9,790	.0%	\$9,036	6.2%	Books & Supplies
2015	\$9,798	.1%	\$9,242	2.2%	Off-Campus Transportation & Personal Expenses
					Total Cost
					\$26,314

[Rates of Tuition per SCH](#)
[Mandatory Fees](#)

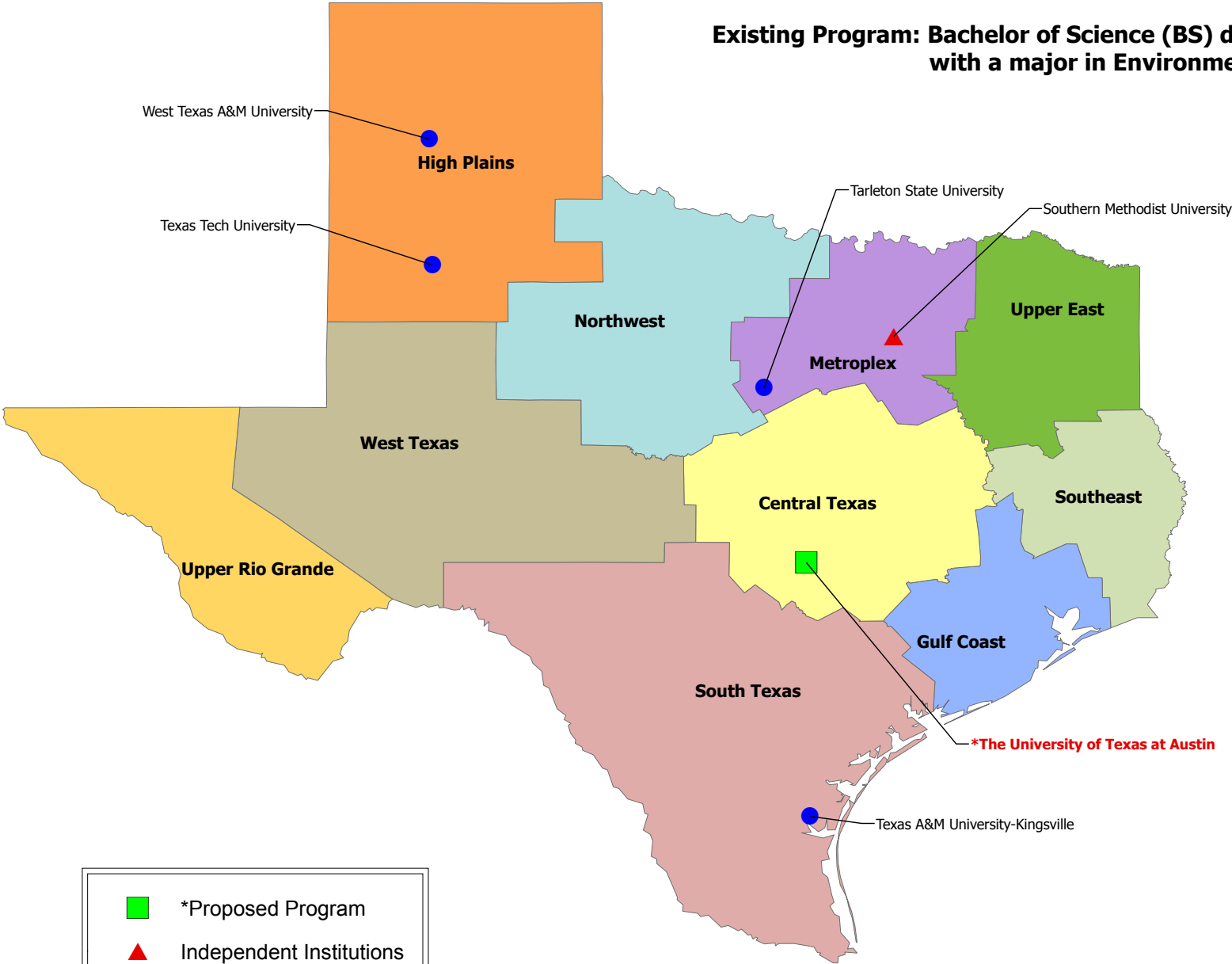
Instruction		
Measure of Excellence	Fall 2014	
Undergraduate Classes with < 20 Students	37.2%	
Undergraduate Classes with > 50 Students	25.6%	
% of Teaching Faculty Tenured/Tenure-track *	70.1%	
Student/Faculty Ratio *	19:1	

* Fall 2013 Data

Financial Aid		
Enrolled in FY 2013		
Type of Aid	% of UGs Receiving	Average Amount
Grants or Scholarships	48%	\$8,627
Federal (Pell) Grants	27%	\$4,503
Federal Student Loans	40%	\$7,344

Funding		
Source	FY 2014 Amount	Pct of Total
Appropriated Funds	\$622,324,610	25.9%
Federal Funds	\$425,604,074	17.7%
Tuition & Fees	\$444,317,943	18.5%
Total Revenue	\$2,398,352,329	100.0%

**Existing Program: Bachelor of Science (BS) degree
with a major in Environmental Engineering**



*Proposed Program

Independent Institutions

Public Institutions

AGENDA ITEM IX-D (3)

Consideration of adopting the Committee's recommendation to the Board relating to the request from The University of Texas at El Paso for a Doctor of Pharmacy (PharmD) degree with a major in Pharmacy and create a School of Pharmacy

Recommendation: Approval

Rationale: The proposed program would create a professional practice doctorate in Pharmacy. Since 1999, The University of Texas at El Paso (UTEP) has been part of a Cooperative Pharmacy Program with The University of Texas at Austin (UT-Austin). Students complete two years of pre-Pharmacy coursework at UTEP, the first two years of the professional program at UT-Austin, and then return to El Paso to complete the last two years of the program at UTEP. This proposed program would minimize the disruption of relocation to students studying Pharmacy by creating a stand-alone program in El Paso. The program would also incorporate Spanish language proficiency training into the required curriculum, enabling the proposed program to address a regional need for more pharmacists and potentially create a niche program whose students would be able to address a wider need for Spanish-proficient registered pharmacists.

Nationally, the Pharmacy Workforce Center (PWC), which measures trends in pharmacy practice, indicated that there was a slight surplus of pharmacists last year, but in Texas there was a moderate demand for pharmacists. As the only Pharmacy program within a 400 mile radius, the proposed program would address a specific regional need in the El Paso area, which has only 56 pharmacists per 100,000 persons, compared to the state average of 86 pharmacists per 100,000.

Contingencies: The proposed program will seek accreditation from the Accreditation Council for Pharmacy Education (ACPE) and hire 15 full-time equivalent (FTE) faculty during the program's first five years. The institution will submit five annual reports confirming institutional commitments and assessing the progress of the program's implementation.

The University of Texas at El Paso*(Accountability Peer Group: Emerging Research)*

<i>Success Measures</i>		<i>Institution</i>	<i>State</i>
<i>Graduate</i>	Master's 5-Year Graduation Rate	69.6%	72.9%
	Doctoral 10-Year Graduation Rate	67.5%	61.9%
<i>Status of Recently Approved Doctoral Programs</i>	<p>The institution has met its projected enrollments for all new doctoral program(s) approved in the last five years: Yes <u>No</u> N/A</p> <p>The institution has met its resource commitments for new doctoral program(s) approved in the last five years: <u>Yes</u> No N/A</p> <p>Recently Approved Doctoral Programs:</p> <ul style="list-style-type: none"> • Software Engineering (PhD, 2014) • Biomedical Engineering (PhD, 2013) • Ecology and Evolutionary Biology (PhD, 2011) <ul style="list-style-type: none"> ○ Actual enrollments are below projections • Nursing Practice (DNP, 2011) <ul style="list-style-type: none"> ○ Actual enrollments are below projections 		

Proposed Program:

UTEP proposes to create a stand-alone Doctor of Pharmacy (PharmD) degree. Since 2000, the PharmD degree has been required for entry into the profession. The proposed program would require 166 semester credit hours (SCH) of coursework and clinical experiences after entry into the professional program. These degree requirements are comparable to other PharmD programs in the state.

The institution estimates that initial five-year costs would total \$23,505,302, and has identified funding sources of \$23,505,302. In 2015, the 84th Texas Legislature provided UTEP with a special item appropriation of \$7 million for Pharmacy Extension over the 2016-2017 biennium and Rider 6 directed the institution to expend it on the Pharmacy Extension. UTEP's intent is to use the appropriation to help renovate faculty office space, classrooms, and laboratories, and hire faculty and administrators.

Existing Programs:

There are eight higher education institutions offering PharmD programs in Texas.

- Texas A&M University Health Science Center (Kingsville)
- Texas Southern University (Houston)
- Texas Tech University Health Sciences Center (Amarillo)
- The University of Texas at Austin (Austin)
- The University of Texas at Tyler (Tyler)
- University of Houston (Houston)
- University of North Texas Health Science Center (Forth Worth)
- University of the Incarnate Word (San Antonio)

The University of Texas at Tyler (UT-Tyler) and the University of North Texas Health Science Center (UNTHSC) in Fort Worth recently established programs and have admitted students, but have not yet awarded any degrees. The nearest program is in Amarillo, 438 miles away from the proposed program in El Paso.

Start-Up Projections:	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5
<i>Students Enrolled</i>	35	86	131	172	209
<i>Graduates</i>	0	0	0	31	54
<i>Avg. Financial Assistance</i>	0	0	0	0	0
<i>Students Assisted</i>	0	0	0	0	0
<i>Core Faculty</i>	17	28	30	34	36
<i>Total Costs</i>	\$4,008,083	\$4,619,835	\$4,867,303	\$4,958,559	\$5,051,522
<i>Total Funding</i>	\$4,008,083	\$4,619,835	\$4,867,303	\$4,958,559	\$5,051,522
<i>% From Formula Funding</i>	0%	0%	4%	12%	18%

FIVE-YEAR COSTS	
Personnel	
Faculty	\$ 11,811,121
Program	\$ 3,740,911
Clerical Staff	\$ 1,502,891
Library Supplies, and Materials	\$ 975,000
Facilities and Equipment	\$ 90,000
Other	\$ 5,385,379
Est. 5-Year Costs	\$23,505,302

SOURCE OF FUNDING	
Anticipated New Formula Funding (years 3 through 5)	\$ 1,719,016
Other State Funding (Statutory Tuition)	\$ 3,915,811
Reallocation of Existing Resources	\$ 3,565,261
Other Funding (Designated Tuition and Program Fees; Local Funds)	\$ 11,401,136
	\$ 2,904,078
Est. 5-Year Revenues	\$23,505,302

Major Commitments:

The proposed program will seek accreditation from the Accreditation Council for Pharmacy Education (ACPE) and hire 15 full-time equivalent (FTE) faculty during the program's first five years. The institution will submit five annual reports confirming institutional commitments and assessing the progress of the program's implementation.

Final Assessment:

The institution has a proactive plan to recruit underrepresented students to the program:

Yes No

The chief executive officer of the institution certified, and staff have determined that the institution will have sufficient funds to support the program.

Yes No

The proposed program satisfactorily meets the Board's criteria for new doctoral programs (19 TAC Section 5.46):

Yes No

Online Resume for Legislators and Other Policymakers

THE UNIVERSITY OF TEXAS AT EL PASO

Location: El Paso, Upper Rio Grande Region

Emerging Research Accountability Peer Group: Texas State Univ - San Marcos, Texas Tech Univ, UT Arlington, UT Dallas, UT San Antonio, Univ of Houston, Univ of North Texas

Out-Of-State Peers: University Of Akron Main Campus, University Of Memphis, University Of Nevada-Las Vegas, University Of New Mexico-Main Campus, University Of Oklahoma-Norman Campus

Degrees Offered: Bachelor's, Master's, Doctoral

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment						
Race/Ethnicity	Fall 2009		Fall 2013		Fall 2014	
	Number	Percent	Number	Percent	Number	Percent
White	2,172	10.4%	2,088	9.1%	1,972	8.6%
Hispanic	15,973	76.1%	18,207	79.4%	18,331	79.6%
African American	635	3.0%	694	3.0%	708	3.1%
Asian	282	1.3%	252	1.1%	236	1.0%
International	1,821	8.7%	1,454	6.3%	1,535	6.7%
Other & Unknown	94	.4%	231	1.0%	261	1.1%
Total	20,977	100.0%	22,926	100.0%	23,043	100.0%
TX First Time Transfers	Number	% of UG	Number	% of UG	Number	% of UG
Two-Year Institutions	1,081	6.3%	1,244	6.3%	1,363	6.9%
Other Institutions	94	.5%	104	.5%	116	.6%

Costs				
Average Annual Total Academic Costs for Resident Undergraduate Student Taking 30 SCH				
Fiscal Year	Texas Rates			
	Institution Average	Percent Increase	Peer Group Average	Percent Increase
2010	\$6,224	.0%	\$8,056	.0%
2011	\$6,504	4.5%	\$8,398	4.2%
2012	\$6,869	5.6%	\$8,902	6.0%
2013	\$7,044	2.5%	\$9,148	2.8%
2014	\$7,018	-.4%	\$9,345	2.2%
2015	\$7,018	.0%	\$9,598	2.7%

Financial Aid						
Fiscal Year	Institution		Peer Group		OOS Peer Group	
	Percent	Avg Amt	Percent	Avg Amt	Percent	Avg Amt
Federal Student Loans						
2012	51%	\$6,445	55%	\$7,730	59%	\$7,445
2013	50%	\$6,624	52%	\$7,484	50%	\$7,395
Federal, State, Institutional or Other Grants Known by Institutions						
2012	70%	\$6,976	58%	\$6,741	70%	\$6,739
2013	67%	\$6,855	59%	\$6,894	68%	\$5,588
Federal (Pell) Grants						
2012	63%	\$4,689	41%	\$4,045	42%	\$4,077
2013	58%	\$4,630	39%	\$4,055	40%	\$4,016

Student Success										
One-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Graduation Rates						
		Enter Fall 2008	Enter Fall 2012	Enter Fall 2013	Cohort	Institution Rate	Peer Group Rate			
Cohort		2,060	2,712	2,961	Fall 2005 4-year	10.0%	23.6%			
Total		82.7%	79.9%	78.4%	Fall 2009 4-year	12.7%	27.4%			
Same		71.3%	69.9%	67.6%	Fall 2010 4-year	15.5%	28.4%			
Other		11.4%	9.9%	10.7%	Fall 2004 5-year	24.2%	45.8%			
Two-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates					Fall 2008 5-year	31.5%	49.3%			
		Enter Fall 2007	Enter Fall 2011	Enter Fall 2012	Fall 2009 5-year	31.0%	50.1%			
Institution Persistence					Fall 2003 6-year	35.0%	55.7%			
Cohort		2,017	2,663	2,573	Fall 2007 6-year	43.3%	57.6%			
Total		77.5%	74.0%	71.6%	Fall 2008 6-year	42.2%	59.1%			
Same		59.9%	61.4%	58.5%	National Comparison (IPEDS Definition)					
Other		17.6%	12.6%	13.1%	Cohort	Institution Rate	OOS Peers Rate			
Peer Group Persistence					Fall 2004 4-year	4.0%	11.3%			
Cohort		3,049	3,494	3,375	Fall 2008 4-year	11.0%	13.5%			
Total		82.0%	81.5%	81.9%	Fall 2009 4-year	12.0%	14.8%			
Same		60.2%	64.3%	64.9%	Fall 2003 5-year	18.0%	30.3%			
Other		21.8%	17.2%	17.0%	Fall 2007 5-year	28.0%	33.8%			
Average Number of Fall & Spring Semesters and SCH Attempted for Bachelor's Degree					Fall 2008 5-year	30.0%	35.3%			
					Fall 2002 6-year	31.0%	39.0%			
					Fall 2006 6-year	38.0%	41.5%			
					Fall 2007 6-year	39.0%	43.5%			
					Institution			Peer Group Average		
					Grade	Sem	SCH	Grade	Sem	SCH
					FY 2010	1,733	11.13	145.24	FY 2010	1,733
FY 2013	1,978	12.48	145.95	FY 2013	1,978	12.48	145.95			
FY 2014	2,110	11.96	144.18	FY 2014	2,110	11.96	144.18			

Average Number of Fall & Spring Semesters and SCH Attempted for Bachelor's Degree						
Year	Institution	Sem	SCH	Peer Group Average		
	Grads			Grads Sem SCH		
FY 2010	1,733	11.13	145.24	2,781 10.41 144.82		
FY 2013	1,978	12.48	145.95	3,275 11.08 143.79		
FY 2014	2,110	11.96	144.18	3,391 10.91 142.56		

Six-year Graduation & Persistence Rate, Fall 2008		
Student Group	Cohort	Rate
<i>For Students Needing Dev Ed</i>		
Institution	831	50.1%
Peer Group	320	55.6%
<i>For Students NOT Needing Dev Ed</i>		
Institution	1,130	68.3%
Peer Group	2,660	74.2%

*Peer Group data is average for peer group.

Funding						
Source	FY 2009 Amount	Pct of Total	FY 2013 Amount	Pct of Total	FY 2014 Amount	Pct of Total
Appropriated Funds	\$111,577,682	39.5%	\$114,819,307	32.8%	\$111,175,933	32.7%
Federal Funds	\$71,077,120	25.2%	\$121,080,009	34.6%	\$97,230,522	28.6%
Tuition & Fees	\$78,811,612	27.9%	\$80,444,489	23.0%	\$97,008,096	28.5%
Total Revenue	\$282,459,634	100.0%	\$349,698,578	100.0%	\$340,175,717	100.0%

Online Resume for Prospective Students, Parents and the Public

THE UNIVERSITY OF TEXAS AT EL PASO

Location: El Paso, Upper Rio Grande Region

Emerging Research Accountability Peer Group: Texas State Univ - San Marcos, Texas Tech Univ, UT Arlington, UT Dallas, UT San Antonio, Univ of Houston, Univ of North Texas

Out-Of-State Peers: University Of Akron Main Campus, University Of Memphis, University Of Nevada-Las Vegas, University Of New Mexico-Main Campus, University Of Oklahoma-Norman Campus

Degrees Offered: Bachelor's, Master's, Doctoral

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment		
Race/Ethnicity	Fall 2014 Number	Percent
White	1,972	8.6%
Hispanic	18,331	79.6%
African American	708	3.1%
Asian	236	1.0%
International	1,535	6.7%
Other & Unknown	261	1.1%
Total	23,043	100.0%
TX First Time Transfers	Number	% of UG
Two-Year Institutions	1,363	6.9%
Other Institutions	116	.6%

Baccalaureate Success		
Graduation Rate of First-time, Full-time Degree-seeking Students Entering		
Measure	Fall	Rate
4-year Rate Total	2010	15.5%
Same Institution		14.8%
Other Institutions		.7%
5-year Rate Total	2009	31.0%
Same Institution		29.2%
Other Institutions		1.7%
6-year Rate Total	2008	42.2%
Same Institution		38.3%
Other Institutions		3.9%
Grad Rates by Ethnicity		

1-Year Persistence, Fall 2013	
Total	78.4%
Same	67.6%
Other	10.7%
2-Year Persistence, Fall 2012	
Total	71.6%
Same	58.5%
Other	13.1%

Avg Number SCH for Bachelor's Degree		
FY 2014 Average		
Sem	SCH	
All	11.96	144.18

Degrees Awarded	
Type	FY 2014
Bachelor's	3,214
Master's	985
Doctoral	127
Professional	24
Total	4,350

[Degrees by Ethnicity](#)

First-time Licensure or Certification Examination Pass Rate	
Field	FY 2014 Rate
Education*	83.00%
Law	%
Pharmacy	%
Nursing	83.9%
Engineering	63.2%

*Data for FY 2013

Admissions		
Middle 50% of Test Scores, for First-Time Undergraduates, Fall 2014		
Test Section	ACT	SAT
Composite		
Math	http://www.CollegePortraits.org	
English		
Critical Reading		

Application for First-time Undergraduate Admission Fall 2014			
Race/Ethnicity	Applicants	Accepted	Enrolled
White	421	100.0%	35.9%
African American	272	99.6%	35.8%
Hispanic	6,084	99.9%	45.9%
Asian	75	100.0%	25.3%
International	218	98.6%	73.5%
Other	95	100.0%	42.1%
Total	7,165	99.9%	45.5%

Costs				
Average Annual Academic Costs for Resident Undergraduate Student Taking 30 SCH				
Fiscal Year	Institution Average	Percent Increase	Peer Group Average	Percent Increase
2010	\$6,224	.0%	\$8,318	.0%
2011	\$6,504	4.3%	\$8,669	4.0%
2012	\$6,869	5.3%	\$9,192	5.7%
2013	\$7,044	2.5%	\$9,449	2.7%
2014	\$7,018	-.4%	\$9,677	2.4%
2015	\$7,018	.0%	\$9,967	2.9%

Annual Costs for Resident Undergraduate Student Taking 30 SCH, FY 2015	
Type of Cost	Average Amount
Total Academic Cost	\$7,018
On-campus Room & Board	\$9,300
Books & Supplies	\$1,452
Off-Campus Transportation & Personal Expenses	\$3,152
Total Cost	\$20,922

[Rates of Tuition per SCH](#)

[Mandatory Fees](#)

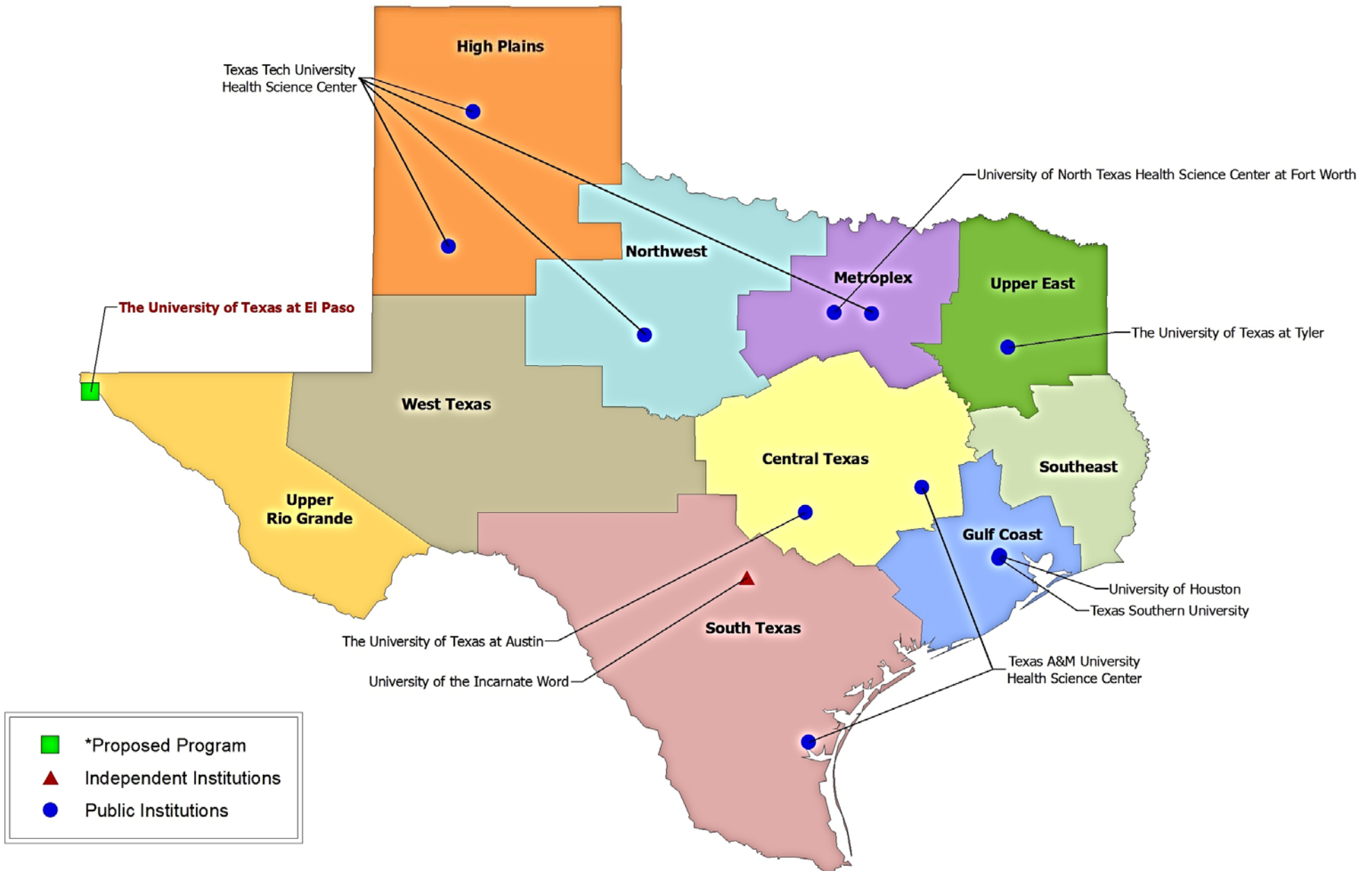
Instruction		
Measure of Excellence	Fall 2014	
Undergraduate Classes with < 20 Students	31.2%	
Undergraduate Classes with > 50 Students	15.4%	
% of Teaching Faculty Tenured/Tenure-track *	61.9%	
Student/Faculty Ratio *	22:1	

* Fall 2013 Data

Financial Aid		
Enrolled in FY 2013		
Type of Aid	% of UGs Receiving	Average Amount
Grants or Scholarships	67%	\$6,855
Federal (Pell) Grants	58%	\$4,630
Federal Student Loans	50%	\$6,624

Funding		
Source	FY 2014 Amount	Pct of Total
Appropriated Funds	\$111,175,933	32.7%
Federal Funds	\$97,230,522	28.6%
Tuition & Fees	\$97,008,096	28.5%
Total Revenue	\$340,175,717	100.0%

Existing Program: Doctor of Pharmacy (Pharm.D.) degree with in Pharmacy



AGENDA ITEM IX-D (4)

Consideration of adopting the Committee's recommendation to the Board relating to the request from The University of Texas Health Science Center at San Antonio for a Doctor of Occupational Therapy (OTD) degree in Occupational Therapy

Recommendation: Approval

Rationale: The proposed program would create an entry-level doctoral program in Occupational Therapy, a field in which the Bureau of Labor Statistics and the Texas Workforce Commission project greater than average growth. The institution's current Master of Occupational Therapy (MOT) program would be phased out and students would be placed on a teach-out plan that would end in December of 2018. This new entry-level Doctor of Occupational Therapy (OTD) program would be the first entry-level-only OTD in the state. The American Occupational Therapy Association (AOTA) is recommending that the profession move toward the entry-level OTD as the sole entry to the profession by 2025. The institution has facilities, faculty, staff, and established funding streams to transition from the entry-level MOT to a new entry-level OTD program.

Contingencies: The proposed program will seek accreditation from the Accreditation Council for Occupational Therapy Education (ACOTE) and hire one full-time faculty during the program's first five years. The institution will submit five annual reports confirming institutional commitments and assessing the progress of program implementation.

The University of Texas Health Science Center at San Antonio*(Accountability Peer Group: Health-Related)*

<i>Success Measures</i>		<i>Institution</i>	<i>State</i>
<i>Graduate</i>	Master's 5-Year Graduation Rate	68.5%	78.7%
	Doctoral 10-Year Graduation Rate	50.0%	62.8%
<i>Status of Recently Approved Doctoral Programs</i>	The institution has met its projected enrollments for all new doctoral program(s) approved in the last five years: Yes <u>No</u> N/A		
	The institution has met its resource commitments for new doctoral program(s) approved in the last five years: <u>Yes</u> No N/A		
	Recently Approved Doctoral Programs: <ul style="list-style-type: none"> Medical Physics (DMP, 2012) <ul style="list-style-type: none"> Actual enrollments are below projections. 		

Proposed Program:

This entry-level OTD program would require students to complete 114 semester credit hours after the bachelor's degree over a 36-month period. The students would also be required to complete 1,065 clock hours of clinical experience prior to graduation. A dissertation would not be required; however, there is a culminating doctoral experiential component. The institution has already begun the accreditation process with AOTA's Accreditation Council for Occupational Therapy Education (ACOTE) and is currently listed on the AOTA website as an OTD Doctoral-Level Applicant Program. The institution estimates that initial five-year costs would total \$4,426,563.

Existing Programs:

There are two public higher education institutions offering the OTD in Texas and both require applicants have a master's degree in occupational therapy.

- The University of Texas Medical Branch at Galveston
- Texas Woman's University (Denton and Houston)

UTHSC San Antonio proposes transitioning its current entry-level MOT program to a new entry-level OTD program. There are seven other entry-level OTD programs around the country, and the AOTA is recommending that the profession move toward the OTD as the sole entry point to the profession by 2025. Nationally, there are nine institutions that are currently in the process of transitioning from the entry-level MOT to the entry-level OTD.

<i>Start-Up Projections:</i>	<i>Yr. 1</i>	<i>Yr. 2</i>	<i>Yr. 3</i>	<i>Yr. 4</i>	<i>Yr. 5</i>
<i>Students Enrolled</i>	40	78	116	116	116
<i>Graduates</i>	0	0	38	38	38
<i>Avg. Financial Assistance</i>	\$16,497	\$16,497	\$16,497	\$16,497	\$16,497
<i>Students Assisted</i>	34	67	92	92	92
<i>Core Faculty</i>	6	7	7	7	7
<i>Anticipated Costs</i>	\$867,809	\$876,460	\$885,211	\$894,064	\$903,019
<i>Anticipated Funding</i>	\$782,246	\$1,424,579	\$3,323,990	\$3,323,990	\$3,584,428
<i>% From Formula Funding</i>	0%	0%	40%	40%	44%

FIVE-YEAR COSTS	
Personnel	
Faculty	\$ 3,721,219
Program	\$ 166,275
Graduate Assts/Clerical Staff	\$ 249,069
Library Supplies, and Materials	\$ 200,000
Facilities and Equipment	\$ 15,000
Other	\$ 75,000
Est. 5-Year Costs	\$4,426,563

SOURCE OF FUNDING	
Anticipated New Formula Funding (years 3 through 5)	\$ 4,260,872
Other State Funding (Statutory Tuition)	\$ 0
Reallocation of Existing Resources	\$ 0
Other Funding (Designated Tuition and Student Program Fees)	\$ 8,178,361
Est. 5-Year Revenues	\$12,439,233

Major Commitments:

The proposed program will seek accreditation from the Accreditation Council for Occupational Therapy Education (ACOTE) and hire one full-time faculty during the program's first five years. The institution will submit five annual reports confirming institutional commitments and assessing the progress of program implementation.

Final Assessment:

The institution has a proactive plan to recruit underrepresented students to the program:

Yes No

The chief executive officer of the institution certified, and staff have determined that the institution will have sufficient funds to support the program.

Yes No

The proposed program satisfactorily meets the Board's criteria for new doctoral programs (19 TAC Section 5.46):

Yes No

Online Resume for Legislators and Other Policymakers

THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO

Location: San Antonio, South Texas Region

Health Related Institution Accountability Peer Group: Texas A&M System HSC, Texas Tech Univ HSC, Texas Tech Univ HSC - El Paso, UNT HSC, UT HSC Houston, UT HSC Tyler, UT M. D. Anderson Cancer Center, UT Southwestern Medical Center, UTMB Galveston

Out-Of-State Peers: Louisiana State University Health Sciences Center-New, Oregon Health & Sciences Center, University Of Oklahoma Health Science Center

Degrees Offered: Associate's, Bachelor's, Master's, Doctoral, Professional

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment			
Category	Fall 2009	Fall 2013	Fall 2014
Medical School Students	900	876	860
Total Enrollment	3,223	3,148	3,147
Physicians Certified in Residency	699	725	757

Costs				
Average Annual Total Academic Costs for Resident Full-time Student				
Undergraduate Student			Graduate Student	
Year	Institution	Peer Group	Institution	Peer Group
FY 2010	\$6,404	\$4,772	\$4,824	\$3,795
FY 2014	\$7,338	\$5,081	\$6,570	\$5,328
FY 2015	\$7,887	\$5,212	\$7,412	\$5,722

Student Success									
Nursing and Allied Health Degrees Awarded						National Data: Nursing or Allied Health Degrees Awarded			
FY 2009		FY 2013		FY 2014		FY 2008		FY 2012	
Type	Peer Institution	Peer Group	Institution	Peer Group	Institution	Institution	Out-of-state Peers Ave.	Institution	Out-of-state Peers Ave.
Bachelor's	314	184	455	308	405	286	2	434	2
Master's	135	94	139	134	178	122	329	392	409
Doctoral	4	5	6	8	5	10	162	193	166
Professional	40	16	63	38	51	30	14	2	2

Research Expenditures	
Year	Amount
FY 2009	\$193,453,307
FY 2013	\$156,424,014
FY 2014	\$143,809,825

Percent of Medical School Students Practicing Primary Care in Texas after Graduation		
Year	Institution	Peer Group
FY 2009	24.75%	31.35%
FY 2013	39.00%	28.61%
FY 2014	39.00%	35.35%

Pass Rate of Medical School Students on Part 1 or Part 2 of Any Examination for a Medical License		
Year	Institution	Peer Group
FY 2009	92.00%	96.54%
FY 2013	97.67%	97.08%
FY 2014	96.00%	95.99%

Funding			
Total Appropriated Funds Including Faculty and Staff Health and Retirement		Total Amount of Money from Any Source Available in FY	
Year	Amount	Year	Amount
FY 2010	\$181,651,995	FY 2010	\$591,553,990
FY 2013	\$161,072,153	FY 2013	\$578,515,983
FY 2014	\$181,696,785	FY 2014	\$605,414,678

Online Resume for Prospective Students, Parents and the Public

THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO

Location: San Antonio, South Texas Region

Health Related Institution Accountability Peer Group: Texas A&M System HSC, Texas Tech Univ HSC, Texas Tech Univ HSC - El Paso, UNT HSC, UT HSC Houston, UT HSC Tyler, UT M. D. Anderson Cancer Center, UT Southwestern Medical Center, UTMB Galveston

Out-Of-State Peers: Louisiana State University Health Sciences Center-New, Oregon Health & Sciences Center, University Of Oklahoma Health Science Center

Degrees Offered: Associate's, Bachelor's, Master's, Doctoral, Professional

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment						
Fall 2014						
Race/Ethnicity	Total Students		Medical Students		Physicians Certified in Residency*	
	Number	% of Total	Number	% of Total	Number	% of Total
White	1,358	43.2%	445	51.7%	0	.0%
Hispanic	866	27.5%	168	19.5%	0	.0%
African American	155	4.9%	45	5.2%	0	.0%
Asian/Pacific Isl.	413	13.1%	135	15.7%	0	.0%
International	137	4.4%	0	.0%	0	.0%
Other & Unknown	218	6.9%	67	7.8%	0	.0%
Total	3,147	100.0%	860	100.0%	757	100.0%

* Data for FY 2015

Costs	
Annual Academic Costs for Full-time Resident Student, FY 2015	
Type of Cost	Average Amount
Undergraduate	\$7,887
Graduate	\$7,412
First-time Medical Student	\$18,630

[Rates of Tuition per SCH](#)

[Mandatory Fees as Defined by CB](#)

[Amount & Percent of Tuition Increase \(UGrad\)](#)

[Amount & Percent of Tuition Increase \(Grad\)](#)

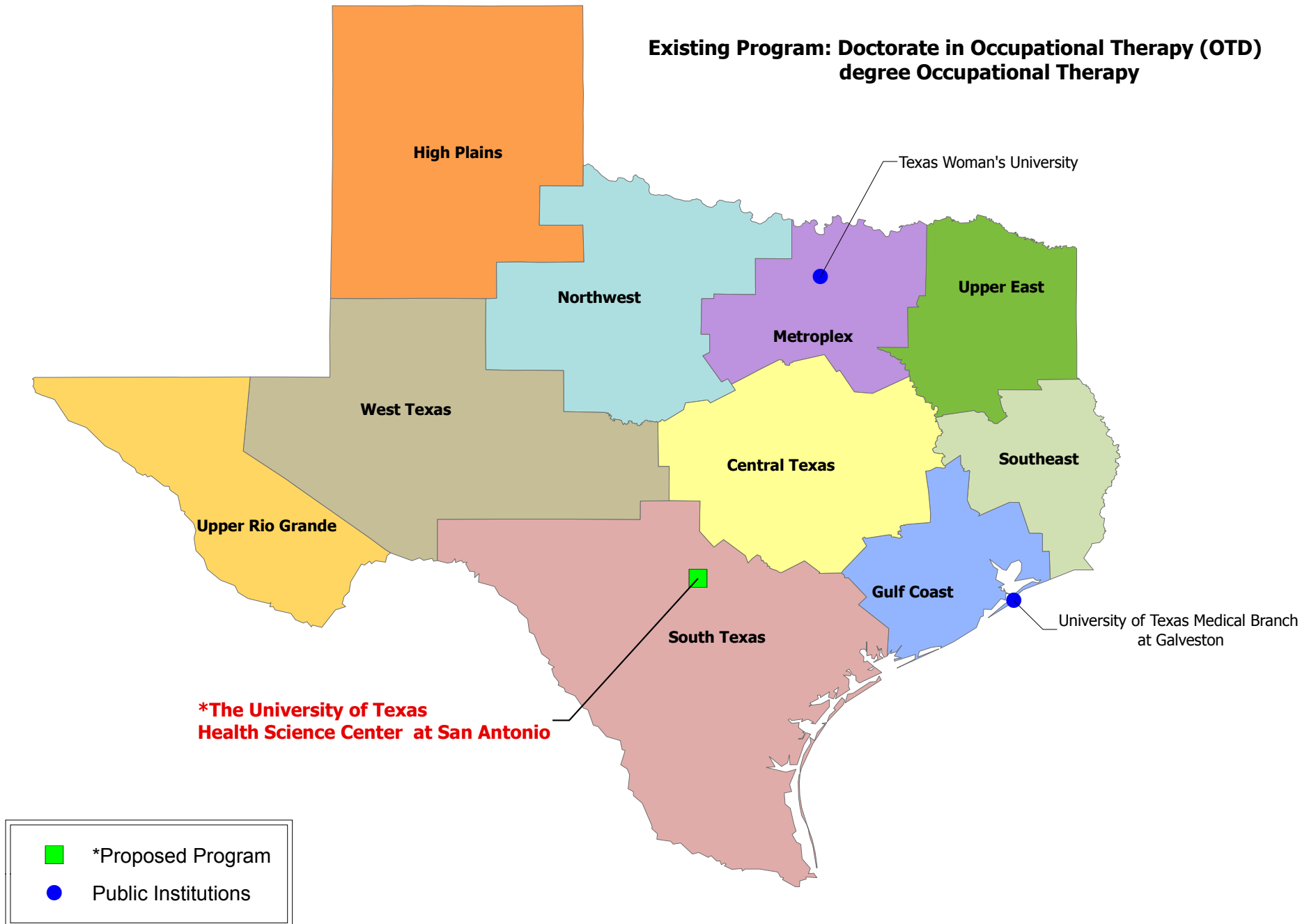
Financial Aid		
Need-based Aid for Graduate Students (GS)		
Fall 2013		
Type of Aid	% of GSs Receiving	Average Amount
Grants or Scholarships	42.0%	\$2,816
Loans	16.2%	\$1,600
Work Study	6.6%	\$1,008
Grants, Scholarships, Loans or Workstudy	45.0%	\$3,347

Student Success								
Pass Rate of Medical School Students on Part 1 or Part 2 of Any Examination for a Medical License			Percent of Medical School Students Practicing Primary Care in Texas after Graduation			Nursing and Allied Health Degrees, FY 2014		
						Year	Institution	Peer Group
Year	Institution	Peer Group	Year	Institution	Peer Group	Bachelor's	405	286
FY 2014	96.00%	95.99%	FY 2014	39.00%	35.35%	Master's	178	122
						Doctoral	5	10
						Professional	51	30

Research Expenditures	
Year	Amount
FY 2014	\$143,809,825

First-time Licensure or Certification Examination Pass Rate		
FY 2014		
Field	Institution	Peer Group
Dental	94.0%	94.0%
Allied Health	93.0%	95.4%
Nursing	83.5%	91.2%
Pharmacy	N/A	94.7%
Medical	96.0%	96.0%

**Existing Program: Doctorate in Occupational Therapy (OTD)
degree Occupational Therapy**



AGENDA ITEM IX-D (5)

Consideration of adopting the Committee's recommendation to the Board relating to the request from West Texas A&M University for a Bachelor of Science in Electrical Engineering (BSEE) degree with a major in Electrical Engineering

Recommendation: Approval

Rationale: The proposed program would have an emphasis in electric power and energy systems. It would be the only Electrical Engineering program within 100 miles, and would focus on meeting regional workforce needs. Nationally, data from the Bureau of Labor Statistics (BLS) and the National Center for Educational Statistics (NCES) reveal that the need for Electrical Engineers is being met by graduates of Electrical Engineering programs, but the unemployment rate for Electrical Engineers remains low. The number of jobs nationwide in Electrical Engineering decreased 10 percent from 2014 to 2015, yet during the same period the unemployment rate for Electrical Engineers hovered around 2 percent, close to full employment levels. These data indicate that regardless of demand projections and the supply of new graduates, Electrical Engineers are finding work. In Texas, the Texas Workforce Commission (TWC) estimates 1,065 job openings per year in electrical engineering; Texas institutions awarded 1,174 bachelor's degrees in Electrical Engineering in 2014, slightly exceeding the state's projected workforce demand.

Contingencies: The institution will hire an additional faculty member during the program's first three years. The institution will seek accreditation for its Electrical Engineering degree program from the Accreditation Board for Engineering and Technology (ABET) upon the graduation of its first student.

West Texas A&M University (*Accountability Peer Group: Comprehensive Universities*)

<i>Related Programs</i>	The institution has degree programs within the same two-digit CIP code: <div style="text-align: right;"><u>Yes</u> No N/A</div> WTAMU has three bachelor's degree programs in Engineering: <ul style="list-style-type: none">• BS in Civil Engineering• BS in Environmental Engineering• BS in Mechanical Engineering
-------------------------	--

Proposed Program:

The proposed face-to-face program in Electrical Engineering would consist of 126 semester credit hours (SCH) of instruction, with curriculum requirements that are comparable to existing ABET-accredited Electrical Engineering programs. The institution estimates that the program's five-year costs would total \$2,606,698, with funding of \$3,688,983 over the same five years. Coordinating Board staff estimates that formula funding would provide approximately 7.6 percent of total funding during the first five years.

Evidence of Lack of Duplication, Workforce Need, and Student Demand:

<i>Lack of Duplication of Program</i>	Strong Weak	<u>Moderate</u>
Number of degree programs in the state with programs in Electrical Engineering (14.1001.00): 24 Baylor University Lamar University Letourneau University Prairie View A&M University Rice University Southern Methodist University St. Mary's University Tarleton State University Texas A&M University Texas A&M University-Corpus Christi Texas A&M University-Kingsville Texas A&M University-Texarkana Texas Southern University Texas Tech University University of Houston University of North Texas The University of Texas at Arlington The University of Texas at Austin The University of Texas at Dallas The University of Texas at El Paso The University of Texas at San Antonio The University of Texas at Tyler The University of Texas Rio Grande Valley		
Number of degree programs within a 60-minute drive with the same 6-digit CIP: 0		
<i>Job Market Need</i>	Strong Weak	<u>Moderate</u>
Advertisements for job openings		
Employer surveys	<u>Yes</u>	No N/A
Projections from government agencies, professional entities, etc.	<u>Yes</u>	No N/A
	<u>Yes</u>	No N/A

<i>Student Demand</i>	Strong Weak	<u>Moderate</u>	
Increased enrollment in related programs at the institution			
High enrollment in similar programs at other institutions	<u>Yes</u>	No	N/A
Applicants turned away at similar programs at other institutions	<u>Yes</u>	No	N/A
Student surveys	Yes	No	<u>N/A</u>
	Yes	<u>No</u>	N/A

<i>Start-Up Projections:</i>	<i>Yr. 1</i>	<i>Yr. 2</i>	<i>Yr. 3</i>	<i>Yr. 4</i>	<i>Yr. 5</i>
<i>Student Headcount</i>	30	49	69	87	100
<i>Student FTE</i>	30	49	69	87	100
<i>Core Faculty FTE</i>	2.2	2.2	3.2	3.2	3.2
<i>Core Faculty Headcount</i>	4	4	5	5	5

FIVE-YEAR COSTS

Personnel	
Faculty	\$1,080,752
Clerical/Staff	\$109,305
Other Personnel	\$238,911
Facilities and Equipment	\$1,090,000
Library, Supplies, and Materials	\$50,000
Other	\$38,000
Est. 5-Year Costs	\$2,606,968

SOURCES OF FUNDING

Anticipated New Formula	
Funding (years 3 through 5)	\$281,698
Reallocation of Existing Resources	\$273,034
Designated Tuition & Fees	\$1,461,651
Statutory Tuition	\$542,600
Other: Special Item Funding	\$1,130,000
Est. 5-Year Revenues	\$3,688,983

Major Commitments:

The institution will hire one new faculty in the first three years of the program. The program will seek ABET accreditation for its Electrical Engineering degree program upon the graduation of its first student.

Final Assessment:

The chief executive officer of the institution certified, and staff has determined, that the institution will have sufficient funds to support the program: **Yes** No

The proposed program satisfactorily meets the Board's criteria for new baccalaureate and master's degree programs (19 TAC Section 5.45): **Yes** No

Online Resume for Legislators and Other Policymakers

WEST TEXAS A&M UNIVERSITY

Location: Canyon, High Plains Region

Comprehensive Accountability Peer Group: Lamar University, Prairie View A&M Univ, Stephen F. Austin State Univ, Tarleton State Univ, Texas A&M International

Out-Of-State Peers: Appalachian State University, Arkansas State University-Main Campus, Murray State University, Tennessee Technological University, University Of Central Missouri

Degrees Offered: Bachelor's, Master's, Doctoral

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment						
Race/Ethnicity	Fall 2009		Fall 2013		Fall 2014	
	Number	Percent	Number	Percent	Number	Percent
White	5,550	71.4%	5,427	64.8%	5,541	61.8%
Hispanic	1,432	18.4%	1,855	22.1%	2,053	22.9%
African American	371	4.8%	504	6.0%	583	6.5%
Asian	122	1.6%	109	1.3%	165	1.8%
International	201	2.6%	172	2.1%	238	2.7%
Other & Unknown	93	1.2%	314	3.7%	390	4.3%
Total	7,769	100.0%	8,381	100.0%	8,970	100.0%
TX First Time Transfers	Number	% of UG	Number	% of UG	Number	% of UG
	568	9.1%	652	9.4%	620	8.7%
Two-Year Institutions	Number	% of UG	Number	% of UG	Number	% of UG
	89	1.4%	104	1.5%	93	1.3%

Costs				
Average Annual Total Academic Costs for Resident Undergraduate Student Taking 30 SCH				
Fiscal Year	Texas Rates			
	Institution Average	Percent Increase	Peer Group Average	Percent Increase
2010	\$5,890	.0%	\$6,228	.0%
2011	\$6,207	5.4%	\$6,470	3.9%
2012	\$6,207	.0%	\$6,774	4.7%
2013	\$6,709	8.1%	\$7,194	6.2%
2014	\$6,969	3.9%	\$7,519	4.5%
2015	\$7,361	5.6%	\$8,295	10.3%

Financial Aid						
Fiscal Year	Institution		Peer Group		OOS Peer Group	
	Percent	Avg Amt	Percent	Avg Amt	Percent	Avg Amt
Federal Student Loans						
2012	47%	\$7,683	62%	\$6,795	52%	\$6,801
2013	51%	\$6,972	56%	\$7,324	51%	\$6,787
Federal, State, Institutional or Other Grants Known by Institutions						
2012	52%	\$5,420	67%	\$5,487	69%	\$6,643
2013	65%	\$5,330	67%	\$6,133	70%	\$7,006
Federal (Pell) Grants						
2012	35%	\$4,086	50%	\$4,172	37%	\$4,051
2013	39%	\$3,914	48%	\$4,239	36%	\$4,085

Student Success						
One-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Graduation Rates		
		Enter Fall 2008	Enter Fall 2012	Enter Fall 2013	Cohort	Institution Rate
Cohort		1,149	1,199	1,284	Fall 2005 4-year	23.2%
Total		80.3%	78.1%	78.8%	Fall 2009 4-year	23.8%
Same		63.7%	65.1%	66.0%	Fall 2010 4-year	29.9%
Other		16.6%	13.0%	12.9%	Fall 2004 5-year	38.1%
Two-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates						
		Enter Fall 2007	Enter Fall 2011	Enter Fall 2012	Fall 2003 6-year	46.4%
Institution Persistence					Fall 2007 6-year	46.3%
Cohort		923	1,201	1,199	Fall 2008 6-year	48.0%
Total		73.3%	67.2%	69.7%	National Comparison (IPEDS Definition)	
Same		51.9%	51.5%	53.6%	Cohort	Institution Rate
Other		21.5%	15.7%	16.1%	Fall 2004 4-year	17.0%
Peer Group Persistence					Fall 2008 4-year	24.0%
Cohort		1,310	1,578	1,504	Fall 2009 4-year	25.0%
Total		75.4%	70.5%	70.5%	Fall 2003 5-year	32.0%
Same		54.8%	51.9%	53.2%	Fall 2007 5-year	38.0%
Other		20.5%	18.6%	17.3%	Fall 2008 5-year	37.0%
					Fall 2002 6-year	40.0%
					Fall 2006 6-year	44.0%
					Fall 2007 6-year	40.0%

Average Number of Fall & Spring Semesters and SCH Attempted for Bachelor's Degree						
Year	Institution			Peer Group Average		
	Grads	Sem	SCH	Grads	Sem	SCH
FY 2010	701	10.05	137.74	835	10.11	145.96
FY 2013	866	9.87	133.87	989	10.33	143.46
FY 2014	952	9.69	132.85	1,046	10.37	142.64

Six-year Graduation & Persistence Rate, Fall 2008		
Student Group	Cohort	Rate
<i>For Students Needing Dev Ed</i>		
Institution	269	39.0%
Peer Group	441	48.1%
<i>For Students NOT Needing Dev Ed</i>		
Institution	824	65.0%
Peer Group	915	65.8%

*Peer Group data is average for peer group.

Funding						
Source	FY 2009 Amount	Pct of Total	FY 2013 Amount	Pct of Total	FY 2014 Amount	Pct of Total
Appropriated Funds	\$46,206,782	46.8%	\$41,223,211	37.5%	\$41,557,023	38.3%
Federal Funds	\$12,165,562	12.3%	\$14,244,649	13.0%	\$15,311,397	14.1%
Tuition & Fees	\$23,070,870	23.4%	\$32,655,974	29.7%	\$36,080,197	33.2%
Total Revenue	\$98,686,519	100.0%	\$109,959,884	100.0%	\$108,579,729	100.0%

Online Resume for Prospective Students, Parents and the Public

WEST TEXAS A&M UNIVERSITY

Location: Canyon, High Plains Region

Comprehensive Accountability Peer Group: Lamar University, Prairie View A&M Univ, Stephen F. Austin State Univ, Tarleton State Univ, Texas A&M International

Out-Of-State Peers: Appalachian State University, Arkansas State University-Main Campus, Murray State University, Tennessee Technological University, University Of Central Missouri

Degrees Offered: Bachelor's, Master's, Doctoral

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment		
Race/Ethnicity	Fall 2014 Number	Percent
White	5,541	61.8%
Hispanic	2,053	22.9%
African American	583	6.5%
Asian	165	1.8%
International	238	2.7%
Other & Unknown	390	4.3%
Total	8,970	100.0%
TX First Time Transfers	Number	% of UG
Two-Year Institutions	620	8.7%
Other Institutions	93	1.3%

Baccalaureate Success			
Graduation Rate of First-time, Full-time Degree-seeking Students			
Entering			
Measure	Fall	Rate	
4-year Rate Total	2010	29.9%	
Same Institution		27.4%	
Other Institutions		2.5%	
5-year Rate Total	2009	40.3%	
Same Institution		35.6%	
Other Institutions		4.7%	
6-year Rate Total	2008	48.0%	
Same Institution		40.5%	
Other Institutions		7.5%	
Grad Rates by Ethnicity			

1-Year Persistence, Fall 2013	
Total	78.8%
Same	66.0%
Other	12.9%
2-Year Persistence, Fall 2012	
Total	69.7%
Same	53.6%
Other	16.1%

Avg Number SCH for Bachelor's Degree		
FY 2014 Average		
	Sem	SCH
All	9.69	132.85

Degrees Awarded	
Type	FY 2014
Bachelor's	1,453
Master's	390
Doctoral	4
Professional	0
Total	1,847

[Degrees by Ethnicity](#)

First-time Licensure or Certification Examination Pass Rate	
Field	FY 2014 Rate
Education*	91.00%
Law	%
Pharmacy	%
Nursing	98%
Engineering	90%

*Data for FY 2013

Admissions		
Middle 50% of Test Scores, for First-Time Undergraduates, Fall 2014		
Test Section	ACT	SAT
Composite		
Math	http://www.CollegePortraits.org	
English		
Critical Reading		

Application for First-time Undergraduate Admission Fall 2014			
Race/Ethnicity	Applicants	Accepted	Enrolled
White	955	99.4%	79.3%
African American	140	100.0%	89.3%
Hispanic	481	99.8%	79.4%
Asian	18	100.0%	83.3%
International	31	100.0%	96.8%
Other	2,719	65.4%	2.6%
Total	4,344	78.2%	39.7%

Costs					
Average Annual Academic Costs for Resident Undergraduate Student Taking 30 SCH					Annual Costs for Resident Undergraduate Student Taking 30 SCH, FY 2015
Fiscal Year	Institution Average	Percent Increase	Peer Group Average	Percent Increase	Type of Cost
2010	\$5,890	.0%	\$6,297	.0%	Total Academic Cost
2011	\$6,207	5.1%	\$6,524	3.5%	On-campus Room & Board
2012	\$6,207	.0%	\$6,888	5.3%	Books & Supplies
2013	\$6,709	7.5%	\$7,291	5.5%	Off-Campus Transportation & Personal Expenses
2014	\$6,969	3.7%	\$7,629	4.4%	Total Cost
2015	\$7,361	5.3%	\$8,483	10.1%	

[Rates of Tuition per SCH](#)
[Mandatory Fees](#)

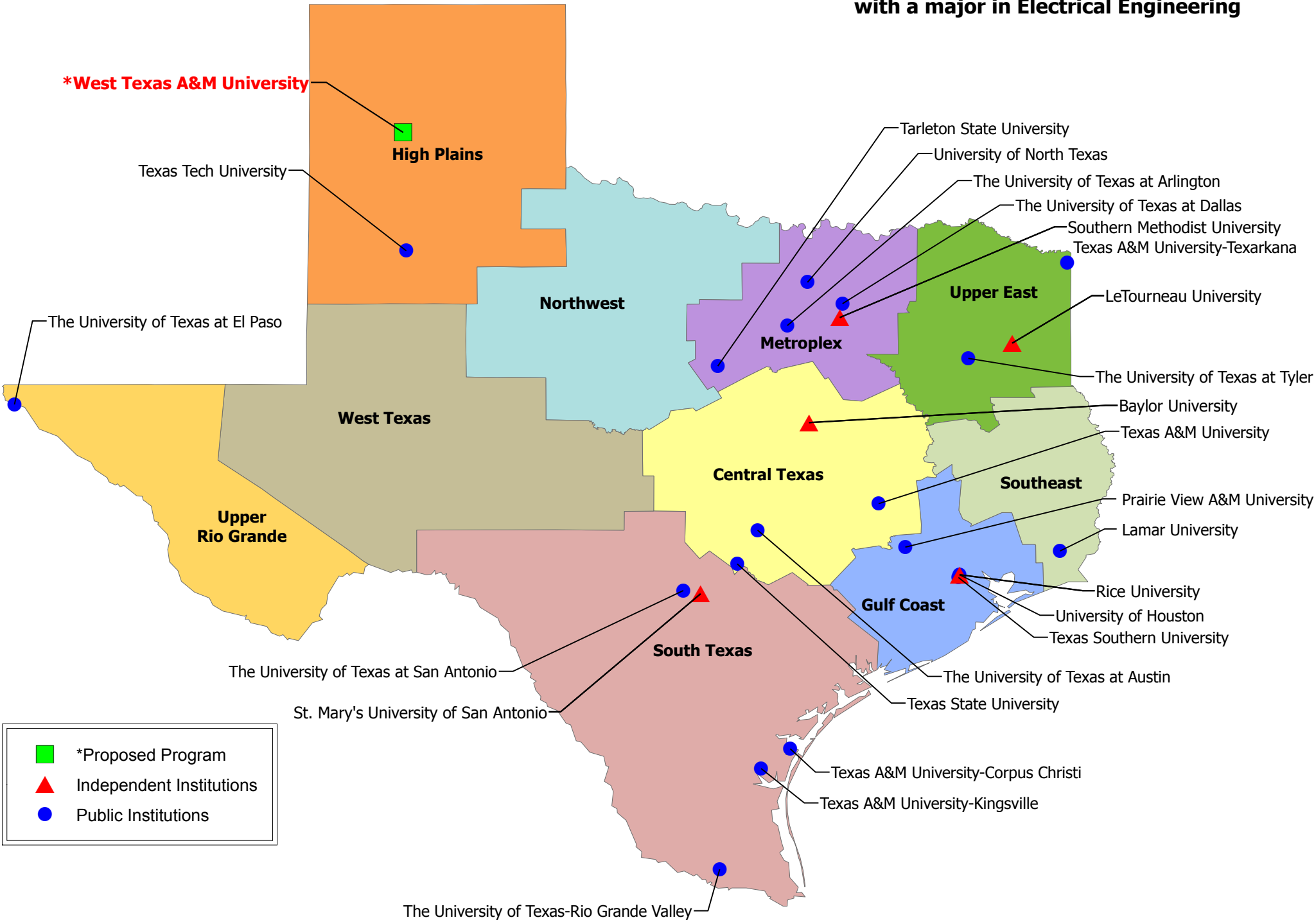
Instruction		
Measure of Excellence	Fall 2014	
Undergraduate Classes with < 20 Students	28.5%	
Undergraduate Classes with > 50 Students	9.8%	
% of Teaching Faculty Tenured/Tenure-track *	55.9%	
Student/Faculty Ratio *	22:1	

* Fall 2013 Data

Financial Aid		
Enrolled in FY 2013		
Type of Aid	% of UGs Receiving	Average Amount
Grants or Scholarships	65%	\$5,330
Federal (Pell) Grants	39%	\$3,914
Federal Student Loans	51%	\$6,972

Funding		
Source	FY 2014 Amount	Pct of Total
Appropriated Funds	\$41,557,023	38.3%
Federal Funds	\$15,311,397	14.1%
Tuition & Fees	\$36,080,197	33.2%
Total Revenue	\$108,579,729	100.0%

**Existing Program: Bachelor of Science (BS) degree
with a major in Electrical Engineering**



AGENDA ITEM IX-E

Consideration of adopting the Committee's recommendation to the Board relating to the Report on Uniform Pre-Nursing Curriculum (H.B. 3078, 84th Texas Legislature, Regular Session)

RECOMMENDATION: Approval

Background Information:

House Bill (HB) 3078, 84th Texas Legislature, Regular Session, directed the Texas Higher Education Coordinating Board to appoint an advisory committee to complete the following charges: 1) identify the prerequisite courses that a student must complete to qualify for consideration for admission to each undergraduate nursing program offered by a Texas public institution of higher education, and 2) identify the content of the prerequisite courses.

To complete its charge, the advisory committee, whose membership was comprised of representatives from community and technical colleges, general academic teaching institutions and health science centers, as well as professional nursing associations, and the Texas Board of Nursing, sent all state-supported nursing programs in Texas a survey by email on January 15, 2016. The goal of the survey was to determine which prerequisite courses are required to apply to the nursing program, prerequisite courses required before starting the nursing program (taken between application and first nursing course), and whether the course is part of the institution's core curriculum. A total of 26 baccalaureate (BSN) and 54 associate degree (ADN) professional nursing programs at public institutions were surveyed with a 100 percent response rate. Specific to the charges to this committee, analysis identified significant commonality among the nursing programs in regards to prerequisite courses required for consideration of admission.

As a result of the data analysis, the advisory committee recommends seven prerequisite courses for consideration for admission to baccalaureate degree nursing programs and two prerequisite courses for consideration for admission to associate degree nursing programs. Differences in the number of prerequisite courses represent the difference in the level of education for ADN and BSN degrees.

Courses Recommended for Pre-nursing Curriculum for Consideration for Admission to Baccalaureate Degree Nursing Programs:

- Anatomy and Physiology I with lab or course equivalent
- Anatomy and Physiology II with lab or course equivalent
- Microbiology with lab*
- Chemistry with lab*
- General Psychology
- Human Growth and Development
- Math Statistics (Math 1342)

*Labs are required for the majority of baccalaureate degree programs for both microbiology and chemistry. Only two (7.7 percent) baccalaureate degree programs do not require a lab for Microbiology, and only four (15.4 percent) do not require a lab for Chemistry. These courses

are offered by science departments rather than by nursing departments. Since some science departments do not offer Microbiology and Chemistry with associated labs and nursing students without these labs have successfully graduated and become licensed registered nurses, the advisory committee believes that a cross-disciplinary study between science and nursing is needed to determine how essential these labs are as prerequisites for nursing majors. Until this assessment is done, the advisory committee recommends that nursing programs be allowed to waive the lab requirement when considering applicants with Microbiology and/or Chemistry taken at an institution that does not offer these labs.

Courses Recommended for Pre-nursing Curriculum for Consideration for Admission to Associate Degree Nursing Program, Licensed Vocational Nursing (LVN) to ADN Programs, and Allied Health/Paramedic to ADN programs:

- Anatomy and Physiology I with lab or course equivalent
- English Composition I (English 1301)

Content for Pre-requisite Courses

Course content for all required course descriptions will be drawn from the Academic Course Guide Manual (ACGM).

The report is under separate cover.

Dr. Rex C. Peebles, Assistant Commissioner for Academic Quality and Workforce; Pamela Martin, PhD, RN, Director, The University of Texas at Tyler, Baccalaureate Degree Nursing Program, Committee Co-Chair; and Helen Reid, PhD, RN, Health Science Center Provost, Trinity Valley Community College, Associate Degree Nursing Program, Committee Co-chair, will be available to answer questions.

AGENDA ITEM IX-F

Consideration of adopting the Committee's recommendation to the Board relating to the Progress Report on Success of Students at Institutions of Higher Education Who Receive Credit From Advanced Placement Exams (H.B. 1992, 84th Texas Legislature, Regular Session)

Recommendation: Approval

Background Information:

In 2015, the 84th Texas Legislature, Regular Session, passed House Bill (HB) 1992, which directs the Coordinating Board to prepare a progress report that examines the academic performance at Texas public institutions of higher education of students who received undergraduate course credit for a score of three on one or more Advanced Placement (AP) examinations. The Coordinating Board is also directed to make any recommendations for legislative or administrative action, if warranted.

HB 1992 also requires the Coordinating Board to conduct a study and issue a report in 2019 that compares the academic performance, retention rates, and graduation rates of students who complete a lower-division course at an institution of higher education to students who receive credit for that course for a score of three or more on an AP exam, disaggregated by score.

The progress report contains information about the steps taken by the Coordinating Board to comply with HB 1992. It presents preliminary findings regarding the academic performance of students at institutions of higher education who claimed course credit for AP examinations in 2013-2014. The subsequent study (2019) will compare the academic performance of this 2013-2014 cohort with the students who enroll in 2016-2017.

The report is under separate cover.

Dr. Rex Peebles, Assistant Commissioner of the Division of Academic Quality and Workforce, will be available to answer questions about this report.

AGENDA ITEM IX-G

Consideration of adopting the Committee's recommendation to the Board relating to the Report on Developmental Education (Rider 42, H.B. 1, and S.B. 1776, 84th Texas Legislature, Regular Session)

RECOMMENDATION: Approval

The Texas Higher Education Coordinating Board (THECB) staff requests approval of the Report on Developmental Education updating the progress regarding the most effective and efficient combination of developmental education interventions and other college readiness initiatives, including the college preparatory course, per Senate Bill 1776, 84th Texas Legislature, Regular Session. The report also highlights results from the annual Developmental Education Program Survey (DEPS), best practices at Texas institutions of higher education, and the performance measures outlined in the 2012-2017 Statewide Developmental Education Plan informing progress toward the goals of moving to non-traditional coursework and interventions that accelerate underprepared students' success towards completion in support of *60x30TX* goals.

Background Information:

In July 2009, the Coordinating Board adopted the state's first Developmental Education Plan (hereinafter referred to as "2009 DE Plan"), in response to a directive issued in the General Appropriations Act, House Bill 1, 81st Texas Legislature, Section 50. The purpose of the 2009 DE Plan was to provide direction for the future of developmental education in Texas. The 2012-2017 Statewide Plan for Developmental Education provided an update to the original plan.

Since the creation and implementation of the 2009 DE Plan, the Coordinating Board has funded various developmental education initiatives, including research and evaluation, to support Texas public institutions of higher education in achieving the goals outlined in the plan. Evaluation of the various initiatives coupled with institutional data show that institutions have made significant strides in improving student advising, diversifying instructional strategies and opportunities for students, and accelerating curriculum by targeting student needs within intensive program structures. However, significant challenges remain for statewide implementation of promising practices that support the college readiness and success of underprepared students. The current 2012-2017 Developmental Education Plan builds on the 2009 DE Plan using lessons learned from previously funded projects and establishes program and institutional objectives to bring components of best practices to scale and to build an iterative process of continuous improvement. As noted, this report updates current progress and provides recommendations to help ensure statewide goals for underprepared students are met in support of *60x30TX* goals.

Jerel Booker, Assistant Commissioner for College Readiness and Success, is available to answer questions.

AGENDA ITEM IX-H

Consideration of adopting the Committee's recommendation to the Board relating to the Report on the Recruitment of Persons with Intellectual and Developmental Disabilities at Institutions of Higher Education (S.B. 37, 84th Texas Legislature, Regular Session)

RECOMMENDATION: Approval

Background:

Texas Education Code, Section 61.0664, authorized through the passage of Senate Bill 37, 84th Legislature, Regular Session, requires the Texas Higher Education Coordinating Board (THECB) to conduct an ongoing study on the college recruitment of persons with intellectual and developmental disabilities (IDD). The study is to "identify previously made recruitment efforts, limitations on recruitment and possible methods for recruitment." (Texas Education Code, Section 61.0664(c)). Reports are to be submitted to the Governor and members of the Legislature by November 1 of each even-numbered year.

To this end, the THECB staff, with the assistance of stakeholders from institutions and the community, developed a survey instrument for collecting recruitment-related data from the institutions. On August 12, 2016, the THECB distributed a memorandum to the presidents of all Texas public higher education institutions and the THECB's community college liaisons with instructions for accessing the survey and a request that survey responses be submitted to the THECB by August 29, 2016.

The Report on the Recruitment of Persons with Intellectual and Developmental Disabilities at Institutions of Higher Education is based on the results of that survey. It includes the number of institutions responding to the survey, a list of the survey questions, and, for those institutions reporting recruitment activities, a summary of their responses.

Jerel Booker, Assistant Commissioner for College Readiness and Success, is available to answer questions.

AGENDA ITEM IX- I

Consideration of adopting the staff recommendation to the Board relating to the Texas General Academic Institutions: Increasing Successful Community College Transfer Report (General Appropriations Act, H.B. 1, Article III, Section 52, 84th Texas Legislature, Regular Session)

Recommendation: Approval

Background Information:

The General Appropriations Act, House Bill 1, Article III, Section 52, 84th Texas Legislature, Regular Session for the 2016-17 biennium directs the public universities to submit an annual report to the Coordinating Board that details institutional efforts to increase the number, success, and persistence of community college transfer students. Section 52 also requires the Coordinating Board to collect and analyze these institutional reports along with institutional performance data. The Coordinating Board must then submit an annual report to the Texas Legislature that evaluates actions to increase the number, success, and persistence of community college transfer students and makes recommendations. This is the seventh annual report since 2010. The report must be delivered to the Governor, House Appropriations Committee, Senate Finance Committee, and the Legislative Budget Board by November 1 of each year.

A survey was developed and distributed to the public universities in June 2016. The survey asked for information regarding institutional efforts to serve current and future transfer students. These efforts include local and regional articulation agreements with faculty collaboration, community college program enhancements, student outreach and advising, website information development, targeted financial aid, university student success programs, degree program alignment, and participation in statewide initiatives. Board staff collected the survey responses which serve as the institutional reports required by Section 52. The Board staff conducted the required analysis of the responses and added institutional data from the Accountability System.

The report is provided under separate cover.

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

AGENDA ITEM IX-J

Consideration of adopting the Committee's recommendation to the Board relating to the Progress Report on the Bachelor of Science in Dental Hygiene at Tyler Junior College (H.B. 3348, 84th Texas Legislature, Regular Session)

Recommendation: Approval

Background Information:

In 2015, the 84th Texas Legislature, Regular Session, passed House Bill 3348, which directs the Coordinating Board to prepare a progress report on the pilot project to establish a baccalaureate degree in dental hygiene at a public junior college. The Coordinating Board is required to report again in 2019 on the effectiveness of the pilot project, including any recommendations for legislative action regarding the offering of baccalaureate degree programs in the field of dental hygiene by a public junior college. The progress report will present information about the steps taken by the Coordinating Board and Tyler Junior College to begin the pilot project, and data regarding the newly implemented program, including the number of students enrolled in fall 2016.

The report is under separate cover.

Dr. Rex Peebles, Assistant Commissioner of the Division of Academic Quality and Workforce, will be available to answer questions about this report.

AGENDA ITEM IX-K

Consideration of adopting the Committee's recommendation to the Board relating to the Report on Assessment of Graduate Medical Education Positions (S.B. 215, 83rd Texas Legislature, Regular Session)

Recommendation: Approval

Background Information:

Texas Education Code, Section 61.0661 requires the Coordinating Board to conduct an assessment of the adequacy of opportunities for graduates of medical schools in the state to enter graduate medical education in the state and to report the results of the assessment to the Texas Legislature by December 1 of each even-numbered year. The report presents the required data and analysis, including:

- 1) a comparison of the number of first-year graduate medical education positions available with the number of medical school graduates;
- 2) a statistical analysis of recent trends in and projections of the number of medical school graduates and first-year graduate medical education positions;
- 3) methods and strategies for achieving a ratio for the number of first-year graduate medical education positions to the number of medical school graduates in the state of at least 1.1:1;
- 4) an evaluation of current and projected physician workforce needs of the state, by total number and by specialty; and
- 5) an examination of whether the state should ensure that a first-year graduate medical education position is created in the state for each new medical student position established by a medical or dental unit.

The report is under separate cover.

Dr. Stacey Silverman, Deputy Assistant Commissioner in the Division of Academic Quality and Workforce, will be available to answer questions about this report.

AGENDA ITEM IX-L

Consideration of adopting the Committee's recommendation to the Board relating to the approval of amendments to provide additional funding and extend contracts to February 2018 for Teacher Quality Grant Projects

RECOMMENDATION: Approval

Total Project Cost: \$4.5 million
Source of Funds: Department of Education
Authority: No Child Left Behind, Title II, Part A; Public Law 107-110

Background information:

Texas Higher Education Coordinating Board (THECB) staff request approval to award continuation grants to each of the Teacher Quality Grant recipients on the attached list at the levels indicated. This would continue the 2016-2017 Teacher Quality Grants through February 2018 and provide funds to support the additional year of the projects. The THECB Request for Applications (RFA) indicated that projects could be continued into a second year in the event that federal program funding was provided. This program will be phased out after Academic Year 2018; Federal Fiscal Year 2016 is the last year this program will be funded under No Child Left Behind, Title II, Part A.

The RFA for the 2016-2017 grants was approved in July 2015, and Board majority rule approval of the individual projects was received by THECB staff in February 2016. The proposed continuation awards will be allocated proportionally to the original grantees, with the exception of four projects that will receive additional funds for activities proposed in the initial projects but not funded. The activities were reviewed and either approved for funding, or approved if funds were available.

Federal guidelines allow and recognize the value of multi-year projects, sustained research practice support, and long-term professional development as some of the most effective ways to help teachers and improve student achievement.

The extensions and amendments requested would allow project directors to continue and accelerate their work in helping teachers in high need districts develop depth of content knowledge and implement high-yield instructional strategies.

Dr. Rex Peebles, Assistant Commissioner for Academic Quality and Workforce and Garry Tomerlin, Deputy Assistant Commissioner, Workforce, will be available to answer questions.

**Teacher Quality Grants Program
2017-2018 Proposed Continuation Award Amendments Listing**

Institution	Topic Area	Award Amount	Continuation Amendment	New Award Amount
Abilene Christian University Kim Pamplin & Donnie Snider	Middle School Science, Chemistry & Physics	\$285,000	\$202,069	\$487,069
Our Lady of the Lake University-San Antonio Peggy Carnahan & Jerri Jackson	Middle School Science	\$170,000	\$120,532	\$290,532
Rice University * Anne Papakonstantinou, Robin Ward & Richard Parr	Elementary, Middle & High School Mathematics	\$549,000	\$614,506	\$1,163,506
Sam Houston State University Dustin Jones & Victoria Hollas	Elementary Mathematics	\$150,000	\$106,352	\$256,352
Tarleton State University Eileen Durand Faulkenberry	Middle School Mathematics	\$150,000	\$366,352	\$516,352
Texas A & M University * Sandra Nite, G. Donald Allen & Robert Capraro	Middle School Mathematics, Algebra I	\$311,327	\$470,882	\$782,209
Texas A & M University-Commerce Gilbert Naizer & Becky Sinclair	Middle School Science	\$150,000	\$106,352	\$256,352
Texas Christian University Molly Weinburgh	Biology	\$230,000	\$163,073	\$393,073
Texas State University-San Marcos Sandra West & Sandra Browning	Intergrated Middle School Mathematics & Science	\$240,000	\$170,163	\$410,163
University of Houston Wallace Dominey & Margaret Cheung	Elementary Science, Physics	\$475,000	\$336,781	\$811,781
University of North Texas * with Texas Women's University Pamela Harrell, Colleen Eddy & Cathy Banks	Middle School Mathematics & Science, Algebra I & Geometry	\$522,000	\$336,781	\$858,781
University of North Texas Carol Wickstrom & Carol Revelle	Middle School Writing	\$150,000	\$106,352	\$256,352
University of North Texas at Dallas Uvaldina Jancecek	Middle School Mathematics	\$150,000	\$106,352	\$256,352
University of Texas at Arlington Christopher Kribs & Kathryn Rhoads	Elementary, Middle & High School Mathematics	\$190,000	\$134,712	\$324,712
University of Texas at El Paso Laura Serpa & Olga Kosheleva	Middle School Science	\$150,000	\$106,352	\$256,352
University of Texas at San Antonio * Emily Bonner & Betty Travis	Middle School Mathematics, Algebra I	\$192,000	\$394,077	\$586,077
University of Texas at Tyler Nathan Smith & Fredericka Brown	Middle School Mathematics & Science	\$179,671	\$127,389	\$307,060
University of Texas of the Permian Basin * Juli Ratheal, Christopher Hiatt & Warren Koepp	Elementary & Middle School Mathematics	\$577,000	\$372,232	\$949,232
Totals:		\$4,820,998	\$4,341,309	\$9,162,307

* Award amount includes original award and upward amendment award.

AGENDA ITEM IX-M

Consideration of adopting the Committee's recommendation to the Board relating to the approval of amendments to provide additional funding to contracts awarded under the 2016-2018 Comprehensive College Readiness and Success Models for 60x30TX (CRSM)

Total Project Cost:	\$500,000
Reallocation Request:	up to \$100,000
Source of Funds:	A.1.1. Strategy, College Readiness and Success
Authority:	Texas Education Code, Section 61.0762(a)(5) Programs to Enhance Student Success

RECOMMENDATION: Approval

The Texas Higher Education Coordinating Board (THECB) staff requests approval to amend contracts with institutions of higher education that are implementing the Gateway model under the *2016-2018 Comprehensive College Readiness and Success Models for 60x30TX (CRSM) Program* to allow the institutions to serve more students and to increase the number of students who successfully complete gateway courses.

Background Information:

At the March 2016 Committee on Academic and Workforce Success meeting, THECB staff received approval to issue a Request for Applications (RFA) to fund new Comprehensive Student Success Projects. Under this RFA, eligible applicants implementing the Gateway model would be required to identify college-level courses that have a high rate of failure (grades of D or F) or withdrawal and integrate research-based practices into these courses, and into the institution, to increase student success. In late spring 2016, THECB staff issued a combined, comprehensive RFA that addressed the college-level courses as well as developmental education and career and technical pathways. The combined RFA focused on two distinct populations entering higher education: 1) students who enter underprepared; and 2) students who enter college-ready, but still need support to successfully complete their gateway courses. In June 2016, staff received Majority Approval to issue the *2016-2018 Comprehensive College Readiness and Success Models for 60x30TX (CRSM)* RFA. The CRSM RFA required institutions of higher education to scale and enhance one or more of the following instructional model(s): 1) Accelerate TX integrated career pathway models (*for underprepared students pursuing Career and Technical Education (CTE) programs*); 2) developmental education accelerated options (*for underprepared students pursuing academic programs*); and 3) comprehensive student success/gateway models (*for college ready students*).

In August 2015, four (4) institutions received funding to implement the Comprehensive Student Success/Gateway model. The institutions will scale strategies and initiatives that impact all students enrolled in selected gateway courses. Grant funding will be awarded based on the institution's ability to increase the number of students who successfully complete the gateway

courses. With current funding, institutions propose to increase the number of successful completers by two (2) percentage points each semester of the grant.

THECB staff requests additional funds for the four (4) institutions that received implementation funding in August 2015 to serve more students. Additional funds will be used to increase the number of successful completers by three (3) to five (5) percentage points in year two of the grant and implement the successful strategies and initiatives in additional gateway courses with high failure and withdrawal rates. The current CRSM contracts end on August 31, 2018.

Institution	Original Contract	Amount of Increase	Amended Contract
McLennan Community College	\$125,500.00	\$25,000.00	\$150,500.00
Texas Southmost College	\$130,000.00	\$25,000.00	\$155,000.00
Texas State Technical College – Waco	\$115,000.00	\$25,000.00	\$140,000.00
University of North Texas at Dallas	\$130,000.00	\$25,000.00	\$155,000.00
TOTAL	\$500,500.00	\$100,000.00	\$600,500.00

Jerel Booker, Assistant Commissioner for College Readiness and Success, is available to answer questions.

AGENDA ITEM IX-N

Consideration of adopting the Committee's recommendation to the Board relating to the approval to fund GradTX activities designed to help meet the completion goal of 60x30TX

Total Project Cost: up to \$125,000
Source of Funds: A.1.1. Strategy, College Readiness and Success
Authority: Texas Education Code, Section 61.0762(a)(5)
Programs to Enhance Student Success

RECOMMENDATION: Approval

The Texas Higher Education Coordinating Board (THECB) staff requests approval to expend funds on activities necessary to revitalize the GradTX project and outreach to more students with significant semester credit hours, who have exited higher education without obtaining a degree.

Background Information:

The completion goal of 60x30TX states, by 2030, at least 550,000 students in that year will complete a certificate, associate, bachelor's, or master's from an institution of higher education in Texas. In 2015, 310,424 degrees were awarded. In FY14, an estimated 49,308 community and technical students and 12,098 university students within a year of completion stopped out without earning a degree. If all stop-outs from FY14 had earned their degree, an additional 61,406, or a total of 371,830 degrees, would have been awarded in 2015. GradTX is a tool to support adults interested in obtaining a postsecondary credential, and a resource for institutions wanting to reengage students who have stopped out.

In 2010, the THECB developed the GradTX web portal. The portal allowed students who had stopped out a resource to not only gather information on degree completion programs at public Texas colleges and universities, but also to receive a real-time informal assessment of how their earned college credits might apply to a degree. Although the GradTX web portal was an effective tool in 2010, updates need to be made to address the needs of a more technologically savvy population.

THECB staff requests approval to expend funds to support GradTX projects and activities that will help meet the goals of 60x30TX. The activities would include the following:

- Development of GradTX mobile apps that provide timely information to students to support the agency's public awareness campaign to increase the number of Texas adults who hold a certificate or degree.
- Development of an informal transcript audit system within the mobile app.
- Award mini grants to institutions of higher education to increase outreach efforts to students who have stopped out without obtaining a degree, including the support of regional media campaigns.

Jerel Booker, Assistant Commissioner for College Readiness and Success, is available to answer questions.

AGENDA ITEM IX-O

Report on the Carl D. Perkins Career and Technical Education Improvement Act funds to colleges for Basic and Leadership Grants

RECOMMENDATION: Information item only

Background Information:

As part of the responsibility delegated to the Coordinating Board by the State Board of Education, the Coordinating Board annually allocates Carl D. Perkins Career and Technical Education Improvement Act (Perkins IV) funds to the state's public two-year colleges. Funds for Title I of the Perkins Act are allocated to the state and divided between secondary and postsecondary education according to a formula developed by the Texas Education Agency (TEA). The following information describes the Basic Grants and State Leadership Grants.

Basic Grants

Perkins Basic Grants provide support for career and technical programs at Texas public community and technical colleges. These grants are awarded annually and are based upon the formula prescribed by the federal Perkins Act. Each eligible institution is allocated funding based on the total number of students enrolled in technical programs and receiving Pell grants. All 50 community college districts, three Lamar State Colleges, and the Texas State Technical College System receive a basic grant. The allocation of the total Title I federal funds that supports the Basic Grant remains at a 70/30 split between TEA and the Coordinating Board.

An eligible institution must qualify for a grant of at least \$50,000 to receive an allocation. If an institution does not meet the established threshold, adjustments are available to allow institutions to qualify for the formula to allow those institutions that may not achieve the necessary enrollment of students to receive a grant.

The funding provided through the Basic Grants must be used to accomplish the following: 1) strengthen the academic and career and technical skills of students participating in career and technical education programs; 2) link career and technical education at the secondary level, and career and technical education at the postsecondary level; 3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences; 4) develop, improve, or expand the use of technology in career and technical education; 5) provide professional development programs to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs; 6) develop and implement evaluations of the career and technical education programs carried out with funds, including an assessment of how the needs of special populations are being met; 7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology; 8) provide services and activities that are of sufficient size, scope, and quality to be effective; and 9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high-skill, high-wage, or high-demand occupations that will lead to self-sufficiency. Additionally, the Basic Grants must address the goals included in the Texas State

Plan for 2008-2013, under the Carl D. Perkins Career and Technical Education Improvement Act of 2006; and the requirements of Public Law 109-270, Title I, Career and Technical Education Assistance to the States.

For the previous program year, institutions spent Perkins funds for activities including: upgrading curriculum; professional development, including travel; instructional equipment; guidance and counseling; serving special populations (sign language interpreters, textbooks, transportation, and childcare); and program administration.

A list of Basic Grant allocations for program year 2016-2017 by college is provided below.

PERKINS BASIC GRANT ALLOCATIONS

<u>ELIGIBLE APPLICANT</u>	<u>ALLOCATION</u>
Alamo Community College District	\$ 1,117,723
Alvin Community College	\$ 85,973
Amarillo College	\$ 593,955
Angelina College	\$ 383,467
Austin Community College	\$ 805,729
Blinn College	\$ 267,804
Brazosport College	\$ 97,071
Central Texas College	\$ 522,284
Cisco College	\$ 218,852
Clarendon College	\$ 77,971
Coastal Bend College	\$ 293,474
College of the Mainland Community College District	\$ 150,150
Collin County Community College District	\$ 553,023
Dallas County Community College District	\$ 2,014,766
Del Mar College	\$ 503,003
El Paso Community College District	\$ 673,411
Frank Phillips College	\$ 65,209
Galveston College	\$ 75,021
Grayson College	\$ 369,020
Hill College	\$ 159,437
Houston Community College	\$ 1,810,867
Howard College	\$ 141,496
Kilgore College	\$ 399,796
Lamar Institute of Technology	\$ 275,715
Lamar State College-Orange	\$ 206,071
Lamar State College-Port Arthur	\$ 122,687
Laredo Community College	\$ 520,473
Lee College	\$ 270,628
Lone Star College System District	\$ 915,598
McLennan Community College	\$ 460,623
Midland College	\$ 139,577
Navarro College	\$ 593,521
North Central Texas College	\$ 345,232

<u>ELIGIBLE APPLICANT</u>	<u>ALLOCATION</u>
Northeast Texas Community College	\$ 232,991
Odessa College	\$ 130,164
Panola College	\$ 281,780
Paris Junior College	\$ 243,563
Ranger College	\$ 105,995
San Jacinto Community College	\$ 630,542
South Plains College	\$ 513,666
South Texas College	\$ 1,392,334
Southwest Texas Junior College	\$ 215,431
Tarrant County College District	\$ 1,451,279
Temple College	\$ 200,966
Texarkana College	\$ 256,525
Texas Southmost College	\$ 194,032
Texas State Technical College-System	\$ 1,843,073
Trinity Valley Community College	\$ 329,464
Tyler Junior College	\$ 627,953
Vernon College	\$ 238,820
Victoria College	\$ 145,081
Weatherford College	\$ 170,951
Western Texas College	\$ 50,000
Wharton County Junior College	\$ 205,854
Total Formula Allocations	\$ 24,690,091

Perkins Basic Leadership Funding

The Coordinating Board invited Texas public postsecondary institutions to submit a Request for Applications (RFA) to receive a State Leadership grant supported with federal funding through the Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270 (Perkins IV). State Leadership grants are awarded to support the advancement of career and technical education in Texas.

Following a review of 24 pre-proposals by Coordinating Board staff, 12 applicants were invited to submit full proposals, of which 8 were selected. Each proposal focused on one of the ten priority topics for the 2016-2017 program year. Priority topics include projects for: comprehensive professional development activities; educational partnerships; pedagogy; special populations; non-traditional students; and statewide evaluation projects. Selected projects are required to have statewide impact on career and technical education. State Leadership projects and activities are also aligned with the Texas Higher Education Plan, *60x30TX*.

Below is a list of the 2016-2017 Perkins State Leadership Grants.

Institution	Project Title	Grant Award
Austin Community College	CADET Project (CAD for Educators Training) Project	\$ 83,659
Austin Community College	Fast-Track to Success: Expanding Competency-Based Education Across Texas	\$ 176,406
Lone Star College System	Effective and Industry-Driven Workforce Program Development	\$ 87,066
San Jacinto College District	Workforce Education Course Manual (WECM) Transition Project	\$ 181,473
Temple College	2P1, 3P1, and 4P1 Partnerships for Improvement	\$ 88,466
TSTC - System	Digital Media Design Competency Based Education Curriculum for Dual Enrollment	\$ 86,359
Victoria College	TEXASgenuine Sustainability: Phase 2	\$ 81,900
<u>Non-traditional*</u>		
Amarillo College	Bridges for the Nontraditional Gender	\$ 45,000
TOTAL AWARDS		\$ 830,329

*The Carl D. Perkins Act of 2006 defines nontraditional fields "as occupations or fields of work, including careers in computer science, technology and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work."

AGENDA ITEM IX-P

Report to the Board on school closures and/or teach-outs pursuant to Chapter 7, Subchapter A, Section 7.7 (5)

RECOMMENDATION: Information item only

Background Information:

Pursuant to Coordinating Board Rules, Chapter 7, Subchapter A, Section 7.7(5), Closure of an Institution, the Texas Higher Education Coordinating Board (THECB) must be notified in writing at least 90 days prior to a planned closure date or immediately if an institution closes unexpectedly. If an institution closes or intends to close before all currently enrolled students have completed all requirements for graduation, a teach-out plan is required. The teach-out plan is subject to Board approval. The Board has given the Assistant Commissioner of Academic Quality and Workforce the authority to oversee this approval process.

Brown Mackie College-Dallas

Brown Mackie College-Dallas, 2200 North Highway 121, Suite 250, Bedford, TX 76021, is owned by Education Management Corporation (EDMC). The Coordinating Board was notified on June 10, 2016 that the campus intended to close in June 2018. The institution subsequently notified THECB that it intends to close in June 2017. EDMC is working with each student to choose graduation from the Dallas campus or transfer to another school offering the same program. EDMC is also working with other educational institutions to put articulation agreements in place so that students have choices regarding their education. As of June 14, 2016, 395 students were enrolled at the Dallas campus. After closure, student records and transcripts will be available through The Art Institute of Phoenix, 2233 West Dunlap Avenue, Phoenix, AZ 85021 or 800.474.2479. The institution's Certificate of Authorization will be cancelled upon notification that the campus has completed its teach-out and is closed.

Brown Mackie College-San Antonio

Brown Mackie College-San Antonio, 4715 Fredericksburg Road, Suite 100, San Antonio, TX 78229, is owned by EDMC. The Coordinating Board was notified on June 10, 2016 that the campus intended to close in June 2018. The institution subsequently notified THECB that it intends to close in June 2017. EDMC is working with each student to choose graduation from the San Antonio campus or transfer to another school offering the same program. EDMC is working with other educational institutions to put articulation agreements in place so that students have choices regarding their education. As of June 14, 2016, 590 students were enrolled at the San Antonio campus. After closure, student records and transcripts will be available through The Art Institute of Phoenix, 2233 West Dunlap Avenue, Phoenix, AZ 85021 or 800.474.2479. The institution's Certificate of Authorization will be cancelled upon notification that the campus has completed its teach-out and is closed.

ITT Technical Institute

ITT Technical Institute (ITT) closed its campuses nationwide on September 6, 2016. ITT notified state agencies and its accreditor of the closures on September 6, 2016. Campuses were

located in Arlington, Austin, DeSoto, Houston North, Houston West, Richardson, San Antonio East, San Antonio West, Waco, and Webster, Texas. At the time of closure, ITT reported 3,202 current students in Texas. In addition, 157 Texas residents were enrolled through ITT's online campus based in Indianapolis. ITT filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on September 16, 2016. ITT contracted with Parchment, a digital credentials service, to handle student transcripts for the years 2001-2016. Parchment is currently fulfilling ITT student transcript requests. Student records pre-2001 are located at Safesite records and media storage facilities in Texas and at individual campus locations. Access to the pre-2001 student records has been requested through the bankruptcy court by the Texas Attorney General on behalf of THECB. THECB staff has created a Resources page for ITT students with links and important information. The web page is updated as new information is received. Staff is also answering ITT student requests for information via email and phone. All Texas ITT campuses' Certificates of Authorization have been cancelled as of September 6, 2016.

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

AGENDA ITEM IX-Q

Consideration of adopting the Committee's recommendation to the Board relating to revising fees for Certificate of Authority applications, amendments, and renewals pursuant to Texas Education Code, Sections 61.305, 61.307 and 61.308

RECOMMENDATION: Approval

Background Information:

The Texas Higher Education Coordinating Board (THECB) is authorized to set and collect fees with regard to Certificates of Authority:

- Texas Education Code, Section 61.305: set an initial fee for a Certificate of Authority in an amount not to exceed the average cost of reviewing the application, including the cost of necessary consultants.
- Texas Education Code, Section 61.307: set a fee to cover the cost of program evaluation for an amendment to a Certificate of Authority.
- Texas Education Code, Section 61.308: set a renewal fee in an amount not to exceed the average cost of reviewing the application, including the cost of necessary consultants.

Effective September 1, 2003, the application fee for a Certificate of Authority increased from \$3,000 to \$5,000 and amendments increased from \$100 to \$500. Since 2003, these fees have not increased.

Prior to a site visit, considerable staff and consultant time is expended in reviewing each initial and renewal application. Consultants receive a stipend for their time in reviewing the application and participating in the site review. Amendments to an existing Certificate of Authority require considerable staff time and may require review by a consultant if the amendment is extensive.

The current \$5,000 application fee must cover travel and lodging costs for THECB staff and three-person site review team, and consultant stipends. If any significant expenses are incurred or additional consultants are needed, the current fee is inadequate to cover all costs and stipends. The current \$500 amendment fee allows only for a small stipend if a consultant is used to review the request to amend a Certificate of Authority and would not cover any necessary travel expenses.

THECB staff proposes revising the Certificate of Authority fees as follows:

Certificate of Authority application fee	\$5,000 plus travel expenses incurred
Certificate of Authority renewal fee	\$5,000 plus travel expenses incurred
Certificate of Authority amendment fee	\$500 plus travel expenses incurred

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

AGENDA ITEM IX-R

Consideration of adopting the Committee's recommendation to the Board relating to a request to amend the current contract with Querium Corporation, providing for continued services of pre-assessment activities

Total Project Cost:	\$275,962.24
Original Project Cost:	\$139,000.00
Additional Project Cost:	\$136,962.24
Source of Funds:	F.1.1. Strategy, Developmental Education Program
Authority:	Texas Education Code, Section 61.0762(a)(2) Programs to Enhance Student Success Rider 42, General Appropriations Act, 84th Texas Legislature

RECOMMENDATION: Approval

The Texas Higher Education Coordinating Board (THECB) staff requests approval to extend the contract with Querium Corporation for additional funds to continue providing a free, online pre-assessment activity for Texas public institutions of higher education and school districts.

Background Information:

In October 2012, the THECB adopted the amendment to Texas Administrative Code, Chapter 4, Subchapter C, Section 4.55 to include the following language.

- b) Prior to the administration of an approved instrument in §4.56, an institution shall provide to the student a pre-assessment activity(ies) that addresses at a minimum the following components in an effective and efficient manner, such as through workshops, orientations, and/or online modules:*
- 1) Importance of assessment in students' academic career;*
 - 2) Assessment process and components, including practice with feedback of sample test questions in all disciplinary areas;*
 - 3) Developmental education options including course-pairing, non-course-based, modular, and other non-conventional interventions;*
 - 4) Institutional and/or community student resources (e.g. tutoring, transportation, childcare, financial aid).*

In summer 2013, Querium Corporation, an Austin-based company founded in 2013, created and delivered, at no cost to the state, institutions, or students, an online pre-assessment activity (PAA) in response to the new Texas Success Initiative (TSI) requirements as listed in TSI Rule Section 4.55(b). Effective September 1, 2015, Querium was no longer able to offer these services at no cost. A Request for Proposals was issued in summer 2015 to continue providing a free, online pre-assessment activity, and the evaluation process

determined that Querium provided the most efficient and effective proposal for continuation of the PAA. A one-year contract with Querium, for \$139,000, was executed in November 2015 for this purpose.

Currently, over 6,500 students per month across Texas use the pre-assessment activity provided by Querium in preparation for the TSI Assessment. In order to continue this important service, staff requests a 22-month contract extension with Querium to August 31, 2018, for an additional \$136,962.24.

Jerel Booker, Assistant Commissioner for College Readiness and Success, is available to answer questions.

AGENDA ITEM IX-S

Consideration of adopting the Committee's recommendation to the Board relating to issuance of additional Requests for Applications for the Minority Health Research and Education Grant Program

RECOMMENDATION: Approval to issue the Requests for Applications for the Minority Health Research and Education Grant Program

Background Information:

The Coordinating Board requests approval to issue Requests for Applications (RFA) from public and private accredited general academic and health-related institutions to award grants through the Minority Health Research and Education Grant Program. The Program was established as a result of the State's Multi-State Tobacco Lawsuit Settlement (Texas Education Code, Sections 63.301 - 63.302). Grants are funded by the interest earnings from the permanent fund for the Program, which was created in 1999 as a result of the Settlement.

For Fiscal Year 2016, grants were awarded under the Program to support projects focusing on (1) participation and success among traditionally under-represented minority students in allied health disciplines through educational pathways that would be sustainable via strategic partnerships and curriculum alignment, and (2) student recruitment and retention in health degree programs that had previously reported low percentages of graduates among traditionally under-represented minority students.

Consistent with the goals of *60x30TX*, additional RFAs for the Program will continue to address minority health issues by soliciting educational projects that focus on the need to increase minority students' participation and retention in health degree programs. The RFAs, expected to be released in spring 2017, will contain background information, definitions, instructions, award criteria, and forms for completing the applications. Applications will be evaluated by agency staff based on a standard set of criteria, and the highest scored applications will be recommended for grant awards. Approximately \$6 million will be available for awards in Fiscal Year 2017.

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

AGENDA ITEM IX-T

Consideration of adopting the Committee's recommendation to the Board relating to issuance of a Request for Applications for Intensive College Transition Programs for Underprepared Learners

Total Project Costs: Up to \$500,000
Source of Funds: F.1.3 Strategy: Accelerate TX Community College Grants
Authority: Rider 36, General Appropriates Act
84th Texas Legislature (R)

RECOMMENDATION: Approval

The Texas Higher Education Coordinating Board (THECB) staff requests approval to issue a Request for Applications to community and technical colleges to scale and sustain intensive college readiness programs for unprepared learners transitioning to postsecondary education programs at community and technical colleges.

Background Information:

Rider 36 of the 84th Texas Legislature (R) requires the THECB to award competitive grants to community and technical colleges "to scale and sustain Accelerate Texas program models for the purpose of increasing the participation and success of adult education and literacy (AEL) students transitioning from community and federally-funded AEL programs into postsecondary education and/or training programs and for students assessed under the new TSI Assessment as demonstrating basic academic skills."

From 2009-2014, the THECB funded up to 12 community and technical colleges to build short-term, intensive transition programs called Intensive College Readiness Programs for Adult Education Students (IP-AES) to support the college enrollment of underprepared adult learners who (1) left secondary education without a high school diploma but who subsequently earned a Certificate of High School Completion in Texas or another state; (2) held a high school diploma but who did not enroll in college directly from high school; or (3) may have enrolled in college after receipt of a high school diploma or certificate of high school completion but dropped out without receiving any credit(s).

Funds under the current solicitation would be issued based on the student's successful completion of the intensive program, meeting college readiness standards, and subsequent enrollment in and successful completion of college-credit coursework or a career-technical education (CTE) level 1 certificate program.

Jerel Booker, Assistant Commissioner for College Readiness and Success, is available to answer questions.

AGENDA ITEM IX-U

Consideration of adopting the Committee's recommendation to the Board relating to the appointment of a member to the Graduate Education Advisory Committee (GEAC)

RECOMMENDATION: Appoint member: Thomas Krueger, Texas A&M University-Kingsville

Background Information:

Coordinating Board staff is requesting a member appointment for the Graduate Education Advisory Committee (GEAC) to replace Dr. Mohamed Abdelrahman, former Associate Vice President for Research and Dean of Graduate Studies at Texas A&M University-Kingsville (TAMU-Kingsville). TAMU-Kingsville requested that Dr. Thomas Krueger, Professor of Accounting & Finance, serve on GEAC.

In accordance with Coordinating Board Rules, Chapter 1, Subchapter N, Rule 1.178, the GEAC has been created to provide the Board with advice and recommendations regarding graduate education. The GEAC was established in 2005 as a committee comprised of faculty and administrators from the state's public and private universities and health-related institutions. The members are appointed for three-year staggered terms, and the committee meets at least twice a year. If appointed, Dr. Krueger would serve the remaining portion of Dr. Abdelrahman's term, which ends August 31, 2018.

A brief summary of the nominee's academic credentials follows:

Thomas Krueger, PhD, Professor of Accounting & Finance – Texas A&M University-Kingsville –
DBA in Finance, MBA in Business Administration, BS in Business Education

Dr. Krueger is the J.R. Manning Endowed Professor of Innovation in Business Education at Texas A&M University-Kingsville, and he is the Chair of the Department of Accounting & Finance. Prior to coming to TAMU-Kingsville, he was a Professor at the University of Wisconsin-La Crosse where he chaired the Graduate Committee. He has twice been awarded the Distinguished Researcher of the Year award at TAMU-Kingsville and has served as the editor of the *Journal of Finance Issues*.

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

AGENDA ITEM IX-V (1)

Consideration of adopting the Committee's recommendation to the Board relating to the proposed amendments to Chapter 5, Subchapter B, Sections 5.21 - 5.25 of Board rules concerning Planning Notifications

RECOMMENDATION: Approval

Background Information:

The intent of the amendments is to clarify and streamline rules to reflect current statute, rule references, policies, and practices regarding the submission of changes to the role and mission statements and submission of planning notifications from public institutions of higher education to the Texas Higher Education Coordinating Board.

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: Texas A&M University System expressed concern that the proposed notification process would hinder the ability of institutions to respond to market needs, student demand, and opportunity, and noted that private/for-profit institutions do not have the same limitations. Texas A&M University System estimated that the proposed planning notification would delay responsiveness to need/opportunity by at least three months (time from one THECB meeting to another), and would require considerably longer preparation times and approval delays. The University of North Texas System submitted a similar comment.

Staff Response: The program approval process for Texas public institutions of higher education is not required for private institutions of higher education, as they do not submit their proposed programs for approval by the Board. The approval process for new programs at public higher education institutions includes many factors prescribed by statute and administrative code, including input from the Board. This revised planning notification process will improve the Board's ability to carry out its statutory mission to provide leadership and coordination for the Texas higher education system. No change was made in the rules as a result of these comments.

Comment: Texas A&M University System noted that the proposed language is logistically problematic, saying the proposed language requires institutions to submit materials at the point where they “intend to engage in planning.” Elsewhere the proposed language notes institutions must submit planning notification if they “intend to engage in any action that leads to the preparation of a proposal for a new program including but not limited to....” It is not possible to submit anticipated costs and revenues without first planning. The University of North Texas System (UNTS), The University of Texas System, and the Texas Tech University System submitted similar comments.

Staff Response: Staff agrees with the institutional comments, and made the revisions to sections 5.23 (1) and (6) of the proposed rules by deleting references to the terms “intent to plan” and “intends to engage in.” The amended rules now require institutions to submit planning notification in order to notify the Board that planning for a new degree program has begun.

Comment: Texas A&M University System commented that the information to be submitted in the planning notification is significant: “Anticipated costs and revenues during the first five years, and identify the existing or new administrative unit.” To provide this information requires planning and is more appropriate for the proposal stage of review. The Texas Tech University System submitted a similar comment.

Staff Response: Staff agrees with this comment, and made the corresponding corrections to section 5.24 (a) of the proposed rules by removing the requirement to submit “anticipated costs and revenues during the first five years” and “identify the existing or new administrative unit in which the proposed program would be offered.”

Comment: Texas A&M University System commented that the proposed planning notification requirement would be redundant with the program approval process, requiring some of the same elements, and therefore will render the program submission process less efficient.

Staff Response: This revised planning notification process will improve the Board’s ability to carry out its statutory mission to provide leadership and coordination for the Texas higher education system. No change was made in the proposed rules as a result of this comment.

Comment: The University of North Texas System expressed their concern that the proposed changes to rules exceed the statutory authority provided under Texas Education Code 61.0512 by requiring an institution to notify the Board before any planning work has begun. The University of Texas System submitted a similar comment.

Staff Response: The proposed rules have been amended in section 5.23 (1) to clarify that planning notification is “Formal notification from an institution that planning has begun for a proposal for a new degree program,” rather than notification before planning begins. Once recognition from the Board is obtained, an institution would complete its planning and then submit its proposal.

Comment: The University of North Texas System expressed their objection to provisions in the proposed rules that define “planning” in an unduly broad manner, based upon intent to commit certain actions rather than the actions themselves. The definition also prescribes certain actions, along with the phrase “including but not limited to”, which suggests that almost any action could be prohibited.

Staff Response: Staff agrees with the institution’s comments, and deleted references to “intent to plan” and “including but not limited to” in sections 5.23 (1) and (6) of the proposed rules.

Legal Review:

Approved by the Office of General Counsel _____ Date: _____

Chapter 5. Rules Applying to Public Universities, Health-Related Institutions, And/Or Selected Public Colleges of Higher Education in Texas

Subchapter B. Role and Mission, Planning Notification [~~Tables of Programs~~], Course Inventories

- 5.21 Purpose
- 5.22 Authority
- 5.23 Definitions
- 5.24 Submission of Mission Statements and Planning Notification [~~Table of Programs~~]
- 5.25 Course Approvals at Public Universities

5.21 Purpose

The purpose of this subchapter is to implement rules regarding the role and mission for each public institution of higher education in Texas and for submission of the role and mission statements, [~~and~~] submission of planning notification [~~the table of programs~~], and periodic review of all degree and certificate programs offered by a public institution of higher education. Section 5.24(a) of this title (relating to Submission of Mission Statements and Planning Notification [~~Tables of Programs~~]) applies to selected Public Colleges.

5.22 Authority

The authority for this subchapter is found in Texas Education Code, Sections 61.002(a) and (b), 61.027, 61.051(a-5), 61.0512, and 130.0012

5.23 Definitions

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

(1) Planning Notification—***Formal notification from an institution that planning has begun for a proposal for a new degree program. [Recognition*** [~~Preliminary Authority Authorization~~] from the State of Texas ***for an institution to continue [intend to engage in] planning in order*** to propose a new degree program[s] in a given disciplinary area at a given level of instruction.] [~~***The Board may request an institution and/or its system office provide an overview of the degree program they [intend to engage in] are planning to propose at a regularly scheduled Board meeting, prior to the institution or system office submitting a proposal to offer a new degree program.***~~] [The Table of Programs, defined in paragraph (8) of this section, prescribes the academic areas and levels that are recognized by the Board as being appropriate for an institution's existing role and mission.]

(2) Board--The Texas Higher Education Coordinating Board.

(3) Commissioner--The Commissioner of Higher Education.

(4) Mission Statement--A narrative description of the general mission of each institution prepared by the institution and approved by its Board of Regents. The statement should address the fundamental purpose of the institution with respect to its teaching, research, and public service responsibilities. The institution's special concerns for quality and access, liberal arts, admissions, career-oriented programming, extension and articulation with community colleges and public schools, traditional and nontraditional education, and similar issues also may be described. The mission statement must be consistent with the Table of Programs and any statutory mission description.

(5) Organized classes--Classes whose primary mode of instruction is lecture, laboratory, or seminar.

(6) Planning—An institution is considered by the Board to be planning for a new degree program if it **takes [intends to engage in]** any action that leads to the preparation of a proposal for a new program, including **[but not limited to]** hiring personnel, including consultants and planning deans, leasing and/or purchasing real estate, building facilities, and/or developing curriculum.

~~(7)~~ [(6)] Program Inventory--The official list of all degree and certificate programs approved for a public community college, university or health-related institution.

~~(8)~~ [(7)] Role and Mission or Role and Scope--Equivalent phrases used to refer to the overall purpose of an institution, including its role within the overall system of Texas higher education. The role and mission ~~[documents]~~ for a university or health-related institution are described in its Mission Statement ~~[and Table of Programs]~~.

~~[(8) Table of Programs--A list of the university and health-related institution degree and certificate programs currently authorized using the Texas Classification of Instructional Programs (CIP) system. For each category and degree program level, authorization shall be designated by a code. The codes shall indicate whether or not degree programs in a particular subject matter category have been authorized for the institution and whether or not they fall within its approved mission.]~~

(9) Texas Classification of Instructional Programs (CIP) Coding System--The Texas adaptation of the federal Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics and used nationally to classify instructional programs and report educational data.

(10) Selected Public Colleges--Those public colleges authorized to offer baccalaureate degrees in Texas.

(11) Statutory mission description--A statement of an institution's mission or purpose that is established directly in statute.

5.24 Submission of Mission Statements and Planning Notification ~~[Table of Programs]~~

(a) When submitting a **Planning Notification** ~~[notification of its [intent to] plan]~~ to add a degree program (baccalaureate, master's, and doctoral) to the institution's program

inventory [Table of Programs], an institution of higher education ***may be requested to*** ~~*[shall first be available to]*~~ address the Board, ~~*upon request,*~~ at a regularly scheduled meeting ***to describe how the institution believes the potential program contributes to the efficient and effective diffusion of education throughout the state while avoiding costly duplication in program offerings, faculties, and physical plants. and An institution*** shall submit ***written*** information to the Board including the title of the ***potential*** proposed program, level, [and] Classification of Instructional Program (CIP) Code, [and] ***anticipated date of proposal submission,*** and provide a brief description of the proposed program ~~*[anticipated costs and revenues during the first five years, and identify the existing or new administrative unit in which the proposed program would be offered].*~~ Planning Notification must occur prior to an institution ***beginning planning for or*** submitting a proposal for a new degree program that requires Board approval.

(b) Review Process.

(1) As provided by Texas Education Code, §61.051(a-5) and §61.052, the Board shall ***regularly*** review the role and mission statements, [the table of programs,] and all ***similar*** degree and certificate programs offered by each public senior university or health related institution. [The review shall include the participation of the institution's board of regents.]

(2) The ***Boards*** [Board] of Regents shall approve or re-approve institutional mission statements. ***Each*** [The] Board of Regents shall provide the Coordinating Board with a [copy of] its current institutional mission statements after any change has been approved [by the Board of Regents].

(3) ***Planning Notification Notification of planning, which may require an institution to address the Board prior to submitting a proposal for a new degree program, must be submitted at least one year prior to submission of a proposal to offer the degree if the proposed program would be a program leading to the award of a "professional degree," as defined by Texas Education Code 61.306, including Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.). [is not] required if [a degree program meets any [all] of the following conditions:]***

[(A) The proposed program would cost more than \$2 million during its first five years of operation [has institutional and Board of Regents approval].

(B) The proposed program is a [non] doctoral program.]

[(C) The proposed program is an engineering [a non-engineering] program (i.e., not classified under CIP code 14)].

[(D) The program would be a baccalaureate program offered by a community college [university or health-related institution].

[(E) the [The] proposed program would be a program leading to the award of a "professional degree," as defined by Texas Education Code 61.306, including Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.). Institutions of higher education that

~~**seek to offer such degrees must submit Planning Notification at least one year prior to submission of a proposal to offer the degree.**~~

5.25 Course Inventories [Approvals] at Public Universities

(a) Each institution shall report its course offerings and changes to its course offerings following procedures established by the Commissioner. The report must specifically identify any course included in the common course numbering system approved by the Board that has been added to or removed from the institution's list of courses, beginning with course lists submitted for the 2014-2015 academic year.

(b) Institutions may not offer courses at levels or in programs not approved by the Board.

AGENDA ITEM IX -V (2)

Consideration of adopting the Committee's recommendation to the Board relating to the proposed amendments to Chapter 5, Subchapter D, Sections 5.71, 5.72, 5.73, 5.76, and 5.78 of Board rules concerning the approval and operation of off-campus educational units

RECOMMENDATION: Approval

Background Information:

The intent of the amendments is to clarify and streamline rules to reflect current statute, rule references, policies, and practices regarding the approval and operation of off-campus educational units.

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: The Texas Tech University System, The University of Texas System, and the Texas A&M University System expressed their objection to language in section 5.76(b) that provides the Commissioner the authority to establish policies to designate off-campus educational units.

Staff Response: The rule to which the system offices are referring was adopted in 2003 as section 5.76(i). The rule was not changed, only reorganized and renumbered in the proposed rules. No change was made in the proposed rules as a result of these comments.

Comment: The Texas Tech University System, The University of Texas System, The University of North Texas System, and the Texas A&M University System expressed their objection to language in section 5.76(c) that provides the Board the authority to withdraw the approval of an off-campus educational unit. Their opinion is that withdrawing the approval of the off-campus educational unit would, in effect, constitute the elimination of degree programs and would be in conflict with statute.

Staff Response: In section 5.76 (c), the word "recognition" was replaced with "approval" in the proposed rule. Staff has reverted the rule back to its original language giving the board authority to withdraw the recognition of an off-campus educational unit, instead of the approval of an off-campus educational unit.

Comment: The Texas Tech University System expressed their objection to language in section 5.76(d) that prohibits off-campus educational units from requesting legislative funding separate from their parent institutions.

Staff Response: The rule to which the system offices are referring was adopted in 2003 as section 5.76(h). The rule was not changed, only reorganized and renumbered in the proposed rules. No change was made in the proposed rules as a result of these comments.

Comment: The Texas A&M University System requested that staff revisit the policy requiring an institution to notify other public institutions within a 50-mile radius of the off-campus teaching site of its intention to offer new programs at the site 60 days prior to proposed first day of instruction.

Staff Response: No time frame is specified in the proposed rules regarding area notification to institutions within a 50-mile radius of off-campus educational units relating to new program delivery. This rule does not apply to notification of planning related to new sites. No change was made in the proposed rules as a result of this comment.

Comment: The Texas A&M University System requested that staff eliminate the repeated definition of multi-institution teaching center from section 5.73(4) and 5.73(5)(C).

Staff Response: The language in the proposed rules serves the purpose of defining the multi-institutional teaching center and how it relates to an off-campus educational unit. No change was made in the proposed rules as a result of this comment.

Comment: The Texas A&M University System expressed their objection to the revision in the language of the University System Center definition in section 5.73(5)(g) that specifies the partners of the center to be two or more of the system's parent institutions. It believes that this language discourages collaboration between community colleges and universities in the operation of the center.

Staff Response: The language in the proposed rules does not prohibit or restrict collaboration with community college partners within a University System Center. No change was made in the proposed rules as a result of this comment.

Comment: The Texas A&M University System expressed their objection to language in section 5.76(e)(1) that requires research at the center be limited to that necessary for the courses and programs offered.

Staff Response: The rule to which the system offices are referring was adopted in 2003 as section 5.76(c)(1). The rule was not changed, only reorganized and renumbered in the proposed rules. No change was made in the proposed rules as a result of these comments.

Legal Review:

Approved by the Office of General Counsel _____ Date: _____

Chapter 5
Rules Applying to Public Universities, Health-Related Institutions, and/or Selected Public
Colleges of Higher Education in Texas

Subchapter D
Operation of Off-Campus Educational Units of Public Senior Colleges, Universities and Health-
Related Institutions

- 5.71 Purpose
- 5.72 Authority
- 5.73 Definitions
- 5.76 General Principles for Off-Campus Educational Units
- 5.78 Supply/Demand Pathway

Note: There is not a section 5.74, 5.75, and 5.76

5.71 Purpose

The provisions of this subchapter define off-campus educational units, establish criteria and procedures applicable to the classification, authorization, operation, and reclassification of these units ~~[and establish the supply/demand pathway as a developmental approach to providing access which allows for the gradual increase of resources as demand grows]~~. The provisions of this subchapter are applicable to all units of public senior colleges, universities and health-related institutions which offer instruction for credit but are geographically separate from their institutions' main campuses.

5.72 Authority

The authority for this subchapter is Texas Education Code, Section 61.051 and Section 61.0512(g).

5.73 Definitions

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

(1) Board--The Texas Higher Education Coordinating Board.

~~[(2) Branch campus--A major, secondary location of an institution offering multiple programs, usually with its own administrative structure and usually headed by a Dean. A branch campus must be established by the Legislature or approved by the Coordinating Board.]~~

(2) ~~[(3)]~~ Commissioner--The Commissioner of Higher Education.

~~[(4) FICE--Identification number assigned to each institution by the Federal Interagency Committee on Education for reporting and other purposes.]~~

~~[(5) FTSE—The full-time student equivalent is determined by dividing the number of semester credit hours (SCH) generated at each level by a full-time standard for the level. For example: undergraduate SCH are divided by 15 (fall or spring semester) or 30 (annual); master's or first-professional SCH are divided by 12 (fall or spring semester) or 24 (annual); and doctoral SCH are divided by 9 (fall or spring semester) or 18 (annual).]~~

~~[(6) Higher education center—A Multi-Institutional Teaching Center, University System Center, or single institution center established by the Legislature or approved by the Coordinating Board for the specific purpose of offering academic credit courses and programs from the parent institution(s). Higher education centers are of a larger size and offer a broader array of courses and programs than higher education teaching sites. They have minimal administration and (usually) locally provided facilities.]~~

~~[(7) Higher education teaching site—An off-campus teaching location that promotes access in an area not served by other public universities. Teaching sites offer a very limited array of courses and/or programs and do not entail a permanent commitment for continued service. Teaching sites may not own facilities, nor are they eligible for state support to acquire or build facilities. Teaching sites do not require Board approval or recognition.]~~

(3) Memorandum of Understanding (MOU)—Formal Agreement between two or more public institutions of higher education that define their roles in the establishment and operation of a multi-institutional teaching center. One or more private institutions may be included in the memorandum of understanding.

(4) [(8)] Multi-Institution Teaching Center (MITC)—An off-campus educational unit [A higher education center] administered under a memorandum of understanding (MOU) [formal agreement] between two or more public higher education institutions. It may also involve one or more private institutions. It has minimal administration and locally provided facilities.

(5) [(9)] Off-campus educational unit--A subdivision under the management and control of a [an existing public university, university system, health-related institution or a combination of these units, hereinafter referred to as the] parent institution(s), in a separate geographic setting with varying degrees of dependence in academic, administrative and fiscal matters. [separate from the parent institution(s).] Off-campus education units include: [teaching sites, higher education centers, university system centers, Multi-Institutional Teaching Centers, regional academic health centers, branch campuses, and all other off-campus educational endeavors.]

(a) Branch campus--A major, secondary location of an institution offering multiple programs, usually with its own administrative structure and usually headed by a Dean. A branch campus must be established by the Legislature or approved by the Board.

(b) Higher education teaching site--An off-campus teaching location that promotes access to a very limited array of courses and/or programs. Teaching sites may not own facilities, nor are they eligible for state support to acquire or build facilities, and do not entail a permanent commitment for continued service. See rule 5.76 (i). While higher education teaching sites do not require Board approval or recognition, institutions must notify the Board and institutions within a 50-mile radius of the teaching site and/or Higher Education Regional Council(s) prior to offering courses and/or programs. Issues and concerns must be resolved following Board policy related to approval of distance education off-campus courses and programs.

(c) Multi-Institution Teaching Center (MITC)—An off-campus educational unit administered under a memorandum of understanding (MOU) between two or more public higher education institutions. It may also involve one or more private institutions. It has minimal administration and locally provided facilities.

(d) Regional Academic Health Center (RAHC)--A special purpose campus of parent health-related institution(s) that may be used to provide undergraduate clinical education, graduate education, including residency training programs, or other levels of medical education in specifically identified counties.

(e) Single institution center-- An off-campus educational unit administered by a single parent institution. It has minimal administration and locally provided facilities.

(f) Special Purpose Campus--A major, secondary location of an institution offering programs related to specific and limited field(s) of study, usually with its own administrative structure and usually headed by a Dean. Regional Academic Health Centers are considered special-purpose campuses. Special Purpose Campuses must be established by the Legislature or approved by the Board.

(g) University System Center (USC)-- An off-campus educational unit administered by a single university system comprised of two or more of the system's parent institutions. A memorandum of understanding must be established between all parties that governs the operations of the USC. It has minimal administration and locally provided facilities.

~~(6)[(10)] Parent institution—General academic teaching institution, medical or dental unit, or university system as defined in TEC §61.003 [The general academic institution or health-related institution] that offers its courses, programs or training at an off-campus educational unit. Credit hours are reported by the parent institution and degrees are awarded in the name of the parent institution.~~

~~[(11) Pathway Education Center (PEC)—A higher education center that is on the Supply/Demand Pathway.]~~

~~[(12) Recognized higher education teaching site—A higher education teaching site that is recognized by the Coordinating Board and is included in the Coordinating Board's inventory of statewide teaching sites.]~~

~~[(13) Regional Academic Health Center (RAHC)—A special purpose campus of parent health-related institution(s) that may be used to provide undergraduate clinical education, graduate education, including residency training programs, or other levels of medical education in specifically identified counties.]~~

~~[(14) Special Purpose Campus—A major, secondary location of an institution offering programs related to specific and limited field(s) of study, usually with its own administrative structure and usually headed by a Dean. Regional Academic Health Centers are considered special purpose campuses. Special Purpose Campuses must be established by the Legislature or approved by the Coordinating Board.]~~

~~[(15) Supply/Demand Pathway (SDP)—The Supply/Demand Pathway is a developmental approach to providing access which allows for the gradual increase of resources as demand grows, operating under the principle of avoiding over-commitment as well as under-commitment of state resources.]~~

~~[(16) Texas CIP Classification System—The Texas adaptation of the Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics. The CIP system is used to classify instructional programs and report educational data.]~~

~~[(17) University System Center (USC)—A higher education center administered by a university system or individual institution in a system. It has minimal administration and locally provided facilities.]~~

5.76 General Principles for Off-Campus Educational Units

~~[(a) An off-campus educational unit is not a separate general academic institution and therefore is not independent as regards academic, administrative, and fiscal matters, but has varying degrees of dependence upon the parent institution in such matters.]~~

~~(a)~~~~[(b)]~~ The general purpose of off-campus educational units of all sizes is to meet the education needs of the people of Texas with a level of service that is appropriate for the area and cost effective to offer. Their specific purpose is directly related to the teaching of courses for academic credit from the parent institution(s) and/or for health professions' medical training.

(b) The Commissioner shall establish policies concerning how a location receives designation as a specific type of off-campus educational unit and how to expand educational activities.

(c) The type and name of all off-campus educational units, with the exception of higher education teaching sites, must be approved by the Board. **Recognition [Approval]** of an off-campus educational unit may be withdrawn by the Board.

(d) An off-campus educational unit is financially dependent upon its parent institution(s) and is supported by the budget of the institution(s). It is not eligible to request separate legislative funding. Off-campus educational units should use locally provided facilities, where possible.

(1) Degree programs offered at off-campus educational units must be offered by and in the name of the parent institution(s).

(2) The parent institution must commit to providing a program long enough for a student to have a reasonable opportunity to graduate before the resource is withdrawn or to make other reasonable arrangements for students to complete programs that they have started.

(3) The Board must be notified of programs offered or discontinued at off-campus educational units. The Board shall maintain a list of these degree programs and make that list readily available to the public.

(4) Courses offered at off-campus educational units must be reported separately and accurately in required Board reports. Semester credit hours completed at the unit must be reported appropriately by the parent institution(s) and shall be funded as determined by the Legislature.

(5) The facilities of off-campus educational units shall comply with Chapter 17 of this title, relating to Resource Planning.

~~(e)~~~~[(e)]~~ Off-campus educational units are not intended to duplicate the full array and types of offerings available at regular general academic campuses. Their specific purpose is to: ~~[The intent is to:]~~

(1) Focus on teaching and on delivery of high demand courses and programs for academic credit from the parent institution(s) and/or for health professions' training. Research conducted at off-campus educational units should be limited to that necessary for the courses and programs offered.

(2) Develop articulation agreements with community colleges in the area for provision of lower-division courses. In general, off-campus educational units are not intended to offer lower-division courses. Lower-division courses can only be offered in accordance with Chapter 4, subchapter Q [4.101—4.108] of this title, relating to Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions~~[Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities]~~, and related Board procedures.

~~[(3) Make extensive use of technology to limit the number of faculty required for the location and take full advantage of technological advances that promise to improve quality of learning, access to programs, and efficient use of existing resources. An off-campus educational unit shall meet the Board's technology standards.]~~

~~[(4) Make extensive and effective use of technology in libraries, including full utilization of TexShare electronic resource sharing efforts.]~~

~~(f)[(d)]~~ Degree programs offered at off-campus educational units must be offered by and in the name of the parent institution(s).

~~[(1) No program may be offered at an off-campus educational unit that does not have prior approval to be offered at the parent institution, except under unusual and approved circumstances.]~~

~~—[(2) The Board must be notified of programs offered or discontinued at off-campus educational units. The Board shall maintain a list of these degree programs and make that list readily available to the public.]~~

~~[(3) The parent institution must commit to providing a program long enough for a student to have a reasonable opportunity to graduate before the resource is withdrawn or to make other reasonable arrangements for students to complete programs that they have started.]~~

~~(g)[(e)]~~ Off-campus educational units shall adhere to quality and approval criteria regarding courses, programs, student services and other academic matters contained in §§4.101 - 4.108 of this title (relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities), and in the Approval of Distance Education, including Off-Campus Courses and Programs located in Board policies~~[(Notification and Approval Procedures for Distance Education and Off-Campus Programs and Courses and Guidelines for Institutional Plans for Distance Education and Off-Campus Instruction located in Board policies)]~~.

~~(h)[(f)]~~ [Off-campus educational units shall use locally provided facilities, where possible. Except where specifically authorized by the Legislature or the Board, nothing in these sections is to be interpreted as permitting the acquisition by gift or purchase of real property for the purpose of establishing or operating an off-campus educational unit.] The facilities of off-campus educational units shall comply with Chapter 17 of this title, relating to Resource Planning.

~~[(g) The following faculty-related provisions apply to all off-campus educational units:~~

~~—(1) The majority of faculty members at an off-campus educational unit must, by some means, have significant involvement with the parent institution.~~

~~—(2) Faculty must comply with the provision of §4.277 of this title and related Board policies.~~

~~—(3) Faculty must be hired and evaluated by the same processes and with the same criteria as faculty performing similar duties at the parent institution.~~

~~—(4) The parent institution should not make a permanent commitment to faculty exclusively working at a teaching site or center, unless the faculty will be transferred to the parent institution should their program be eliminated or consolidated.~~

~~—(5) Programs offered by an off-campus educational unit's own faculty should have enrollments sufficient to support efficient operations.]~~

~~[(h) An off-campus educational unit is financially dependent upon its parent institution(s) and supported within the budget of the institution(s). It is not eligible to request separate legislative funding. Institutions should not overcommit resources to a geographic area before a sufficient and sustained level of demand is achieved. Formula-generated funds earned at an off-campus educational unit are expected to be applied to financing its operation.]~~

~~[(i) The Commissioner shall establish policies concerning how a location receives designation as a specific type of off-campus educational unit and how to expand educational activities.]~~

~~[(j)]~~ [(j)] Courses offered at off-campus educational units must be reported separately and accurately in required Board reports. Semester credit hours completed at the unit must be reported appropriately by the parent institution(s) and shall be funded as determined by the Legislature.

~~[(k) An off-campus educational unit shall be headed by an appropriate administrator whose title does not suggest that the unit is an independent institution. The number of local administrators and faculty shall be less than that at a free-standing general academic institution of comparable size. Additional administrative and academic program support shall be provided by the parent institution(s) and the system(s).]~~

~~[(l) Approval [A higher education center's name must be approved by the Board, and may not be changed without prior Board approval. Recognition] of a higher education center may be withdrawn by the Board.]~~

5.78 Supply/Demand Pathway

(a) The Board has developed the Supply/Demand Pathway (SDP) as a particular way to address anticipated large-scale enrollment demand in a specified region. The SDP [Supply/Demand Pathway] shall be used as the model to address higher education needs in areas without ready geographic access to existing public higher education institutions. The general principles set forth in §5.76 of this title (relating to General Principles for Off-Campus Educational Units) are even more significant in regard to the larger scale efforts designated as SDP [Supply/Demand Pathway] initiatives.

(b) An off-campus educational unit is on the "Pathway" when it is awarded that designation by the Board.

(c) The SDP [supply/demand pathway] consists of three categories:

(1) Category A. Institutions temporarily test the market both in terms of demand and staying power by providing off-campus courses and/or programs by one or more institutions. Should demand decrease or not materialize, courses and programs can be discontinued and resources moved to areas of greater demand.

(2) Category B. As demand increases, offerings may be organized through a multi-institution teaching center or as a university system center as a Pathway Education Center (PEC). A group of institutions may request that the Board authorize the establishment of a MITC. Alternatively, a university system may request that the Board authorize the establishment of a university system center. In either case, a lead institution shall be designated to provide leadership for the center and facilitate the provision of programs and resources from other institutions.

(3) Category C. After an entity in Category B has attained a full-time equivalent upper-level and graduate enrollment of 3,500 for one fall semester, the parent institution(s) and Board(s) of Regents may request that the Board review the status of the center and recommend that the Legislature reclassify the unit as an upper-level general academic institution--a university. The 3,500 FTSE standard approximates the headcount enrollment included in the current university funding formula as the minimum size needed to achieve economies of scale.

(d) Counting. The following general criteria and standards will be used to determine enrollments applicable to the SDP [~~Supply/Demand-Pathway~~] thresholds.

(1) Upper-division and graduate semester credit hours generated in academic courses delivered by the parent universities or by other institutions to on-site students at a PEC [~~Pathway Education Center (PEC)~~] shall be counted towards the relevant SDP [~~Supply/Demand Pathway (SDP)~~] threshold.

(2) Upper-division and graduate semester credit hours generated in academic courses delivered electronically to students on-site at a PEC [~~Pathway Education Center~~] shall be counted towards the SDP threshold. For interactive video courses that originate at a PEC, only students taking the course at the PEC shall be counted.

(3) Upper-division and graduate semester credit hours generated in academic Internet-based courses and other courses offered in non-traditional formats that do not require the physical presence of the student at a PEC for a normal number of contact hours shall not be counted.

(4) Lower-division semester credit hours generated in academic courses offered at PECs shall not be counted towards the thresholds except when:

(A) the courses are required at the lower-division level for degree programs offered at the PEC,

(B) the courses are not offered by community colleges in the vicinity of the Center,

(C) the courses have been reviewed by Higher Education Regional Councils as described in Chapter 4.107(b) of this title, relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities, and related Board procedures, and

(D) the [~~Coordinating~~] Board has granted permission to teach the courses at the PEC.

(5) Enrollments in extension courses, continuing education and non-formula funded courses shall not be counted towards the thresholds.

(6) Semester credit hours generated in courses that do not receive formula funding (e.g., military science, theology and religious vocations, some basic skills, personal awareness) shall not be counted toward the thresholds.

AGENDA ITEM IX-V (3)

Consideration of adopting the Committee's recommendation to the Board 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 it 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 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 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 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 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.

Legal Review:

Approved by the Office of General Counsel _____ Date: _____

Chapter 7
Degree Granting Colleges and Universities Other Than Texas Public Institutions

Subchapter A
General Provisions

- 7.1 Purpose
- 7.2 Authority
- 7.3 Definitions
- 7.4 Standards for Operation of Institutions
- 7.5 Administrative Penalties and Injunctions
- 7.6 Recognition of Accrediting Agencies
- 7.7 Institutions Accredited by Board-Recognized Accreditors
- 7.8 Institutions Not Accredited by a Board-Recognized Accreditor
- 7.9 Religious Institutions Offering Degrees in Religious Disciplines
- 7.10 Registration of Agents
- 7.11 Changes of Ownership and Other Substantive Changes
- 7.12 Review and Use of Degrees from Institutions Not Eligible for Certificates of Authority
- 7.13 Student Data Reporting
- 7.14 Distance Education Approval Processes for Degree Granting Colleges and Universities Other Than Texas Public Institutions

7.1 – 7.2 No Changes.

7.3 Definitions

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

~~[(1) Academic Associate Degree Program--A grouping of courses designed to transfer to an upper-level baccalaureate program. This specifically refers to the associate of arts and the associate of science degrees.]~~

(1) ~~[(2)]~~ Accreditation--The status of public recognition that an accrediting agency grants to an educational institution.

(2) ~~[(3)]~~ Accrediting Agency--A legal entity recognized by the Secretary of Education of the United States Department of Education as an accrediting agency that conducts accreditation activities through voluntary peer review and makes decisions concerning the accreditation status of institutions, including ensuring academic, financial, and operational quality. A Board-recognized Accrediting Agency is any accrediting agency authorized by the Secretary of Education of the United States Department of Education to accredit educational institutions that offer the associate degree or higher, the standards of accreditation or membership for which have been found by the Board to be sufficiently comprehensive and rigorous to qualify its institutional members for an exemption from certain provisions of this chapter.

AGENDA ITEM IX-V (4)

Consideration of adopting the Committee's recommendation to the Board relating to proposed amendments to Chapter 21, Subchapter B, Sections 21.21 – 21.30, Chart I, and Chart II of Board rules, concerning the Determination of Resident Status

RECOMMENDATION: Approval

Background Information:

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Chapter 21, Subchapter B, Determination of Resident Status, Sections 21.21 – 21.30.

Specifically, Section 21.21 is amended to specify Chapter 54 of the Texas Education Code (TEC) as the chapter requiring the Board to adopt these rules.

Section 21.22 is amended to remove outdated language and terms that are not used in Subchapter B, Determination of Resident Status, and to clarify certain definitions. Section 21.22 is also amended to add a definition for deferred action.

Section 21.23 is amended to clarify that the rules adopted by the Board in October 2016 are effective beginning with residency decisions made after the census date of the 2017 fall semester.

Section 21.24 is amended to add a new subsection (b), Texas Residency, to list required documentation to support a physical presence in the state. This language was formerly in Chart II, which is proposed for repeal. The following subsections are renumbered accordingly. Renumbered Section 21.24(c) removes the term "residence." For those persons trying to establish domicile under Section 21.24(a)(2) and (3), domicile is the defining factor in establishing whether a person may pay in-state tuition and a residence in this state merely lends support to the establishment and maintenance of domicile in Texas. Renumbered Section 21.24(d)(3) is amended to clarify that certain nonresident classifications are eligible to maintain domicile. Renumbered new Section 21.24(d)(5) is amended to delete "special agricultural worker" as that category was repealed by Sec. 219(ee)(1) of the Immigration and Nationality Act of 1994 (Pub. L. 103-416, 108 Stat. 4319, Oct. 25, 1994). Current subsection (e) is being re-designated as subsection (f), which is amended to clarify how a person who qualifies as a resident under Section 21.24(a)(2) and (a)(3) may establish and maintain a Texas domicile for the requisite number of months. Current Section 21.24(e)(1) through (e)(4) are proposed for repeal. New Sections 21.24(f)(1) and (f)(2) contain language from Chart II to provide more detailed information about how to establish and maintain domicile.

Section 21.25(b) is amended to delete the Attached Graphic titled, "Chart II, Documentation to Support Establishing and Maintaining Domicile in Texas," and the chart's key elements are integrated into Sections 21.24(b) and (f) in order to better tie the bases for establishing and maintaining domicile to relevant documentation. (Chart I will no longer be referred to as such

since Chart II has been deleted. Rather, it will be referred to as Figure: 19 TAC §21.25(a)(1)(B), Affidavit.)

Section 21.26 is amended to more clearly state the instances when a student is entitled to remain classified as a resident of this state and when a student must provide updated information to prove he or she is entitled to resident tuition.

Section 21.27 is amended to remove the reference to Chart II and because the language in repealed Chart II is now in Section 21.24 and Section 21.25, adds a reference to Section 21.24.

Section 21.28 is amended to more closely align with the language of TEC Section 54.056. In accordance with this statutory provision, regardless of the reason, if an institution of higher education erroneously classifies a person as a nonresident of this state, the institution must refund to the person the amount of tuition the person paid in excess of resident tuition.

Section 21.29 is amended to clarify that an institution's Residence Determination Official is responsible for residency determinations for the institution.

Section 21.30 is amended to clarify that an institution must retain documentation proving that the person is a resident of this state for those individuals described in Section 21.25(a)(1)(B).

Corrections to rule structure and terminology were made throughout Subchapter B, as appropriate.

Kathy Cordova, Assistant General Counsel, will be 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* ended on: September 12, 2016

The following comments were received regarding the amendments:

Comment: Texas State University suggested the addition of language to Section 21.21 to bolster the weight of Residency Determination Officials' decisions as their "judgment has always been implied, but needs to be put in the code to answer challenges."

Staff Response: Staff does not agree that additional language to Section 21.21 is necessary as this issue has been addressed in proposed 19 Texas Administrative Code (TAC) Section 21.29, which clarifies the role of the Residency Determination Official. No change was made in the rules as a result of this comment.

Comment: Texas State University suggests the addition of the following language to the definition of "gainful employment" in proposed Section 21.22(11) to clarify what documentation may be considered earnings to support a claim of gainful employment: pensions, veterans' benefits, social security, and savings from previous earnings.

Staff Response: Staff agrees with the institution's comment and has amended the definition of "gainful employment" to include pensions, veterans' benefits, social security, and savings from previous earnings as examples of what may constitute earnings for the purpose of determining gainful employment.

Comment: Texas State University suggests the addition of language to the definition of "temporary absence" in proposed Section 21.22(29) to expand its applicability to anyone who has established residency in this state. Currently, it's limited to those who have established domicile and excludes those who have met the criteria for in-state residency through the 36-month approach.

Staff Response: Staff agrees with the institution's suggestion and has amended the definition of "temporary absence" to indicate the definition applies to those who have previously met the criteria for in-state residency.

Comment: Texas State University suggests a change to the example of what is considered a short duration from 30 days to one year since a person must generally live in Texas for a year to establish residency.

Staff Response: Staff agrees with the institution's suggestion and has amended the definition of "temporary absence" to change the example of what is considered a short duration from 30 days to one year.

Comment: Texas State University suggests staff clarify whether a person granted Deferred Action for Childhood Arrival (DACA) status is able to establish and maintain domicile as is indicated in proposed Section 21.24(d)(5) ("a person granted deferred action status by USCIS").

Staff Response: Staff agrees with the institution's comment. The definition of a person granted deferred action status by USCIS as described in Section 21.24(d)(5) could be clearer. Therefore, staff has added a definition of "deferred action status" to Section 21.22, Definitions.

Comment: Texas State University suggests adding language to subsection 21.24(f)(1)(A)(i) to specify what may be considered earnings to support a claim of gainful employment for purposes of establishing residency.

Staff Response: Staff agrees with the institution's suggestion and has added additional examples of what constitutes earnings to proposed Section 21.24(f)(1)(A)(i).

Comment: Texas State University commented that the proposed change to Section 21.30 implies the new rule requires retention of ALL residency-related documentation, but the actual rule language seems to only address the affidavit.

Staff Response: Staff believes the proposed rule is clear as to which documentation must be retained. Section 21.30 references Section 21.25(a)(1)(B), which only refers to a student's submission of an affidavit if the person qualifies for residency under Section 21.24(a)(1). No change was made in the rules as a result of this comment.

Comment: Texas State University suggest the proposed rule should also specify institutions retain records until students who establish domicile under Section 21.24 have actually achieved permanent resident status (whether via green card, or I-797 receipt for I-485 application).

Staff Response: TEC Section 54.053(3)(B), establishes the requirement for persons who are not citizens or permanent residents to submit an affidavit to their institutions if they are trying to establish a claim to residency under TEC Section 54.052(a)(3). It further indicates that the affidavit is to state, "that the person will apply to become a permanent resident of the United States as soon as the person becomes eligible to apply." Staff believes the institution's obligation is met once the student submits an application for Permanent Resident status. No change was made to the rules as a result of this comment.

Comment: The University of Texas (UT) System expressed its objection to the repeal of the definition in Section 21.22 of "Erroneously classifies a person as a nonresident" as it believes the applicable statute requiring the refund of excess tuition charged a student who the institution classifies as a nonresident and who should have been classified as a resident "pertains only when 'an institution of higher education erroneously classifies a person as a nonresident of the state,' not when the student is the source of the error."

Staff Response: The proposed rule change will align residency rules with TEC Section 54.056(b), which states that "[r]egardless of the reason for the error," an institution must refund a student erroneously charged nonresident tuition. No change was made in the rules as a result of this comment.

Comment: The UT System expressed its objection to the proposed change to the existing definition of "temporary absence" in Section 21.22(29). UT System believes the proposed change "will introduce ambiguity likely to make the rule more difficult to administer."

Staff Response: Staff believes that five years is too long a period of absence to be considered "temporary," however, staff is in agreement with another stakeholders' suggestion that one year is a more appropriate timeframe than 30 days. Therefore, although the agency recognizes there may be circumstances in which a longer term may be considered temporary, staff has amended the proposed language in this definition to one year.

Legal Review:

Approved by the Office of General Counsel _____ Date: _____

CHAPTER 21. STUDENT SERVICES

SUBCHAPTER B. DETERMINATION OF RESIDENT STATUS

Section

- 21.21. Authority and Purpose.
- 21.22. Definitions.
- 21.23. Effective Date of Subchapter.
- 21.24. Determination of Resident Status.
- 21.25. Information Required to Establish Resident Status.
- 21.26. Continuing Resident Status.
- 21.27. Reclassification Based on Additional or Changed Information.
- 21.28. Errors in Classification.
- 21.29. Residence Determination Official.
- 21.30. Special Procedures for Documenting Compliance.

21.21. Authority and Purpose.

Texas Education Code, §54.075, requires the Board to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, concerning the determination of resident status for tuition purposes.

21.22. Definitions.

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

(1) – (3) (No change.)

(4) Core Residency Questions--The questions promulgated by the Board to be completed by a person and used by an institution as a significant aid in determining [to determine] if the person is a Texas resident. [~~For enrollments prior to the 2008-2009 academic year, institutions may use the core questions developed and distributed by the Board in 1999 or later, including the core questions included in the ApplyTexas Application, or the core questions set forth in current Board rules or posted on the Texas Higher Education Coordinating Board web site.~~] The core questions [to be used for enrollments on or after the 2008-2009 academic year] shall be those set forth [the core questions] in the ApplyTexas Application or [~~core questions~~] posted on the Board web site.

(5) Deferred action--Discretionary determination to defer a removal action of an individual as an act of prosecutorial discretion. An individual who has received deferred action is authorized by Department of Homeland Security (DHS) to be present in the United States, and is therefore considered by DHS to be lawfully present during the period deferred action is in effect.

~~(6)~~~~(5)~~ Dependent--A person who:

(A) is less than 18 years of age and has not been emancipated by marriage or court order; or

(B) is eligible to be claimed as a dependent of a parent of the person for purposes of determining the parent's income tax liability under the Internal Revenue Code of 1986.

~~(7)~~~~(6)~~ Domicile--A person's principal, permanent residence to which the person intends to return after any temporary absence.

~~(8)~~~~(7)~~ Eligible for Permanent Resident Status--A person who has filed an I-485 application for permanent residency and has been issued a fee/filing receipt or notice of action by the United States Citizenship and Immigration Services (USCIS) showing that his or her I-485 has been reviewed and has not been rejected.

~~(9)~~~~(8)~~ Eligible Nonimmigrant--A person who has been issued a type of nonimmigrant visa by the USCIS that permits the person to establish and maintain domicile in the United States.

~~[(9) Erroneously classifies a person as a nonresident--An action done if an institution, in spite of information to the contrary that is provided by the student by the census date of a given semester, fails to classify an otherwise eligible student as a resident.]~~

(10) Established domicile in Texas--Physically residing in Texas, with the intent to maintain domicile in Texas, for at least the 12 consecutive months immediately preceding the census date of the term of enrollment, allowing for documented temporary absences.

~~[(11) Financial need--An economic situation that exists for a student when the cost of attendance at an institution of higher education is greater than the resources the family has available for paying for college. In determining a student's financial need an institution must compare the financial resources available to the student to the institution's cost of attendance.]~~

~~(11)~~~~(12)~~ Gainful employment--Employment intended to provide an income to a person or allow a person to avoid the expense of paying another person to perform the tasks (as in child care) that is sufficient to provide at least one-half of the individual's tuition, fees and living expenses as determined in keeping with the institution's student financial aid budget or that represents an average of at least twenty hours of employment per week. A person who is self-employed or who is living off his/her earnings (present or past - such as pensions, veterans' benefits, social security, and savings from previous earnings) may be considered gainfully employed for purposes of establishing residency, as may a person whose primary support is public assistance.

Employment conditioned on student status, such as work study, the receipt of stipends, fellowships, or research or teaching assistantships does not constitute gainful employment for purposes of residency determination.

~~(12)~~~~(13)~~ General Academic Teaching Institution--As ~~[the term is]~~ defined in Texas Education Code~~[,]~~ §61.003~~(3)~~.

~~(13)~~~~(14)~~ Independent institution--As defined in Texas Education Code~~[,]~~ §61.003~~(15)~~.

~~(14)~~~~(15)~~ Institution or institution of higher education--Any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in Texas Education Code~~[,]~~ §61.003~~(8)~~.

~~(15)~~~~(16)~~ Legal guardian--A person who is appointed guardian under the Texas Probate Code, Chapter 693, or a temporary or successor guardian.

~~(16)~~~~(17)~~ Maintain domicile--Physically residing ~~[To physically reside]~~ in Texas such that the person always intends to ~~[always]~~ return to the state after a temporary absence. The maintenance of domicile is not interrupted by a temporary absence from the state~~[, as provided in paragraph (30) of this section]~~.

~~(17)~~~~(18)~~ Managing conservator--A parent, a competent adult, an authorized agency, or a licensed child-placing agency appointed by court order issued under the Texas Family Code, Title 5.

~~(18)~~~~(19)~~ Nonresident tuition--The amount of tuition paid by a person who is not ~~[does not qualify as]~~ a Texas resident and who is not entitled or permitted to pay resident tuition under this subchapter ~~[unless such person qualifies for a waiver program under Subchapter SS of this title (relating to Waiver Programs for Certain Nonresident Persons)]~~.

~~(19)~~~~(20)~~ Nontraditional secondary education--A course of study at the secondary school level in a nonaccredited private school setting, including a home school.

~~(20)~~~~(21)~~ Parent--A natural or adoptive parent, managing or possessory conservator, or legal guardian of a person. The term would not otherwise include a step-parent.

~~(21)~~~~(22)~~ Possessory conservator--A natural or adoptive parent appointed by court order issued under the Texas Family Code, Title 5.

~~(22)~~~~(23)~~ Private high school--A private or parochial school in Texas.

~~(23)~~~~(24)~~ Public technical institute~~[or college]~~--As defined in Texas Education Code ~~[,]~~ Section 61.003(7) ~~[The Lamar Institute of Technology or any campus of the Texas State Technical College System]~~.

~~(24)~~~~(25)~~ Regular semester--A fall or spring semester, typically consisting of 16 weeks.

~~(25)~~~~(26)~~ Residence--A person's home or other dwelling place; where a person resides.

~~(26)~~~~(27)~~ Residence Determination Official--The primary individual at each institution who is responsible for the accurate application of state statutes and rules to individual student cases.

~~(27)~~~~(28)~~ Resident tuition--The amount of tuition paid by a person who qualifies as a Texas resident under this subchapter.

~~(28)~~~~(29)~~ Residential real property--Real property on which a dwelling fit for long-term human habitation is located.

~~(29)~~~~(30)~~ Temporary absence--Absence from the State of Texas by a person who previously met the criteria for in-state residency ~~[has established domicile in the state]~~, with the intention to return, generally for a period of short duration (i.e., less than one year). ~~However, in some situations, the absence can be significantly longer [less than five years].~~ For example, the temporary absence of a person or a dependent's parent from the state for the purpose of service in the U. S. Armed Forces, U. S. Public Health Service, U. S. Department of Defense, U. S. Department of State, as a result of an employment assignment, or for educational purposes, shall not affect a person's ability to continue to claim that Texas is his permanent residence ~~[or her domicile]~~.

~~(30)~~~~(31)~~ United States Citizenship and Immigration Services (USCIS)--The bureau of the U.S. Department of Homeland Security that is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities.

21.23. Effective Date of this Subchapter.

~~[Each institution shall apply this subchapter beginning with enrollments for the Fall Semester, 2006.]~~ Changes to this subchapter adopted in October 2016 ~~[January 2011]~~ are effective with residency decisions made after the census date of the Fall Semester, 2017 ~~[2011]~~.

21.24. Determination of Resident Status.

(a) The following persons shall be classified as Texas residents and entitled to pay resident tuition at all institutions of higher education:

- (1) a person who:

(A) graduated from a public or accredited private high school in this state or ~~[, as an alternative to high school graduation,]~~ received the equivalent of a high school diploma in this state, including the successful completion of a nontraditional secondary education, and

(B) (No change.)

(2) – (3) (No change.)

(b) Texas Residency: The following is a list of documents that may provide support to a claim of physical residence in Texas.

(1) Utility bills for the 12 consecutive months preceding the census date;

(2) Cancelled checks that reflect a Texas residence for the 12 consecutive months preceding the census date;

(3) A current credit report that documents the length and place of residence of the person or the dependent's parent to be in Texas and the length of residence to be at least 12 consecutive months preceding the census date;

(4) Texas voter registration card that was issued at least 12 months prior to the census date;

(5) Lease or rental of residential real property in the name of the person or the dependent's parent for the 12 consecutive months immediately preceding the census date;

(6) Texas high school transcript for full senior year immediately preceding the census date or a transcript from a Texas institution of higher education showing presence in the state for the 12 consecutive months preceding the census date.

(c) The student has the burden of proof to show by clear and convincing evidence that ~~[residence or]domicile[, as appropriate,]~~ has been established and maintained as required by subsections (a)(2) and (a)(3) ~~[in accordance with subsection (a)]~~ of this section.

(d)[(e)] The following non-U. S. citizens are eligible to establish and maintain domicile in this state for the purposes of subsection (a)(2) or (3) of this section:

(1) – (2) (No change.)

(3) a [an eligible] nonimmigrant who holds one of the types of visas identified as eligible to domicile~~[posted on the Coordinating Board's web site];~~

(4) (No change.)

(5) a person holding Temporary Protected Status, and Spouses and Children with approved petitions under the Violence Against Women Act (VAWA), an applicant with an approved USCIS I-360, [~~Special Agricultural Worker,~~] and a person granted deferred action status by USCIS;

(6) – (7) (No change.)

~~(e)~~[(d)] The domicile of a dependent's parent is presumed to be the domicile of the dependent unless the dependent establishes eligibility for resident tuition under subsection (a)(1) of this section.

~~(f)~~ [(e)] Although not conclusive or exhaustive, the following factors occurring throughout a consecutive 12-month period prior to ~~[at least 12 consecutive months immediately preceding]~~ the census date of the semester in which a person seeks to enroll may lend support to a claim regarding his/her intent to establish ~~[and maintain]~~ domicile in Texas. Continued presence in the state from the end of that period until the census date of the semester in which a person seeks to enroll, except for temporary absences as defined in §21.22(28), may lend support to a claim of maintaining domicile in Texas:

(1) Establishment of Domicile:

(A) Significant Gainful Employment:

(i) An employer's statement of dates of employment in Texas (beginning and current or ending dates) that encompass at least 12 consecutive months prior to the census date of the term in which the person enrolls or pay stubs for 12 consecutive months prior to the census date, reflecting significant gainful employment in Texas, or proof of other earned income such as pensions, veterans' benefits, social security, and savings from previous earnings for 12 consecutive months prior to the census date. However, employment conditioned on student status, such as work study, the receipt of stipends, fellowships, or research or teaching assistantships does not constitute gainful employment for the purposes of this subchapter.

(ii) For a person who is unemployed and living on public assistance, written statements from the office of one or more social service agencies located in Texas that attest to the provision of services to the person for the 12 consecutive months prior to the census date of the term in which the person enrolls.

(B) Residential Real Property. Sole or joint marital ownership of residential real property in Texas with documentation to verify 12 consecutive months of ownership prior to the census date of the term in which the person enrolls, such as a Warranty Deed, with the person or the dependent's parent having established and maintained domicile at that residence.

(C) Marriage to a Person who has Established and Maintained Domicile in Texas Marriage Certificate or Declaration of Registration of Informal Marriage with documentation to support that spouse has established and maintained domicile in Texas for 12 consecutive months prior to the census date of the term in which the person enrolls.

(D) Ownership of a Business Entity. Documents that evidence the organization of the business in Texas that reflect the ownership interest of the person or dependent's parent, and the customary management of the business by the person or dependent's parent without the intention of liquidation for the foreseeable future.

(2) Maintenance of Domicile: A person who established domicile through one of the actions described in paragraph (1) of this subsection and continues to reside in the State of Texas, except for temporary absences as defined in §21.22(29) of this subchapter, is considered to have maintained domicile in Texas for that period of time unless he or she takes specific steps to change his or her domicile to a different location.

~~[(1) sole or joint marital ownership of residential real property in Texas by the person seeking to enroll or the dependent's parent, having established and maintained domicile at that residence;]~~

~~[(2) ownership and customary management of a business by the person seeking to enroll or the dependent's parent, in Texas which is regularly operated without the intention of liquidation for the foreseeable future;]~~

~~[(3) gainful employment in Texas by the person seeking to enroll or the dependent's parent;]~~

~~[(4) marriage, by the person seeking to enroll or the dependent's parent, to a person who has established and maintained domicile in Texas.]~~

~~(g)~~~~(f)~~ An individual whose initial purpose for moving to Texas is to attend an institution of higher education as a full-time student will be presumed not to have the required intent to make Texas his or her domicile; however, the presumption may be overruled by clear and convincing evidence.

~~(h)~~~~(g)~~ An individual shall not ordinarily be able to establish domicile by performing acts which are directly related to fulfilling educational objectives or which are required or routinely performed by temporary residents of the State.

~~(i)~~~~(h)~~ A member of the United States Armed Services whose Home of Record with the military is Texas is presumed to be a Texas resident, as are his or her spouse and dependent children. A member whose Home of Record is not Texas but who provides the institution Leave and Earnings Statements that show the member has claimed Texas as his or her place of residence for the 12 consecutive months prior to enrollment is presumed to be a Texas resident, as are his or her spouse and dependent children.

21.25. Information Required to Initially Establish Resident Status.

(a) To initially establish resident status under §21.24 of this title (relating to Determination of Resident Status),

(1) a person who qualifies for residency under §21.24(a)(1) shall provide the institution with:

(A) a completed set of Core Residency Questions; and

(B) if the person is not a Citizen of the United States or a Permanent Resident of the U.S., the person shall, in addition to the other requirements of this section, provide the institution with a signed affidavit (in the form provided in Chart I, which is incorporated into this subchapter for all purposes), stating that the person will apply to become a Permanent Resident of the U.S. as soon as the person becomes eligible to apply.

Figure: 19 TAC §21.25(a)(1)(B)

(2) (No change)

(b) An institution may request that a person provide documentation to support or clarify the answers to the Core Residency Questions. Appropriate documents are not limited to those listed in §21.24 of this subchapter (related to Determination of Resident Status) [Chart II, which is incorporated into this subchapter for all purposes]. In addition, the institution may request documents that support the information the student may provide in the Core Residency Questions, Section H.

[Figure: 19 TAC §21.25(b)]

(c) (No change.)

21.26. Continuing Resident Status.

(a) Except as provided under subsection (b) [(c)] of this section, a person classified by an institution of higher education as a resident of this state under this subchapter is entitled, without submitting the information required by §21.24 and §21.25 of this subchapter, to be classified as a resident by any institution in each subsequent academic term in which the person enrolls unless the person provides information to the institution that indicates a change in resident status is appropriate as indicated in §21.27 of this subchapter. ~~[who was enrolled in an institution for any part of the previous state fiscal year and who was classified as a resident of this state under Chapter 54, Subchapter B, Texas Education Code, in the last academic period of that year for which the person was enrolled is considered to be a resident of this state for purposes of this subchapter, as of the beginning of the following fall semester. If an institution acquires documentation that a person is a continuing student who was classified as a resident at the previous institution, no additional documentation is required. The person is not required to complete a new set of Core Questions.]~~

(b) If a person is not enrolled in an institution of higher education for two or more consecutive regular semesters, then the person must reapply for resident status and shall submit the information required in §21.24 and §21.25 of this subchapter and satisfy all the applicable requirements to establish residency.

~~[(b) Except as provided by subsection (c) of this section, a person who has established resident status under this subchapter is entitled to pay resident tuition in each subsequent academic semester in which the person enrolls at any institution.]~~

~~[(c) A person who enrolls in an institution after two or more consecutive regular semesters during which the person is not enrolled in a public institution shall submit the information required in §21.25 of this title, (relating to Information Required to Initially Establish Resident Status), and satisfy all the applicable requirements to establish resident.]~~

21.27. Reclassification Based on Additional or Changed Information.

(a) If a person is initially classified as a nonresident based on information provided through the set of Core Residency Questions, the person may request reclassification by providing the institution with supporting documentation such as described in §21.24 and §21.25 [Chart II, which is incorporated into §] and §21.25[(b)] of this subchapter [title (relating to Information Required to Initially Establish Resident Status)].

(b) – (d) (No change.)

21.28. Errors in Classification.

(a) If an institution erroneously classifies ~~[permits]~~ a person as a ~~[to pay]~~ resident ~~[tuition and the person is not entitled or permitted to pay resident tuition under this subchapter]~~, the institution shall charge nonresident tuition to the person beginning with the semester following the date that the institution discovers the error.

(1) [(b)] Not earlier ~~[later]~~ than the first day of the following semester, the institution may notify the person that he or she must pay the difference between resident and nonresident tuition for each previous semester in which the student should not have paid resident tuition, if:

(A) [(1)] the person failed to provide to the institution, in a timely manner after the information becomes available or on request by the institution, any information that the person reasonably should know would be relevant to an accurate classification by the institution under this subchapter information; or

(B) [(2)] the person provided false information to the institution that the person reasonably should know could lead to an erroneous classification by the institution under this subchapter.

(2) [(c)] If the institution provides notice under paragraph (1) of this subsection ~~[(b) of this section]~~, the person shall pay the applicable amount to the institution not later than the 30th day after the date the person is notified of the person's liability for

the amount owed. After receiving the notice and until the amount is paid in full, the person is not entitled to receive from the institution a certificate or diploma, if not yet awarded on the date of the notice, or official transcript that is based at least partially on or includes credit for courses taken while the person was erroneously classified as a resident of this state.

(b) If an institution erroneously classified a person as a nonresident of this state under this subchapter and the person is entitled or permitted to pay resident tuition, the institution shall charge resident tuition to the person beginning with the semester in which the institution discovered the error. Regardless of the reason for the error, the institution shall immediately refund to the person the amount of tuition the person paid in excess of resident tuition.

~~[(d) If an institution erroneously classified a person as a resident of this state under this subchapter and the person is entitled or permitted to pay resident tuition under this subchapter, that person is not liable for the difference between resident and nonresident tuition under this section.]~~

~~[(e) If an institution erroneously classifies a person as a nonresident and the person is a resident under this subchapter, the institution shall refund the difference in resident and nonresident tuition for each semester in which the student was erroneously classified and paid the nonresident tuition rate.]~~

21.29. Residence Determination Official.

Each institution shall designate an individual who is employed by the institution as a Residence Determination Official who shall be knowledgeable of the requirements set out in this subchapter and the applicable statutes and is responsible for residency determinations for the institution.

21.30. Special Procedures for Documenting Compliance.

(a) For persons who must provide documentation in accordance with §21.25(a)(1)(B), ~~[Signed affidavits, acquired by]~~ public or independent institutions of higher education must retain such documentation ~~[in keeping with §21.25(a)(1)(B) of this chapter, (relating to Information Required to Initially Establish Resident Status), must be retained]~~ in [a] paper or electronic format either permanently ~~[by the institution]~~ or until the students (current and former) provide proof that they have applied for Permanent Resident status.

(b) A public or independent institution of higher education that classifies a nonimmigrant ~~[person who is not a Citizen or Permanent Resident of the United States]~~ as a resident under §21.24(a)(1) of this chapter (relating to Determination of Resident Status) shall:

(1) instruct such students upon admission, annually while the students are enrolled, and upon graduation of their obligation to apply for Permanent Resident status as soon as the person is eligible to do so, and

(2) (No change.)

~~[(c) The provisions of this section apply to all persons who are nonimmigrants not Citizens or Permanent Residents of the United States and who are enrolled and classified as residents under §21.24(a)(1) of this chapter by a public or independent institution of higher education during any part of the 2011-2012 academic year or later.]~~

Figure: 19 TAC §21.25(a)(1)(B)**[Chart-I]
AFFIDAVIT****STATE OF TEXAS****§****§****COUNTY OF _____****§**

Before me, the undersigned Notary Public, on this day personally appeared _____, known to me, who being by me duly sworn upon his/her oath, deposed and said:

1. My name is _____. I am ____ years of age. I have personal knowledge of the facts stated herein and they are all true and correct.
2. I graduated or will graduate from a Texas high school or received my State of Texas Certificate of High School Equivalency [~~GED certificate in Texas~~] prior to the start of the term for which I am applying for admission.
3. I resided or will have resided in Texas for thirty-six months preceding [~~leading up to~~] graduation from a Texas high school or receiving my State of Texas Certificate of High School Equivalency [~~GED certificate~~].
4. I have resided or will have resided in Texas for the 12 months immediately preceding the census date of the semester in which I will enroll in _____.
(college/university)
5. I have filed or will file an application to become a permanent resident of the United States as soon as I am eligible to do so.

In witness whereof, this _____ day of _____, _____.

(Signature)

(Printed Name)

(Student I.D. #)

(Student Date of Birth)

SUBSCRIBED TO AND SWORN TO BEFORE ME, on the ____ day of _____, _____, to certify which witness my hand and official seal.

Notary Public in and for the State of Texas

[Figure: 19 TAC §21.25(b)]

Revised Chart II
Documentation to Support Establishing and Maintaining Domicile in Texas

The following documentation may be requested by the institution regarding a person's responses to the Core Residency Questions. Documents that may be used as proof that:

- (1) The person or the dependent's parent established domicile in Texas, and
- (2) The person or the dependent's parent has maintained domicile in Texas continuously for at least 12 consecutive months immediately preceding the census date of the term in which the person enrolls, include but are not limited to the following:

<p style="text-align: center;">Part A Documents that may Support the Establishment of Domicile in Texas and Maintenance of Domicile in Texas</p>
<p>(1) SIGNIFICANT GAINFUL EMPLOYMENT</p> <p>a. An employer's statement of dates of employment in Texas (beginning and current or ending dates) that encompass at least 12 consecutive months immediately preceding the census date of the term in which the person enrolls. However, employment conditioned on student status, such as work study, the receipt of stipends, fellowships, or research or teaching assistantships does not constitute gainful employment.</p> <p>b. Other documents that show the person or the dependent's parent, for at least 12 consecutive months immediately preceding the census date of the term in which the person enrolls:</p> <ol style="list-style-type: none"> 1) has been engaged in employment intended to provide an income to the person or allow the person to avoid the expense of paying another to perform tasks (as in child care) that is sufficient to provide at least one-half of the individual's tuition and living expenses or represents an average of at least 20 hours per week; or 2) is self-employed in Texas or is living off his/her earnings; or 3) is primarily supported by public assistance in Texas. <p>c. For a person living on public assistance, written statements from the office of one or more social service agencies located in Texas that attest to the provision of services to the person for the 12 consecutive months immediately preceding the census date of the term in which the person enrolls.</p> <p>(2) SOLE OR JOINT MARITAL OWNERSHIP OF RESIDENTIAL REAL PROPERTY</p> <p>Title to residential real property in Texas with documentation to verify 12 consecutive months of ownership immediately preceding the census date of the term in which the person enrolls, such as a Warranty Deed, with the person or the dependent's parent having established and maintained domicile at that residence.</p>

~~(3) MARRIAGE TO A PERSON WHO HAS ESTABLISHED AND MAINTAINED DOMICILE IN TEXAS~~

~~Marriage Certificate or Declaration of Registration of Informal Marriage with documentation to support that spouse has established and maintained domicile in Texas for the 12 consecutive months preceding the census date of the term in which the person enrolls.~~

~~(4) OWNERSHIP OF A BUSINESS ENTITY~~

~~Documents that evidence the organization of the business in Texas that reflect the ownership interest of the person or dependent's parent, and the customary management of the business by the person or dependent's parent without the intention of liquidation for the foreseeable future.~~

Part B

~~Documents that May Provide Support to a Claim of Residence in Texas for the 12 Consecutive Months Immediately Preceding the Census Date of the Term in which the Person Enrolls~~

- ~~1. Utility bills for the 12 consecutive months preceding the census date;~~
- ~~2. A Texas high school transcript for full senior year immediately preceding the census date;~~
- ~~3. A transcript from a Texas institution showing presence in the state for the 12 consecutive months preceding the census date;~~
- ~~4. A Texas driver's license or Texas ID card that has not expired and, if it reflects an origination date, shows an origination date at least 12 months prior to the census date;~~
- ~~5. Cancelled checks that reflect a Texas residence for the 12 consecutive months preceding the census date;~~
- ~~6. A current credit report that documents the length and place of residence of the person or the dependent's parent to be in Texas and the length of residence to be at least 12 consecutive months preceding the census date.~~
- ~~7. Texas voter registration card that was issued at least 12 months prior to the census date.~~
- ~~8. Pay stubs for the 12 consecutive months immediately preceding the census date, reflecting significant gainful employment in Texas;~~
- ~~9. Bank statements reflecting a Texas address for the 12 consecutive months immediately preceding the census date;~~

10. ~~Written statements from the office of one or more social service agencies, attesting to the provision of services for at least the 12 consecutive months immediately preceding the census date.~~

11. ~~Lease or rental of residential real property in the name of the person or the dependent's parent for the 12 consecutive months immediately preceding the census date.~~

Part C

~~Other Documents that May be Used to Lend Support To or Clarify an Individual's Claim of Domicile or Residence, as Appropriate, in Texas~~

~~Among other documents that may be used to lend support to or clarify an individual's claim of having established and maintained domicile or residence, as appropriate, in Texas are the following:~~

- ~~1. Tax return of the student or parent(s).~~
- ~~2. Visa, passport or other pertinent immigration documents.~~
- ~~3. Leave and Earnings Statements (LES).~~
- ~~4. Documents or statements to clarify answers to Core Residency Questions.~~
- ~~5. A Texas high school transcript to verify thirty-six months' presence in the state and graduation from a Texas high school.~~
- ~~6. State of Texas or local (Texas) licenses to conduct a business or practice a profession in this state.]~~

~~(3) [(4)]~~ Agent--A person employed by or representing a postsecondary educational institution that does not have a Certificate of Authorization or Certificate of Authority, within or without Texas who:

(A) solicits any Texas student for enrollment in the institution (excluding the occasional participation in a college/career fair involving multiple institutions or other event similarly limited in scope in the state of Texas);

(B) solicits or accepts payment from any Texas student for any service offered by the institution; or

(C) while having a physical presence in Texas, solicits students or accepts payment from students who do not reside in Texas.

~~[(5) Alternative Certificate of Authority--A type of Certificate of Authority for approval of postsecondary institutions, with operations in the state of Texas, to confer degrees or courses applicable to degrees, or to solicit students for enrollment in institutions that confer degrees or courses applicable to degrees that is governed by flexible, streamlined procedures, emphasizing the importance of innovation, consumer choice, and measurable outcomes in the delivery of educational services.]~~

~~[(6) Applied Associate Degree Program--A grouping of courses designed to lead the individual directly to employment in a specific career and that includes at least fifteen (15) semester credit hours or twenty-three (23) quarter credit hours of general education courses. This specifically refers to the associate of applied arts and the associate of applied science degrees.]~~

~~(4) [(7)]~~ Associate Degree Program--A grouping of courses designed to lead the individual directly to employment in a specific career[, or to transfer to an upper-level baccalaureate program. This specifically refers to the associate of arts (AA), the associate of science (AS), the associate of applied arts (AAA), [and] the associate of applied science (AAS), and the associate of occupational studies (AOS) degrees.

(A) Academic Associate Degree Program--A grouping of courses designed to transfer to an upper-level baccalaureate program and that includes sixty (60) semester credit hours and not more than sixty-six (66) semester credit hours or ninety (90) quarter credit hours and not more than ninety-nine (99) quarter credit hours. An academic associate degree must include at least twenty (20) semester credit hours or thirty (30) quarter credit hours of general education courses. This specifically refers to the associate of arts (AA) and the associate of science degrees (AS).

(B) Applied Associate Degree Program--A grouping of courses designed to lead the individual directly to employment in a specific career and that includes at least sixty (60) semester credit hours and not more than seventy-two (72) semester credit hours or ninety (90) quarter credit hours and not more than one hundred eight (108) quarter hours. An applied associate degree must include at least fifteen (15) semester credit hours or twenty-three (23) quarter credit hours of general education courses. This specifically refers to the associate of applied arts (AAA) and the associate of applied science (AAS) degrees. Associate of Occupational Studies (AOS) degrees are only allowed under Section 7.5(u) of this chapter.

~~(5)~~ ~~[(8)]~~ Board--The Texas Higher Education Coordinating Board.

~~(6)~~ ~~[(9)]~~ Board Staff--The staff of the Texas Higher Education Coordinating Board including the Commissioner of Higher Education and all employees who report to the Commissioner.

~~(7)~~ ~~[(10)]~~ Career School or College--Any business enterprise operated for a profit, or on a nonprofit basis, that maintains a place of business in the state [State] of Texas or solicits business within the state [State] of Texas, and that is not specifically exempted by Texas Education Code, §132.002 or §7.4 of this chapter (relating to Standards for Operations of Institutions), and:

(A) that offers or maintains a course or courses of instruction or study; or

(B) at which place of business such a course or courses of instruction or study is available through classroom instruction, by electronic media, by correspondence, or by some or all, to a person for the purpose of training or preparing the person for a field of endeavor in a business, trade, technical, or industrial occupation, or for career or personal improvement.

~~(8)~~ ~~[(11)]~~ Certificate of Approval--The Texas Workforce Commission's approval of career schools or colleges with operations in Texas to maintain, advertise, solicit for, or conduct any program of instruction in this state.

~~(9)~~ ~~[(12)]~~ Certificate of Authority--The Board's approval of postsecondary institutions (other than exempt institutions), with operations in the state [State] of Texas, to confer degrees or courses applicable to degrees, or to solicit students for enrollment in institutions that confer degrees or courses applicable to degrees, while seeking Board-recognized accreditation. Additional conditions, restrictions, or requirements will be placed on a Certificate of Authority, including, but not limited to, application and review requirements for the initial application and supplementary reporting requirements during the first two years of operation, if an institution does not meet one of the three previous operational history conditions described by §7.8(1)(A)(ii)(I)-(III) of this chapter. Additional conditions, restrictions, or requirements may be placed on any Certificate of Authority if recommended to and approved by the Board.

~~(10)~~ ~~[(13)]~~ Certificate of Authorization--The Board's acknowledgment that an institution is qualified for an exemption from certain identified regulations in this subchapter.

(A) A Certificate of Authorization for an institution offering degrees or courses leading to degrees at a physical location in Texas will be issued for the period of time in the institution's current grant of accreditation by its Board-recognized accreditor.

(B) A Certificate of Authorization may be issued as provisional for a 15-month temporary exemption from certain identified regulations in this subchapter based on its main campus' accreditation while seeking final approval for the new Texas-based campus from its Board-recognized accreditor and the Texas Workforce Commission.

(C) An out-of-state institution may be issued a renewable one-year Certificate of Authorization in order to allow students to complete experiential learning experiences in Texas.

~~(11)~~ ~~[(14)]~~ Certificate of Registration--The Board's approval of an agent to solicit students on behalf of a private postsecondary educational institution in the state [State] of Texas.

(12) ~~[(15)]~~ Certification Advisory Council--The Council as established by Board rules Chapter 1, Subchapter H, §§1.135 - 1.141 of this title (relating to Certification Advisory Council).

(13) ~~[(16)]~~ Change of Ownership or Control--Any change in ownership or control of a career school or college, or a postsecondary educational institution, or an agreement to transfer control of such institution.

(A) The ownership or control of a career school or college or postsecondary educational institution is considered to have changed:

(i) in the case of ownership by an individual, when more than fifty (50) percent of the institution has been sold or transferred;

(ii) in the case of ownership by a partnership or a corporation, when more than fifty (50) percent of the institution or of the owning partnership or corporation has been sold or transferred; or

(iii) when the board of directors, officers, shareholders, or similar governing body has been changed to such an extent as to significantly alter the management and control of the institution.

(B) A change of ownership or control does not include a transfer that occurs as a result of the retirement or death of the owner if transfer is to a member of the owner's family who has been directly and constantly involved in the management of the institution for a minimum of two years preceding the transfer. For the purposes of this section, a member of the owner's family is a parent, sibling, spouse, or child; spouse's parent or sibling; or sibling's or child's spouse.

(14) ~~[(17)]~~ Cited--Any reference to an institution in a negative finding or action by an accrediting agency.

(15) ~~[(18)]~~ Classification of Instructional Programs (CIP) Code--The four (4) or six (6)-digit code assigned to an approved degree program in accordance with the CIP manual published by the U.S. Department of Education, National Center for Education Statistics. CIP codes define the authorized teaching field of the specified degree program, based upon the occupation(s) for which the program is designed to prepare its graduates.

~~[(19) Clinical Internship--This learning method, also known as "clinicals," encompasses all site-specific health professions experiential learning. Clinicals include site experiences for medical, nursing, allied health, and other health professions degree programs.]~~

(16) ~~[(20)]~~ Commissioner--The Commissioner of Higher Education.

~~[(21) Concurrent Instruction--Students enrolled in different classes, courses, and/or subjects being taught, monitored, or supervised simultaneously by a single faculty member.]~~

~~(17)~~ [(22)] Degree--Any title or designation, mark, abbreviation, appellation, or series of letters or words, including "associate," "bachelor's," "master's," "doctor's" and their equivalents and foreign cognates, which signify, purport to signify, or are generally taken to signify satisfactory completion of the requirements of all or part of a program of study which is generally regarded and accepted as an academic degree-level program by accrediting agencies recognized by the Board.

~~(18)~~ [(23)] Educational or Training Establishment--An enterprise offering a course of instruction, education, or training that is not represented as being applicable to a degree.

~~(19)~~ [(24)] Exempt Institution—A postsecondary educational ~~[An]~~ institution that is accredited by an agency recognized by the Board under §7.6 of this chapter (relating to Recognition of Accrediting Agencies), is defined as a "private or independent institution of higher education" under Texas Education Code, §61.003(15), ~~[or]~~ a career school or college that applies for and is declared exempt under this chapter, an institution that has received approval by a state agency authorizing the institution's graduates to take a professional or vocational state licensing examination administered by that agency ~~[by the Texas Workforce Commission]~~ as described in Texas Education Code, §61.303(a), or an institution exempted by the Texas Workforce Commission under Texas Education Code, [Chapter] §132.002 ~~[, respectively]~~. Exempt institutions must comply with certain Board rules.

~~(20)~~ [(25)] Experiential Learning--Process through which students develop knowledge, skills, and values from direct experiences outside an institution's classrooms. Experiential learning encompasses a variety of activities including, but not limited to, internships, externships, practicums, clinicals, field experience, or other professional work experiences. References to clinicals within this chapter encompasses all site-specific health professions experiential learning. Clinicals include site experiences for medical, nursing, allied health, and other health professions degree programs.

~~(21)~~ [(26)] Fictitious Degree--A counterfeit or forged degree or a degree that has been revoked.

~~(22)~~ [(27)] Fraudulent or Substandard Degree--A degree conferred by a person who, at the time the degree was conferred, was:

(A) operating in this state in violation of this subchapter;

(B) not eligible to receive a Certificate of Authority under this subchapter and was operating in another state in violation of a law regulating the conferral of degrees in that state or in the state in which the degree recipient was residing or without accreditation by a recognized accrediting agency, if the degree is not approved through the review process described by §7.12 of this chapter (relating to Review and Use of Degrees from Institutions Not Eligible for Certificates of Authority); or

(C) not eligible to receive a Certificate of Authority under this subchapter and was operating outside the United States, and whose degree the Board, through the review process described by §7.12 of this chapter, determines is not the equivalent of an accredited or authorized degree.

~~[(28) Internship--This learning method encompasses all non-clinical site experiential learning.]~~

~~[(29) Occasional Courses--Courses offered not more than twice at any given location in the state.]~~

(23) [(30)] Out-of-State Public Postsecondary Institution--Any senior college, university, technical institute, junior or community college, or the equivalent which is controlled by a public body organized outside the boundaries of the state [State] of Texas. For purposes of this chapter, out-of-state public institutions of higher education are considered postsecondary educational institutions.

(24) [(31)] Person--Any individual, firm, partnership, association, corporation, enterprise, postsecondary educational institution, [or] other private entity, or any combination thereof.

(25) [(32)] Physical Presence--

(A) While in Texas, a representative of the school or a person being paid by the school, who conducts an activity related to postsecondary education, including for the purposes of recruiting students (excluding the occasional participation in a college/career fair involving multiple institutions or other event similarly limited in scope in the state of Texas), teaching or proctoring courses including internships, clinicals, externships, practicums, and other similarly constructed educational activities (excluding those individuals that are involved in teaching courses in which there is no physical contact with Texas students or in which visiting students are enrolled), or grants certificates or degrees; and/or

(B) The institution has any location within the state [State] of Texas which would include any address, physical site, telephone number, or facsimile number within or originating from within the boundaries of the state [State] of Texas. Advertising to Texas students, whether through print, billboard, internet, radio, television, or other medium alone does not constitute a physical presence.

(26) [(33)] Postsecondary Educational Institution--An educational institution which:

(A) is not a public community college, public technical college, public senior college or university, medical or dental unit or other agency as defined in Texas Education Code, §61.003;

(B) is incorporated under the laws of this state, or maintains a place of business in this state, or has an agent or representative present in this state, or solicits business in this state; and

(C) furnishes or offers to furnish courses of instruction in person, by electronic media, by correspondence, or by some means or all leading to a degree; provides or offers to provide credits alleged to be applicable to a degree; or represents that credits earned or granted are collegiate in nature, including describing them as "college-level," or at the level of any protected academic term.

(27) [(34)] Private Postsecondary Educational Institution--An institution which:

(A) is not an institution of higher education as defined by Texas Education Code, §61.003;

(B) is incorporated under the laws of this state, maintains a place of business in this state, has an agent or representative presence in this state, or solicits business in this state; and

(C) furnishes or offers to furnish courses of instruction in person, by electronic media, or by correspondence leading to a degree or providing credits alleged to be applied to a degree.

(28) ~~[(35)]~~ Professional Degree--A degree that is awarded for a Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.) and their equivalents and foreign cognates.

(29) ~~[(36)]~~ Program or Program of Study--Any course or grouping of courses which are represented as entitling a student to a degree or to credits applicable to a degree.

(30) ~~[(37)]~~ Protected Term--The terms "college," "university," "school of medicine," "medical school," "health science center," "school of law," "law school," or "law center," its abbreviation, foreign cognate or equivalents.

~~[(38) Provisional Certificate of Authorization--A mechanism to provide 15 months of authority to operate in Texas under existing Board-recognized accreditor authority for another existing campus (either in-state or out-of-state) while working to have final approval of the new Texas campus by the Board-recognized accreditor. Failure to obtain Board-recognized accreditor approval within the 15-month time frame for the new Texas campus will result in termination of the Provisional Certificate of Authorization for the new campus which must then terminate operations until such time as the institution obtains a Certificate of Authority or a Certificate of Authorization through approval of a Board-recognized accreditor for the new campus. The Provisional Certificate of Authorization is valid for a period of 15 months from the date of issuance. The provisions under which the certificate was issued will be outlined in the Provisional Certificate of Authorization letter that accompanies the certificate. Additional Provisional Certificates of Authorization will not be issued.]~~

(31) ~~[(39)]~~ Reciprocal State Exemption Agreement--An agreement entered into by the Board with an out-of-state state higher education agency or higher education system for the purpose of creating a reciprocal arrangement whereby that entity's institutions are exempted from the Board oversight for the purposes of distance education. In exchange, participating Texas public or private institutions of higher education as defined in Texas Education Code, §61.003 would be exempted from that state's oversight for the purposes of distance education.

~~[(40) Recognized Accrediting Agency--Any accrediting agency the standards of accreditation or membership for which have been found by the Board to be sufficiently comprehensive and rigorous to qualify its institutional members for an exemption from the operation of this chapter.]~~

(32) ~~[(41)]~~ Representative--A person who acts on behalf of an institution regulated under this subchapter. The term includes, without limitation, recruiters, agents, tutors, counselors, business agents, instructors, and any other instructional or support personnel.

(33) [(42)] Required State or National Licensure--The requirement for graduates of certain professional programs to obtain a license from state or national entities for entry-level practice.

(34) [(43)] Single Point of Contact--An individual who is designated by an institution as the person responsible for receiving and conveying information between an institution and the Board or Board staff. The Board will direct all communications regarding an institution to the Single Point of Contact. Institutions must inform the Board of changes in the designated Single Point of Contact within 30 days of change.

(35) [(44)] Substantive Change--Any change in principal location, ownership, or governance of an institution, change in accrediting agency or final action by an accrediting agency changing such institution's status with such accrediting agency, including negative actions taken by the accrediting agency against an institution, change in degree- or credential-level for an approved program, [or] addition of new programs, degrees or credentials offered, or change in United States Department of Education requirements for receipt of federal financial aid based on financial or accreditation status.

(36) [(45)] Visiting Student--A student pursuing a degree at an out-of-state institution (i.e., home institution) with no physical presence in Texas who has permission from the home institution and a Texas institution, which is either exempt from Board rules or currently in compliance with Board rules, to take specific courses at the Texas institution. The two institutions have an agreement that courses taken at the Texas institution will transfer back to the home institution.

7.4 – Standards for Operation of Institutions

(a) All institutions that operate within the state [State] of Texas are required [expected] to meet the following standards. These standards will be enforced through the Certificate of Authority process [~~or the Alternative Certificate of Authority process~~]. Standards addressing the same principles will be enforced by Board-recognized accrediting agencies under the Certificate of Authorization process. Particular attention will be paid to the institution's commitment to education, responsiveness to recommendations and suggestions for improvement, and, in the case of a renewal of a Certificate of Authority, record of improvement and progress. These standards represent generally accepted administrative and academic practices and principles of accredited postsecondary institutions in Texas. Such practices and principles are generally set forth by institutional and specialized accrediting bodies and the academic and professional organizations.

(1) Legal Compliance. The institution shall be maintained and operated in compliance with all applicable ordinances and laws, including the rules and regulations adopted to administer those ordinances and laws. Postsecondary educational institutions [~~Career Schools and Colleges also~~] shall demonstrate compliance with Texas Education Code, Chapter 132 by supplying either a copy of a Certificate of Approval to operate a career school or college or a Letter of Exemption from the Texas Workforce Commission.

(2) Qualifications of Institutional Officers.

(A) The character, education, and experience in higher education of governing board administrators, supervisors, counselors, agents, representatives, and other institutional officers shall reasonably ensure that the institution can maintain the standards of the Board and progress to accreditation within the time limits set by the Board.

(B) The chief academic officer shall hold an earned advanced degree appropriate for the mission of the institution, preferably, an earned doctorate awarded by an institution accredited by a recognized accrediting agency, and shall demonstrate sound aptitude for and experience with curriculum development and assessment; accreditation standards and processes as well as all relevant state regulations; leadership and development of faculty, including the promotion of scholarship, research, service, academic freedom and responsibility, and tenure (where applicable); and the promotion of student success.

(C) In the case of a renewal of a Certificate of Authority, the institutional officers also shall demonstrate a record of effective leadership in administering the institution.

(3) Governance. The institution shall have a system of governance that facilitates the accomplishment of the institution's mission and purposes, supports institutional effectiveness and integrity, and protects the interests of its constituents, including students, faculty and staff. If the institution has a governing board consisting of at least three (3) members, and that board focuses on the accomplishment of the institution's mission and purposes, supports institutional effectiveness and integrity, and protects the interests of its constituents, this standard will be considered as met. In the absence of such a governing board, the burden to establish appropriate safeguards within its system of governance and to demonstrate their effectiveness falls upon the institution.

(4) Distinction of Roles. The institution shall define the powers, duties and responsibilities of the governing body and the executive officers. There shall be a clear distinction in the roles and personnel of the chief business officer and the chief academic officer.

(5) Financial Resources and Stability. The institution shall have adequate financial resources and financial stability to provide education of good quality and to be able to fulfill its commitments to students. The institution shall have sufficient reserves, line of credit, or surety instrument so that, together with tuition and fees, it would be able to complete its educational obligations to currently enrolled students if it were unable to admit any new students.

(6) Financial Records. Financial records and reports of the institution shall be kept and made separate and distinct from those of any affiliated or sponsoring person or entity. Financial records and reports at a not-for-profit institution shall be kept in accordance with the guidelines of the National Association of College and University Business Officers as set forth in College and University Business Administration (Sixth Edition), or such later editions as may be published. An annual independent audit of all fiscal accounts of the educational institution shall be authorized by the governing board and shall be performed by a properly authorized certified public accountant.

(7) Institutional Assessment. Continual and effective assessment, planning, and evaluation of all aspects of the institution shall be conducted to advance and improve the institution. These aspects include, but are not limited to, the academic program of teaching, research, and public

service; administration; financial planning and control; student services; facilities and equipment, and auxiliary enterprises.

(8) Program Evaluation.

(A) The institution shall establish adequate procedures for planning and evaluation, define in measurable terms its expected educational results, and describe how those results will be achieved.

(B) For ~~all~~ applied associate degree programs, the evaluation criteria shall include the following: mission, labor market need, curriculum, enrollment, graduates, student placement, follow-up results, ability to finance each program of study, facilities and equipment, instructional practices, student services, public and private linkages, qualifications of faculty and administrative personnel, and success of its students.

(C) For applied associate degree programs relating to occupations where state or national licensure is required, graduates must pass the licensing examination at a rate acceptable to the related licensing agency.

(9) Administrative Resources. The institution has the administrative capacity to meet the daily needs of the administration, faculty and students, including facilities, laboratories, equipment, technology and learning resources that support the institution's mission and programs.

(10) Student Admission and Remediation.

(A) Upon the admission of a student to any undergraduate program, the institution shall document the student's level of preparation to undertake college level work by obtaining proof of the student's high school graduation or General Educational Development (GED) certification. If a GED is presented, to be valid, the score must be at or above the passing level set by the Texas Education Agency. The academic skills of each entering student may be assessed with an instrument of the institution's choice. The institution may provide an effective program of remediation for students diagnosed with deficiencies in their preparation for collegiate study.

(B) Upon the admission of a student to any graduate program, the institution shall document that the student is prepared to undertake graduate-level work by obtaining proof that the student holds a baccalaureate degree from an institution accredited by a recognized accrediting agency, or an institution holding a Certificate of Authority to offer baccalaureate degrees under the provisions of this chapter, or a degree from a foreign institution equivalent to a baccalaureate degree from an accredited institution. The procedures used by the institution for establishing the equivalency of a foreign degree shall be consistent with the guidelines of the National Council on the Evaluation of Foreign Education Credentials or its successor.

(11) Faculty Qualifications. The character, education, and experience in higher education of the faculty shall be such as may reasonably ensure that the students will receive an education consistent with the objectives of the course or program of study.

(A) Each faculty member, except as provided by subparagraph (E) of this paragraph, teaching in an academic associate, applied associate leading to required state or national

licensure, or baccalaureate level degree program shall have at least a master's degree from an institution accredited by a recognized agency with at least eighteen (18) graduate semester credit hours in the discipline, or closely related discipline, being taught.

(B) Each faculty member except, as provided by subparagraph (E) of this paragraph, teaching career and technical courses in an applied associate degree program, or career and technical courses that academic associate or baccalaureate students may choose to take, shall have at least an associate degree in the discipline being taught from an institution accredited by a recognized agency and or at least three (3) years of full-time direct or closely related experience in the discipline being taught.

(C) Each faculty member, except as provided by subparagraph (E) of this paragraph, teaching general education courses in an applied associate degree program shall have at least a master's [baccalaureate] degree from an institution accredited by a recognized accrediting agency with at least eighteen (18) graduate semester credit hours in the discipline, or closely related discipline, being taught.

(D) Except as provided by subparagraph (E) of this paragraph, graduate-level degree programs shall be taught by faculty holding doctorates, or other degrees generally recognized as the highest attainable in the discipline, or closely related discipline, awarded by institutions accredited by an agency recognized by the Board.

(E) With the approval of a majority of the institution's governing board, an individual with exceptional experience in the field of appointment, which may include direct and relevant work experience, professional licensure and certification, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies and achievements, may serve as a faculty member without the degree credentials specified in subparagraphs (A) - (D) of this paragraph. Such appointments shall be limited and the justification for each such appointment shall be fully documented. The Board may review the qualifications of the full complement of faculty providing instruction at the institution to verify that such appointments are justified.

(12) Faculty Size. There shall be a sufficient number of faculty holding full-time teaching appointments that are accessible to the students to ensure continuity and stability of the education program, adequate educational association between students and faculty and among the faculty members, and adequate opportunity for proper preparation for instruction and professional growth by faculty members. At the associate and baccalaureate levels, there shall be at least one (1) full-time faculty member in each program. At the graduate level, there shall be at least two (2) full-time faculty members in each program.

(13) Academic Freedom and Faculty Security. The institution shall adopt, adhere to, and distribute to all members of the faculty a statement of academic freedom assuring freedom in teaching, research, and publication. All policies and procedures concerning promotion, tenure, and non-renewal or termination of appointments, including for cause, shall be clearly stated and published in a faculty handbook, adhered to by the institution, and supplied to all faculty. The specific terms and conditions of employment of each faculty member shall be clearly described in a written document to be given to that faculty member, with a copy to be retained by the institution.

(14) Curriculum.

(A) The quality, content, and sequence of each course, curriculum, or program of instruction, training, or study shall be appropriate to the purpose of the institution and shall be such that the institution may reasonably and adequately achieve the stated objectives of the course or program. Each program shall adequately cover the breadth of knowledge of the discipline taught and coursework must build on the knowledge of previous courses to increase the rigor of instruction and the learning of students in the discipline. A majority of the courses in the areas of specialization required for each degree program shall be offered in organized classes by the institution. An institution may offer for-credit coursework that does not directly relate to approved programs, provided that it does not exceed twenty-five (25) percent of all courses.

(B) Academic associate degrees must consist of at least sixty (60) semester credit hours and not more than sixty-six (66) semester credit hours or ninety (90) quarter credit hours and not more than ninety-nine (99) quarter credit hours. Applied associate degrees must consist of at least sixty (60) semester credit hours and not more than seventy-two (72) semester credit hours or ninety (90) quarter credit hours and not more than one hundred eight (108) quarter hours. A baccalaureate degree must consist of at least one hundred twenty (120) semester credit hours or one hundred eighty (180) quarter credit hours. A master's degree must consist of at least thirty (30) semester credit hours and not more than thirty-six (36) semester credit hours or forty-five (45) quarter credit hours and not more than fifty-four (54) quarter credit hours of graduate level work past the baccalaureate degree.

(C) Courses designed to correct deficiencies, remedial courses for associate and baccalaureate programs, and leveling courses for graduate programs, shall not count toward requirements for completion of the degree.

(D) The degree level, degree designation, and the designation of the major course of study shall be appropriate to the curriculum offered and shall be accurately listed on the student's diploma and transcript.

(15) General Education.

(A) Each academic associate degree program shall contain a general education component consisting of at least twenty (20) semester credit hours or thirty (30) quarter credit hours. Each applied associate degree program shall contain a general education component of at least fifteen (15) semester credit hours or twenty-three (23) quarter credit hours. Each baccalaureate degree program shall contain a general education component consisting of at least twenty-five (25) percent of the total hours required for graduation from the program.

(B) This component shall be drawn from each of the following areas: Humanities and Fine Arts, Social and Behavioral Sciences, and Natural Sciences and Mathematics. It shall include courses to develop skills in written and oral communication and basic computer instruction.

(C) The applicant institution may arrange to have all or part of the general education component taught by another institution, provided that:

- (i) the applicant institution's faculty shall design the general education requirement;

(ii) there shall be a written agreement between the institutions specifying the applicant institution's general education requirements and the manner in which they will be met by the providing institution; and

(iii) the providing institution shall be accredited by a Board-recognized accrediting agency or hold a Certificate of Authority.

(16) Credit for Work Completed Outside a Collegiate Setting.

(A) An institution awarding collegiate credit for work completed outside a collegiate setting (outside a degree-granting institution accredited by a recognized agency) shall establish and adhere to a systematic method for evaluating that work, shall award credit only in course content which falls within the authorized degree programs of the institution or, if by evaluative examination, falls within the standards for awarding credit by exam used by public universities in Texas, in an appropriate manner shall relate the credit to the student's current educational goals, and shall subject the institution's process and procedures for evaluating work completed outside a collegiate setting to ongoing review and evaluation by the institution's teaching faculty. To these ends, recognized evaluative examinations such as the Advanced Placement program (AP) or the College Level Examination Program (CLEP) may be used.

(B) No more than one half of the credit applied toward a student's associate or baccalaureate degree program may be based on work completed outside a collegiate setting. Those credits must be validated in the manner set forth in subparagraph (A) of this paragraph. No more than fifteen (15) semester credit hours or twenty-three (23) quarter credit hours of that credit may be awarded by means other than recognized evaluative examinations. No graduate credit for work completed outside a collegiate setting may be awarded. In no instance may credit be awarded for life experience per se or merely for years of service in a position or job.

(17) Learning Resources. The institution shall maintain and ensure that students have access to learning resources with a collection of books, educational material and publications, on-line materials and other resources and with staff, services, equipment, and facilities that are adequate and appropriate for the purposes and enrollment of the institution. Learning resources shall be current, well distributed among fields in which the institution offers instructions, cataloged, logically organized, and readily located. The institution shall maintain a continuous plan for learning resources development and support, including objectives and selections of materials. Current and formal written agreements with other institutions or with other entities may be used. Institutions offering graduate work shall provide access to learning resources that include basic reference and bibliographic works and major journals in each discipline in which the graduate program is offered. Applied associate degree programs shall provide adequate and appropriate resources for completion of course work.

(18) Facilities. The institution shall have adequate space, equipment, and instructional materials to provide education of good quality. Student housing owned, maintained, or approved by the institution, if any, shall be appropriate, safe, adequate, and in compliance with applicable state and local requirements.

(19) Academic Records. Adequate records of each student's academic performance shall be securely and permanently maintained by the institution.

(A) The records for each student shall contain:

- (i) student contact and identification information, including address and telephone number;
- (ii) records of admission documents, such as high school diploma or GED (if undergraduate) or undergraduate degree (if graduate);
- (iii) records of all courses attempted, including grade; completion status of the student, including the diploma, degree or award conferred to the student; and
- (iv) any other information typically contained in academic records.

(B) Two copies of said records shall be maintained in separate secure places.

(C) Transcripts shall be provided upon request by a student, subject to the institution's obligation, if any, to cooperate with the rules and regulations governing state and federally guaranteed student loans.

(20) Accurate and Fair Representation in Publications, Advertising, and Promotion.

(A) Neither the institution nor its agents or other representatives shall engage in advertising, recruiting, sales, collection, financial credit, or other practices of any type which are false, deceptive, misleading, or unfair. Likewise, all publications, by any medium, shall accurately and fairly represent the institution, its programs, available resources, tuition and fees, and requirements.

(B) The institution shall provide students, prospective students prior to enrollment, and other interested persons with a printed or electronically published catalog. Institutions relying on electronic catalogs must ensure the availability of archived editions in order to serve the needs of alumni and returning students. The catalog must contain, at minimum, the following information:

- (i) the institution's mission;
- (ii) a statement of admissions policies;
- (iii) information describing the purpose, length, and objectives of the program or programs offered by the institution;
- (iv) the schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study;
- (v) cancellation and refund policies;
- (vi) a definition of the unit of credit as it applies at the institution;

(vii) an explanation of satisfactory progress as it applies at the institution, including an explanation of the grading or marking system;

(viii) the institution's calendar, including the beginning and ending dates for each instructional term, holidays, and registration dates;

(ix) a complete listing of each regularly employed faculty member showing name, area of assignment, rank, and each earned degree held, including degree level, degree designation, and institution that awarded the degree;

(x) a complete listing of each administrator showing name, title, area of assignment, and each earned degree held, including degree level, degree designation, and institution that awarded the degree;

(xi) a statement of legal control with the names of the trustees, directors, and officers of the corporation;

(xii) a complete listing of all scholarships offered, if any;

(xiii) a statement describing the nature and extent of available student services;

(xiv) complete and clearly stated information about the transferability of credit to other postsecondary institutions including two-year and four-year colleges and universities;

(xv) any such other material facts concerning the institution and the program or course of instruction as are reasonably likely to affect the decision of the student to enroll therein; and

(xvi) any disclosures specified by the Board or defined in Board rules.

(C) The institution shall adopt, publish, and adhere to a fair and equitable cancellation and refund policy.

(D) The institution shall provide to each prospective student, newly-enrolled student, and returning student, complete and clearly presented information indicating the institution's current graduation rate by program and, if required by the Board, job placement rate by program for applied associate degree programs.

(E) Any special requirements or limitations of program offerings for the students at the Texas location must be made explicit in writing. This may be accomplished by either a separate section in the catalog or a brochure separate from the catalog. However, if a brochure is produced, the student must also be given the regular catalog.

(F) Upon satisfactory completion of the program of study, the student shall be given appropriate educational credentials indicating the degree level, degree designation, and the designation of the major course of study, and a transcript accurately listing the information typically found on such a document, subject to the institution's obligation, if any, to enforce

with the rules and regulations governing state, and federally guaranteed student loans by temporarily withholding such credentials.

(21) Academic Advising and Counseling. The institution shall provide an effective program of academic advising for all students enrolled. The program shall include orientation to the academic program, academic counseling, career information and planning, placement assistance, and testing services.

(22) Student Rights and Responsibilities. The institution shall establish and adhere to a clear and fair policy regarding due process in disciplinary matters; outline the established grievance process of the institution, which shall indicate that students should follow this process and may contact the Board using the student complaint procedures established by Board rules Chapter 1, Subchapter H, §§1.110 - 1.120 of this title (relating to Student Complaint Procedure) and/or the Texas Attorney General to file a complaint about the institution if all other avenues have been exhausted, and publish these policies in a handbook, which shall include other rights and responsibilities of the students. This handbook shall be supplied in print or electronically to each student upon enrollment in the institution.

(23) Health and Safety. The institution shall provide an effective program of health and safety education reflecting the needs of the students. The program shall include information on emergency and safety procedures at the institution, including appropriate responses to illness, accident, fire, and crime.

(24) Learning Outcomes. An institution must have an objective system of assessing learning outcomes in place for each part of the curriculum and the institution can demonstrate that appropriate learning outcomes are being achieved.

(b) An institution may deviate, for a compelling academic reason, from [Standard (11) relating to Faculty Qualifications,] Standard (12) relating to Faculty Size [,] and Standard (16) relating to Credit for Work Completed Outside a Collegiate Setting, [and Standard (17) relating to Learning Resources,] as long as academic objectives are fully met [if there is an objective system of assessing learning outcomes in place for each part of the curriculum and the institution can demonstrate that appropriate learning outcomes are being achieved].

7.5 Administrative Penalties and Injunctions

(a) A person or institution may not:

(1) Granting of Degrees--Grant, award, or offer to award a degree on behalf of a nonexempt institution unless the institution has been issued a Certificate of Authority~~[, including an Alternative Certificate of Authority,]~~ to grant the degree by the Board;

(2) Transferability of Credit--Represent that credits earned or granted by that person or institution are applicable for credit toward a degree to be granted by some other person or institution unless the institution is operating under a Certificate of Authority or Certificate of Authorization and has written agreement(s) with the institution which will accept the credit in transfer;

(3) Honorary Degrees--Award or offer to award an honorary degree on behalf of a private postsecondary institution subject to the provisions of this subchapter, unless the institution has been awarded a Certificate of Authority or Certificate of Authorization to award such a degree, or solicits another person to seek or accept an honorary degree and, further, unless the degree shall plainly state on its face that it is honorary;

(4) Protected Terms--Use a protected term in the official name or title of a nonexempt private postsecondary institution, an educational or training establishment, or describe an institution using any of these terms or a term having a similar meaning, except as authorized by the Board, or solicit another person to seek a degree or to earn a credit that is offered by an institution or training establishment that is using a term in violation of this section;

(5) Agent--Act as an agent who solicits students for enrollment in a private postsecondary institution subject to the provisions of this subchapter without a Certificate of Registration, if required by this chapter;

(6) Fraudulent Degree--Use or claim to hold a degree that the person knows is a fraudulent, substandard, or is a fictitious degree:

(A) in a written or oral advertisement or other promotion of a business; or

(B) with the intent to:

(i) obtain employment;

(ii) obtain a license or certificate to practice a trade, profession, or occupation;

(iii) obtain a promotion, compensation or other benefit, or an increase in compensation or other benefit, in employment or in the practice of a trade, profession, or occupation;

(iv) obtain admission to an educational program in this state; or

(v) gain a position in government with authority over another person, regardless of whether the actor receives compensation for the position.

(C) The use of fictitious, fraudulent, or substandard degrees--The Board shall provide the following information through the Board's Internet website:

(i) the accreditation status or the status regarding authorization or approval under this subchapter, to the extent known by the Board, of each exempt institution operating in the state, each postsecondary educational institution or other person that is regulated under §§7.7 - 7.11 of this chapter or for which a determination is made under §7.12 of this chapter (relating to Review and Use of Degrees from Institutions Not Eligible for Certificates of Authority), and any institution offering fraudulent, substandard, or fictitious degrees, including:

(I) the name of each educational institution accredited, authorized, or approved to offer or grant degrees in this state;

(II) the name of each educational institution whose degrees the Board has determined may not be legally used in this state;

(III) the name of each educational institution that the Board has determined to be operating in this state in violation of this chapter; and

(IV) any other information considered by the Commissioner to be useful to protect the public from fraudulent, substandard, or fictitious degrees.

(ii) the Board shall utilize such usual and customary sources for determining the accreditation status of institutions, such as: guides to international education; the Board's knowledge of legal actions taken against institutions, either by an agency of the state of Texas or agencies of other states or nations; or civil actions against institutions brought by governmental agencies or individuals.

(D) In determining the legitimacy of institutions headquartered or operating outside of Texas, the Board may determine if the state or nation in which the person or institution is headquartered, operates, or holds legal authorization to operate has standards and practices that are as rigorous as those of the Board's. A determination that a particular state or nation's standards or practices are not appropriately rigorous shall be sufficient reason to disapprove the use of the degrees of a person or institution.

(b) Institutions Located on Federal Land in Texas--An institution that is operating on land in Texas over which the federal government has exclusive jurisdiction:

(1) shall limit to the confines of the federal land and to the military or civilian employees and their dependents who work or live on that land:

(A) the recruitment of students; [and]

(B) advertising of the postsecondary educational institution or its programs or courses; and

(C) providing degree programs or courses leading to degrees [to the confines of the federal land and to the military or civilian employees and their dependents who work or live on that land].

(2) shall be subject to compliance with all rules under this chapter when recruiting students, advertising the postsecondary institution or its programs or courses, or providing degree programs or courses leading to degrees on land over which the federal government does not have exclusive jurisdiction. [The institution shall not enlist any agent, representative, or institution to recruit or to advertise by any medium, the institution or its programs or courses except on the federal land.]

(c) Offenses--A violation of this subsection may constitute a violation of the Texas Penal Code, §32.52, or Texas Education Code[s] §§61.312, 61.313. An offense under subsection (a)(1) - (5) of this section may be a Class A misdemeanor and an offense under subsection (a)(6) of this section may be a Class B misdemeanor.

(d) Transfer of Records--In the event any institution now or hereafter operating in this state proposes to discontinue its operation, the chief administrative officer, by whatever title designated, of said institution shall cause to be filed with the Board the original or legible true copies of all such academic records of said institution as may be specified by the Commissioner. Such records shall include, without limitation:

(1) such academic information as is customarily required by colleges when considering students for transfer or advanced study; and

(2) the academic records of each former student.

(e) Record Protection--In the event it appears to the Commissioner that any records of an institution that is discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the Board, the Commissioner may seek, on the Board's behalf, court authority to take possession of such records.

(f) Maintenance of Records--The Board shall maintain or cause to be maintained a permanent file of such records coming into its possession.

(g) Administrative Penalties--If a person or institution violates a provision of this subchapter, the Commissioner may assess an administrative penalty against the person or institution as provided in this section.

(h) Notice of Violation--The Commissioner shall send written notice by certified mail to the person or institution charged with the violation. The notice shall state the facts on which the penalty is based, the amount of the penalty assessed, and the right of the person or institution to request a hearing.

(i) Appeal of Assessment--The Commissioner's assessment shall become final and binding unless, within forty-five (45) days of receipt of the notice of assessment, the person or institution invokes the administrative remedies contained in Chapter 1, Subchapter B of this title (relating to Dispute Resolution).

(j) Collection of Assessment--If the person or institution does not pay the amount of the penalty within thirty (30) days of the date on which the assessment becomes final, the Commissioner may refer the matter to the attorney general for collection of the penalty, plus court costs and attorney fees.

(k) Specific Administrative Penalty--Any person or institution that is neither exempt nor the holder of a Certificate of Authority~~[, including an Alternative Certificate of Authority,]~~ to grant degrees, shall be assessed an administrative penalty of not less than \$1,000 or more than \$5,000 for, either individually or through an agent or representative:

(1) conferring or offering to confer a degree;

(2) awarding or offering to award credits purported to be applicable toward a degree to be awarded by another person or institution (except under conditions and in a manner specified and approved by the Board);

(3) representing that any credits offered are collegiate in nature subject to the provisions of this subchapter; and

(4) with regard to assessment of such specific administrative penalties, each degree conferred without authority, and each person enrolled in a course or courses at the institution whose decision to enroll was influenced by the misrepresentations, constitutes a separate offense.

(l) Other Administrative Penalties--Any person or institution that violates subsection (a)(4) of this section shall be assessed an administrative penalty of not less than \$1,000 or more than \$3,000.

(m) Specific Administrative Penalties for Agents--Any agent who solicits students for enrollment in an institution subject to the provisions of this subchapter without a Certificate of Registration shall be assessed an administrative penalty of not less than \$500 or more than \$1,000. Each student solicited without authority constitutes a separate offense.

(n) Termination of Operation--Any operations which are found to be in violation of the law shall be terminated.

(o) Report to Attorney General--The Commissioner may report possible violations of this subchapter to the attorney general. The attorney general, after investigation and consultation with the Board, shall bring suit to enjoin further violations.

(p) Venue--An action for an injunction under this section shall be brought in a district court in Travis County.

(q) Civil Penalties--A person who violates this subchapter or a rule adopted under this subchapter is liable for a civil penalty in addition to any injunctive relief or any other remedy allowed by law. A civil penalty may not exceed \$1,000 a day for each violation.

(r) Civil Litigation--The attorney general, at the request of the Board, shall bring a civil action to collect a civil penalty under this section.

(s) Deceptive Trade Practice Act--A person who violates this subchapter commits a false, misleading, or deceptive act or practice within the meaning of the Texas Business and Commerce Code, §17.46.

(t) Applicability of Other Law--A public or private right or remedy under the Texas Business and Commerce Code, Chapter 17, may be used to enforce this section.

(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.

Rule 7.6 Recognition of Accrediting Agencies

(a) Eligibility Criteria--The Board may recognize accrediting agencies with a commitment to academic quality and student achievement that demonstrate, through an application process, compliance with the following criteria:

(1) Eligibility. The accrediting agency's application for recognition must demonstrate that the entity:

(A) Is recognized by the Secretary of Education of the United States Department of Education as an accrediting agency authorized to accredit educational institutions that offer the associate degree or higher. Demonstration of authorization shall include clear description of the scope of recognized accreditation.

(B) Is applying for the same scope of recognition as that for which it is recognized by the Secretary of Education of the United States Department of Education:

(i) Using the U.S. Department of Education classification of instructional programs (CIP) code at the two-digit level, the applicant shall identify all fields of study in which institutions it accredits may offer degree programs.

(ii) Accrediting agencies shall, for each field of study in which an accredited institution may offer degree programs, specify the levels of degrees that may be awarded. Levels must be differentiated at least to the following, as defined in §7.3 of this chapter (relating to Definitions): applied associate degree, academic associate degree, baccalaureate degree, master's degree, first professional degree and doctoral degree. Associate of occupational studies (AOS) degrees are only allowed under Section 7.5(u) of this chapter.

(iii) Only institutions that qualify as eligible for United States Department of Education Title IV programs as a result of accreditation by the applicant agency will be considered exempt under §7.7 of this chapter (relating to Institutions Accredited by Board-Recognized Accreditors).

(C) Accredits institutions that have legal authority to confer postsecondary degrees as its primary activity:

(i) Accrediting agencies must identify ~~[show by listing]~~ all institutions accredited by the agency that either the majority of the accredited institutions have the legal authority to award postsecondary degrees or that it accredits at least fifty (50) institutions that have the legal authority to award postsecondary degrees.

(ii) An accrediting agency that accredits programs as well as institutions shall demonstrate that either it accredits more institutions than programs or that it has policies, procedures and

staff sufficient to address institutional standards of quality in addition to program standards of quality.

(iii) Accrediting agencies must have standards that require all accredited institutions to comply with all applicable laws in the state and local jurisdiction in which they operate and that require accredited institutions to clearly and accurately communicate their accreditation status to the public.

(D) Requires an on-site review by a visiting team as part of initial and continuing accreditation of educational institutions:

(i) Each accrediting agency shall demonstrate, through its documented practices and/or its official policies, that it requires no fewer than three (3) members on a team when conducting initial and continuing accreditation visits, that none have a monetary or personal interest in the findings of the on-site review, ~~and~~ that all have professional experience and knowledge that qualifies them to review the institution's compliance with the standards of the agency, and that the combined team experience and knowledge are sufficient to review all applicable standards of the agency.

(ii) Accrediting agencies may conduct site visits for reasons other than initial and continuing accreditation with fewer team members.

(iii) Accrediting agencies shall provide a list of the visiting team members for the five (5) most recently completed on-site reviews. The list shall show name, employer, title of positions held with that employer and the standards for which the individual was responsible in that on-site review.

(E) Has policies or procedures that ensure the entity will promptly respond to requests for information from the Board:

(i) Each accrediting agency shall provide the Board its official policy regarding disclosure of information about institutions that are or have been candidates for accreditation and are or have been accredited. Agencies shall provide to the Board, within ten (10) working days, any new information and any requested information about a Texas institution that would be available to the public under that official policy.

(ii) Each accrediting agency shall include in its standards for accreditation of Texas institutions that the institutions disclose publicly and to the Board the number of degrees awarded at each level each year and the number of students enrolled in the fall of each year.

(F) Has sufficient resources to carry out its functions:

(i) Accrediting agencies shall identify the number of on-site reviews conducted during the most recent twelve (12) month period, the number of staff members who participated in those on-site reviews and the maximum number of on-site reviews conducted by any individual staff member. If that maximum number exceeds thirty (30), the agency shall explain how it expects to carry out its function of enforcing its standards on Texas institutions.

(ii) Each accrediting agency shall provide evidence that its ratio of current assets to current liabilities equals or exceeds 1.2.

(iii) Each accrediting agency shall demonstrate that its fees are reasonable for the accreditation services provided.

(2) Recognition--To receive and maintain recognition from the Board, the accrediting agency must, in addition to the items listed in paragraph (1) of this subsection:

(A) Provide the Board with current standards used by the entity in initial and ongoing accreditation reviews of educational institutions and invite the Board to participate in such reviews:

(i) Accrediting agencies must have publicly disclosed standards that address at a minimum the following issues: student achievement in relation to the institution's mission; curricula; faculty; facilities, equipment and supplies; fiscal and administrative capacity; student support services; recruiting and admissions practices; ~~academic calendars;~~ ~~catalogs;~~ ~~grading;~~ ~~etc.;~~ measures of program length; ~~and~~ objectives of the degrees or credentials offered; record of student complaints received by ~~or~~ available to the agency; management and financial control.

(ii) In the application process, the accrediting agency must indicate how its standards address each of the quality assessment categories outlined in clause (i) of this subparagraph which represent the underlying principles described in the institutional standards of §7.4 of this chapter (relating to Standards for Operations of Institutions). Comparison of its standards ~~with those of previously recognized accrediting agencies and~~ with the standards in §7.4 of this chapter is required ~~encouraged~~ as a means of indicating how its standards meet those principles.

(iii) Each accrediting agency shall provide its policy for periodic reviews of institutions under its accreditation. At a minimum, the accrediting agency must conduct on-site reviews at least every ten (10) years.

(iv) At least ten (10) working days before each scheduled periodic on-site review of a Texas institution, accrediting agencies shall invite the Board staff to participate in the review. Such participation shall be at no expense to the institution or the accrediting agency.

(v) Within ten (10) working days of an official change in standards, the agency shall notify the Board of those changes.

(vi) By providing a copy of its publicly disclosed policies and procedures, each accrediting agency shall demonstrate that its initial and ongoing reviews and the resultant accreditation decisions are fair and consistent with the available evidence.

(vii) Accrediting agencies that use an advisory body, similar to the Certification Advisory Council described in §7.8 of this chapter (relating to Institutions Not Accredited by a Board-Recognized Accreditor), shall describe the advisory body's composition and authority.

Accrediting agencies that do not use such a body shall describe the process used to ensure that the evidence obtained from reviews results in appropriate accreditation decisions.

(viii) The initial and ongoing reviews shall include an institutional self-evaluation process or a documented alternative process to promote continuous quality improvement.

(ix) Each accrediting agency shall have and publicly disclose its processes for appealing accreditation decisions.

(B) Provide the Board with written evidence of continuing recognition by the Secretary of Education of the United States Department of Education. Loss of recognition from the Secretary automatically results in loss of Board recognition at the same time. Written evidence may consist of a letter from the chief executive officer of the accrediting agency. Accrediting agencies shall submit the evidence upon notice of continued recognition or upon a change in recognition status, scope or level;

(C) Provide a list of Texas educational institutions accredited by it; notify the Board in writing of any change to its list of Texas accredited institutions within ten (10) days of the change;

(D) Notify the Board of any investigated complaints concerning a Texas institution where the accrediting agency took official action on issues of non-compliance and the disposition of those complaints;

(E) Seek Board approval for any expansion of its recognized scope of accreditation authority; and

(F) Demonstrate that the ownership and control of the accrediting agency is sufficiently independent to ensure that the accreditation process is conducted in the public interest.

(G) Each time the accrediting agency applies for continued recognition by the Secretary of Education of the United States Department of Education, the accrediting agency must apply for continued recognition by the Coordinating Board. Applications forms will be provided by Board staff. Application for continued recognition must, at a minimum, contain all information required for initial eligibility and recognition by the Coordinating Board under this rule.

(b) Other Information, Denial or Withdrawal of Recognition and Appeals.

(1) Once recognized, an accrediting agency retains that recognition unless and until the Board withdraws the recognition. Failure to comply with any of the requirements in this chapter, including failure to comply with information requests during periodic reviews, will be grounds for the Board to consider withdrawing recognition.

(2) Each accrediting agency shall provide its policy for periodic reviews. Periodic review shall be conducted at the time an accrediting agency applies for continued recognition by the Secretary of the United States Department of Education. The Coordinating Board reserves the right to request and review current policies at other times for good cause, including, but not limited to, student complaints, accredited institution complaints, or concerns raised by the United States Department of Education or other state or federal agencies.

~~(3) [(2)]~~ The Board may use information provided by parties other than the accrediting agency to assess the accrediting agency's commitment to academic quality and student achievement. The Board will consider any such information in an open, public meeting during which the accrediting agency may challenge the information.

~~(4) [(3)]~~ The Board will make any decision to deny recognition of an accrediting agency or to withdraw recognition from an accrediting agency in a public meeting.

~~(5) [(4)]~~ An institution operating in Texas as an exempt institution pursuant to §7.7 of this chapter when its recognized accrediting agency loses or voluntarily relinquishes its recognition will have a provisional time period set by the Board, or Board staff as delegated, within which the institution may continue to operate pursuant to the requirements in §7.7(2) and (3) [ninety (90) days to apply for a Certificate of Authority or to reach agreement with the Board on a schedule for ceasing its operations in Texas].

~~(6) [(5)]~~ An accrediting agency or institution affected by any final decision under this subchapter may appeal that decision as provided in Chapter 1, Subchapter B of this title (relating to Dispute Resolution).

Rule 7.7 Institutions Accredited by Board-Recognized Accreditors

An institution which does not meet the definition of institution of higher education contained in Texas Education Code §61.003, is accredited by a Board-recognized accreditor, and is interested in offering degrees or courses leading to degrees in the State of Texas must follow the requirements in paragraphs (1) – ~~(4) [(5)]~~ of this section.

(1) Authorization to Offer Degrees or Courses Leading to Degrees in Texas.

(A) Each institution and/or campus location must submit an application for a Certificate of Authorization to offer degree(s) or courses leading to degrees in Texas. The application form for the Certificate of Authorization may be found on the Board's website. The application must contain the following information:

(i) Name of the institution;

(ii) Physical location of campus, or in the case of only providing clinicals or internships in Texas, the physical location of all clinical or internship sites, number of students in clinicals or internships and start and end date of clinicals or internships;

(iii) Name and contact information of the Chief Administrative Officer of the campus and name and contact information of the designated Single Point of Contact as defined in §7.3 of this chapter (relating to Definitions). In the case of an application based on clinicals or internships, name and contact information of clinical or internship site supervisors;

(iv) Name of Board-recognized accreditor;

(v) Level of degree, degree program name, and CIP code as authorized by the Board-recognized accreditor;

(vi) Documentation of notification to students and potential students of any program which does not make the graduate eligible to take required professional examinations in that field or to practice regulated professions in that field in Texas;

(vii) Dates of accreditation granted by the Board-recognized accreditor.

(I) If the institution is currently subject to a negative or adverse action by its Board-recognized accreditor, the institution must provide documentation explaining its current status and actions taken to reverse the negative or adverse action.

(II) If the institution applies based on accreditation of its main campus while seeking final approval for the new Texas-based campus from its Board-recognized accreditor and the Texas Workforce Commission, the institution must provide documentation from its accreditor acknowledging that a decision on campus accreditation can be made within fifteen (15) months of the issuance of a provisional Certificate of Authorization.[;]

(viii) Acknowledgement of student complaint procedure, compliance with the institutional accrediting agency's standards for operation of institutions, annual review reporting requirements, substantive change notification, and student data reporting requirements contained in this section, §§1.110 - 1.120 of this title (relating to Student Complaint Procedure), §7.4 of this chapter (relating to Standards for Operation of Institutions), §7.11 of this chapter (relating to Changes of Ownership and Other Substantive Changes), and §7.13 of this chapter (relating to Student Data Reporting), respectively;

(ix) Texas Workforce Commission Certificate of Approval or a Texas Workforce Commission exemption or exclusion from Texas Education Code, Chapter 132;[;]

(x) Disclosure of most recent United States Department of Education financial responsibility composite score, including applicable academic year for score. If the institution has a score under 1.5, the institution must provide documentation of all actions taken since date of calculation to raise the score.

(B) Board staff will verify information and accreditation status. [and] Upon determination that an institution is in good standing with its Board recognized accreditor, has sufficient financial resources, and, if applicable, has provided sufficient documentation of correcting accreditation or financial issues, Board staff ~~[upon confirmation,]~~ will provide a Certificate of Authorization to offer in Texas those degrees or courses leading to degrees for which it is accredited.~~[, or in the case of]~~ If an institution is only providing clinicals or internships in the state of Texas, a Certificate of Authorization will be issued for the ~~[an]~~ institution to offer in the state of Texas identified clinicals or internships in connection with those degrees or courses leading to degrees for which the institution is accredited. The Certificate of Authorization will be issued to the institution by name, city and state.

(C) Certificates of Authorization are subject to annual review for continued compliance with the Board-recognized accreditor's standards of operation, student complaint processes, financial viability, and accurate and fair representation in publications, advertising, and promotion.

(i) Institutions must submit the following documentation on an annual basis for Board staff review and recommendation to the Board for continuation or revocation of the Certificate of Authorization:

(I) Annual audited financial statements, issued less than one year from time of submission, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant;

(II) Certification that the institution is providing accurate and fair representation in publications, advertising, and promotion, including disclosure to students and potential students of any program which does not make the graduate eligible to take required professional examinations in that field or to practice regulated professions in that field in Texas. The institution shall further certify that it is maintaining any advertising used in Texas for a minimum of five years and shall make any such advertisements available to the Board for inspection upon request.

(III) An annotated copy of the student catalog or student handbook showing compliance with the principles addressed in §7.4 of this chapter with cross-reference to the operational standards of its institutional accrediting agency;

(IV) A copy of the institution's student complaint policy, links to online student complaint procedures and forms, and summary of all complaints made by Texas residents or students enrolled at a Texas-based institution concerning the institution in accordance with §§1.110 - 1.120 of this title. The complaint summary shall include complaints which have been filed, with the institution, its accrediting agency, or the Board within the 12 months prior to the annual review reporting date and shall indicate whether pending or resolved;

(V) Official statement of current accreditation status and any pending or final actions that change the institution's accreditation status from the institution's Board-recognized accreditor, including changes in degree levels or programs offered approvals, changes in ownership or management, and changes in physical location within the 12 months prior to the annual review reporting date;

(VI) Attestation that all documentation submitted is true and correct and continued acknowledgement of student complaint procedure, annual review reporting requirements, substantive change notification, and student data reporting requirements contained herein this section, §§1.110 - 1.120 of this title, §§7.4, 7.11, and 7.13 of this chapter, respectively.

(ii) Annual reviews are conducted based on an institution's name and initial date of authorization.

(I) Institutions with names starting with "A" through "O" must submit annual review documentation by January 15 of each year. The Board will review staff recommendations at the annual July Board meeting.

(II) Institutions with names starting with "P" through "Z" must submit annual review documentation by July 15 of each year. The Board will review staff recommendations at the annual January Board meeting.

(III) Institutions that have received their first Certificate of Authorization less than six months from the due date for submission of annual review documentation may wait to submit documentation until the following annual review submission date.

(iii) Prior to making a recommendation to the Board, staff has discretion to conduct a site visit at the institution if warranted by facts disclosed in the annual review documentation. The Board-recognized accreditor will be notified and invited to participate.

(D) Certificates of Authorization for institutions offering degrees or courses leading to degrees at a physical location in Texas, upon Board staff recommendation after annual review, expire at the end of the grant of accreditation by the Board-recognized accreditor.

(i) If a new grant of accreditation is awarded by the Board-recognized accreditor, the Certificate of Authorization may be renewed upon submission of documentation of the new grant of accreditation.

(ii) If an institution changes recognized accreditors, the institution must submit a new application for a Certificate of Authorization.

(E) Certificates of Authorizations based solely on providing clinicals or internships in Texas expire one year from date of issuance.

(i) If clinicals or internships are ongoing in Texas, the Certificate of Authorization based solely on providing clinicals or internships in Texas must be renewed on an annual basis. At least thirty (30) days, but no more than ninety (90) days, prior to the expiration of the current Certification of Authorization, an institution, if it desires renewal, is required to provide updated information regarding the physical location of all clinical or internship sites, number of students in clinicals or internships, and the start and end date of the clinicals or internships.

(ii) The Board shall renew the Certificate of Authorization based solely on providing clinicals or internships in Texas if it finds that the institution has maintained all requisite standards.

(F) Certificates of Authorization for Texas-based campuses which are provisionally-granted based on their main campus' accreditation expire at the end of fifteen (15) months.

~~[(2) An institution that has requested a Certificate of Authorization but has not received authorization from its accrediting agency to be included in its main campus' accreditation either on an interim or final basis may be granted a Provisional Certificate of Authorization. The Provisional Certificate of Authorization is an acknowledgment that the institution has qualified for a temporary exemption from Board rules based on the main campus' accreditation and is authorized to offer degrees and courses that lead to a degree. The Provisional Certificate of Authorization will be authorized until such time as the institution is granted accreditation or for a period of 15 months, whichever occurs first. The conditions will be outlined in the Provisional~~

~~Certificate of Authorization letter that will accompany the Provisional Certificate of Authorization.]~~

(i) If accreditation has not been achieved by the expiration date, the provisionally-granted ~~[Provisional]~~ Certificate of Authorization will be withdrawn, the institution's authorization to offer degrees will be terminated, and the institution will be required to comply with the provisions of §7.8 of this chapter (relating to Institutions Not Accredited by a Board-Recognized Accreditor).

(ii) Subsequent provisionally-granted ~~[Provisional]~~ Certificates of Authorization will not be issued.

(iii) At least ninety (90) days prior to expiration of the certificate, institutions operating under a provisionally-granted ~~[Provisional]~~ Certificate of Authorization must submit either an application for a Certificate of Authorization under this section or an application for a Certificate of Authority under §7.8 of this chapter.

(2) ~~[(3)]~~ Grounds for Revocation of any Certificate of Authorization.

(A) ~~[The]~~ Institution no longer holds a Certificate of Approval or Letter of Exemption issued by the Texas Workforce Commission.

(B) Institution loses accreditation from Board-recognized accreditor.

(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.

(D) Institution fails to comply with data reporting, substantive change notification requirements, or annual review reporting requirements.

(E) Board staff recommends revocation based on deficiencies in compliance with the principles addressed in §7.4 of this chapter as evidenced by lack of compliance with the Board-recognized accreditor's standards, which are found in annual review documentation and not corrected by the institution upon request by Board staff.

(F) Institution offers degrees for which it does not have accreditor approval.

(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.**

(B) Upon receipt of the notice of revocation, the institution shall not enroll new students and may only grant or award degrees or offer courses leading to degrees ~~[must cease granting or awarding degrees or offering courses leading to degrees]~~ in Texas to students enrolled on the date of notice of revocation until it has either been granted a Certificate of Authority ~~[or Alternative Certificate of Authority]~~ to grant degrees, or has received a determination that it did not lose its qualification for a Certificate of Authorization.

(C) Within ten (10) days of its receipt of the Commissioner's notice, the institution must provide, as directed by Board staff, one or more of the following: ~~[respond and offer]~~

(i) proof of its continued qualification for the exemption; ~~[-]~~ or

(ii) submit data as required by §7.13 of this chapter; ~~[-]~~ or

(iii) a plan to correct any non-compliance or deficiencies which lead to revocation; or

(iv) a plan to seek new Board-recognized accreditation; or

(v) written intention to apply for a Certificate of Authority within 60 days of the notice of revocation; or

(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.~~

(D) After reviewing the evidence, the Commissioner will issue a notice of determination, which in the case of an adverse determination, shall contain information regarding the reasons for the denial, and the institution's right to a hearing.

(E) If a determination under this section is adverse to an institution, it shall become final and binding unless, within forty-five (45) days of its receipt of the adverse determination, the institution invokes the administrative remedies contained in Chapter 1, Subchapter B of this title (relating to Dispute Resolution).

(F) If a determination allows the institution to continue operating, a new Certificate of Authorization will be provisionally-granted. Provisions for continued operation under the new Certificate of Authorization may include, but are not limited to:

(i) requirements to provide updates to Board staff on a monthly basis;

(ii) continued progress toward full compliance with all Board rules and requirements;

(iii) continued progress toward new Board-recognized accreditation, if applicable, or toward approval for a Certificate of Authority; and

(iv) other requirements imposed by the Board.

(G) Certificates of Authorization which are provisionally-granted after a notice of revocation continue only as long as the institution complies with all such provisions.

(4) [(5)] Closure of an Institution.

(A) The governing board, owner, or chief executive officer of an institution that plans to cease operation shall provide the Board with written notification of intent to close at least ninety (90) days prior to the planned closing date.

(B) If an institution closes unexpectedly, the governing board, owner, or chief executive officer of the school shall provide the Board with written notification immediately.

(C) If an institution closes or intends to close before all currently enrolled students have completed all requirements for graduation, the institution shall assure the continuity of students' education by entering into a teach-out agreement with another institution authorized by the Board to hold a Certificate of Authority, with an institution operating under a Certificate of Authorization, or with a public or private institution of higher education as defined in Texas Education Code §61.003. The agreement shall be in writing, shall be subject to Board approval, shall contain provisions for student transfer, and shall specify the conditions for completion of degree requirements at the teach-out institution. The agreement shall also contain provisions for awarding degrees.

(D) The Certificate of Authorization for an institution is automatically withdrawn when the institution closes. The Commissioner may grant to an institution that has a degree-granting authority temporary approval to award a degree(s) in a program for which the institution does not have approval in order to facilitate a formal agreement as outlined under this section.

(E) The curriculum and delivery shall be appropriate to accommodate the remaining students.

(F) No new students shall be allowed to enter the transferred degree program unless the new entity seeks and receives permanent approval for the program(s) from the Board.

(G) The institution shall transfer all academic records pursuant to §7.5(d) of this chapter (relating to Administrative Penalties and Injunctions).

7.8 Institutions Not Accredited by a Board-Recognized Accreditor

An institution which is not accredited by a Board-recognized accreditor and which does not meet the definition of institution of higher education contained in Texas Education Code, §61.003, must follow ~~[either]~~ the Certificate of Authority process ~~[or Alternative Certificate of Authority process]~~ in paragraphs (1) – ~~(9)~~ ~~[(14)]~~ of this section in order to offer degrees or courses leading to degrees in the state of Texas. Institutions are encouraged to contact the Board staff before filing a formal application.

(1) Certificate of Authority Eligibility.

(A) ~~[Eligibility—]~~ The Board will accept applications for a Certificate of Authority only from those applicants ~~[institutions]~~:

(i) proposing to offer a degree or credit courses leading ~~[alleged to be applicable]~~ to a degree; and

(ii) which meet one of the following conditions:

(I) has been legally operating, enrolling students, and conducting classes in Texas and has complied with state law as either a non-degree-granting institution or an exempt institution only offering degrees in religious disciplines for a minimum of two (2) years;

(II) has been legally operating, enrolling students, and conducting classes in Texas and has complied with state law as a degree-granting institution and seeks ~~[wishes]~~ to open a new campus;

(III) has been legally operating as a degree-granting institution in another state for a minimum of four (4) years and can verify compliance with all applicable laws and rules in that state; or

(IV) ~~[held an Alternative Certificate of Authority for one year]~~ does not meet one of the three previous operational history conditions, but meets additional application and review requirements for its initial application, and agrees to meet additional conditions, restrictions, or reporting requirements during its first two years of operation under a Certificate of Authority. The Certificate of Authority will be issued with written, specific conditions, restrictions, or reporting requirements placed upon the institution.

(V) The Board may not issue a Certificate of Authority for a private postsecondary institution to grant a professional degree, as defined in §7.3~~[(35)]~~ of this title (relating to Definitions) or to represent that credits earned in this state are applicable toward a degree if the institution is chartered in a foreign country or has its principal office or primary educational program in a foreign country.

(B) To be considered by the Board as operating, means to have assembled a governing board, developed policies, materials, and resources sufficient to satisfy the requirements for a Certificate of Authority, and either have enrolled students and conducted classes or

accumulated sufficient financing to do so for at least one year upon certification based on reasonable estimates of projected enrollment and costs. Sufficient financing may be demonstrated by proof of an adequate surety instrument, including but not limited to, a surety bond, an assignment of a savings or escrow account, certificate of deposit, irrevocable letter of credit, or a properly executed participation contract with a private association, partnership, corporation, or other entity whose membership is comprised of postsecondary institutions, which is:

(i) In a form and amount acceptable to the Board;

(I) The amount of the surety instrument submitted to the Board with an application shall be equal to or greater than the cost of providing a refund, including administrative costs associated with processing claims, for the maximum prepaid, unearned tuition and fees of the school for a period or term during the applicable school year for which programs of instruction are offered, including, but not limited to, on a semester, quarter, monthly, or class basis; except that the period or term of greatest duration and expense shall be utilized for this computation where a school's year consists of one or more such periods or terms;

(II) The applicant shall include a letter signed by an authorized representative of the institution showing in detail the calculations made pursuant to this section and explaining the method used for computing the amount of the surety instrument;~~and~~

(ii) Conditioned to provide indemnification to any student or enrollee of the school or his/her parent or guardian determined by the Board to have suffered loss of prepaid tuition or any fees as a result of violation of any minimum standard or as a result of a holder of a Certificate of Authority ceasing operation, and provides evidence satisfactory to the Board of its financial ability to provide such indemnification and lists the amount of surety liability the guaranteeing entity will assume~~[-]~~ ; and

(iii) Held in Travis County, Texas, and conditioned to allow only the Board to withdraw funds for the benefit of persons identified in subparagraph (ii) of this paragraph.

(2) Certificate of Authority Application Submission and Requirements ~~[for Certificate of Authority]~~.

(A) An applicant must submit an application to the Board to be considered for a Certificate of Authority to offer identified proposed degree(s), and courses which may be applicable toward a degree, in Texas.

(i) ~~[(A)]~~ Applications must be submitted as ~~[with]~~ an original and ~~[four (4)]~~ a copy [copies] in an electronic format as specified by Board staff, and accompanied by the application fee described in paragraph (3) ~~[(9)]~~ of this section.

(ii) A single desk review of the application will be conducted to determine completeness and readiness for a site team visit.

(iii) The desk review will be done by a reviewer who will act as the site review team leader if the application is deemed complete and ready for a site team visit.

(iv) The desk reviewer, in consultation with Board staff, will make three possible recommendations. Board staff will make a final determination on acceptability of the application based on one of the three recommendations:

(I) The application is determined to be foundationally incomplete in one or more Standards for Operation of Institutions as described in §7.4 of this chapter and not ready for submission. A foundationally incomplete application is one where the Standards for Operation of Institutions have not been met to such a degree that the institution is unlikely to be sustainable or operational.

(II) The application may be resubmitted after incorporating revisions or additions suggested by the reviewer. The revisions or additions must allow the application to meet all Standards for Operation of Institutions.

(III) The application is acceptable and ready for a site review visit.

(v) If the application is foundationally incomplete and not ready for submission, a portion of the application fee, if not expended during the desk review, may be returned and another application may not be submitted for one year from the date of rejection of the foundationally incomplete application.

(B) The application form for the Certificate of Authority may be found on the Board's website.

(C) The Certificate of Authority application must include:

(i) The name and address of the institution;

(ii) The purpose and mission of the institution;

(iii) ~~[(C)]~~ Documentary evidence of compliance with paragraph (1)(A)(i)-(iii)~~[(ii)]~~ of this section; ~~[must be filed with the application.]~~

(iv) Documentary evidence of either a Letter of Exemption or Certificate of Approval from the Texas Workforce Commission pursuant to Texas Education Code, Chapter 132;

(v) Documentary evidence of articles of incorporation or other Texas-authorized organizational documents, regulations, rules, constitutions, bylaws, or other regulations established for the governance and operation of the institution;

(vi) Identification, by name and contact information, of:

(I) The sponsors or owners of the institution;

(II) The designated Single Point of Contact as defined in §7.3 of this chapter (relating to Definitions) ;

(III) The chief administrative officer, the principal administrators, and each member of the board of trustees or other governing board;

(IV) Identification of faculty who will, in fact, teach in each program of study, including identification of colleges attended and copies of transcripts for every degree held by each faculty member;

(vii) [(D)] Information regarding each degree or course leading to a degree which the applicant [institution] proposes to offer, including a full description of the proposed degree or degrees to be awarded and the course or courses of study prerequisite thereto;

(viii) A description of the facilities and equipment utilized by the applicant, including, if applicable, all equipment, software, platforms and other resources used in the provision of education via online or other distance education;

(ix) Detailed information describing the manner in which the applicant complies with each of the Standards of Operations of Institutions contained in §7.4 of this chapter (relating to Standards for Operations of Institutions) ;

(x) If applicable, institutions accredited by entities which are not recognized by the Board must submit all accrediting agency reports and any findings and institutional responses to such reports and findings for ten years immediately preceding the application for a Certificate of Authority. Accreditation by entities which are not recognized by the Board does not allow an institution to offer a degree or courses leading to a degree without a Certificate of Authority to offer such degree or courses;

(xi) A written accreditation plan, identifying:

(I) The Board-recognized accrediting agency with which the applicant intends to apply for institutional accreditation;

(II) The planned timeline for application with and approval by the Board-recognized accrediting agency;

(III) Any contacts already made with the Board-recognized accrediting agency, including supporting documents.

(xii) Any additional information which the board may request.

(D) An applicant that does not meet the previous operational history conditions described by §7.8(1)(A)(ii)(I)-(III) of this chapter must be able to demonstrate it is able to meet all Standards for Operation of Institutions found in Section 7.4 of this chapter through documentation and/or possession of adequate resources. Such demonstration includes, but is not limited to:

(i) Executed agreements with all administration and faculty identified in the application;

(ii) Complete curriculum, assessment, and learning tools for each proposed degree;

(iii) Possession of all listed facilities and resources.

(E) An applicant that does not meet the previous operational history conditions described by §7.8(1)(A)(ii)(I)-(III) of this chapter may not apply for a graduate degree or for more than one area of study as part of its initial application for a Certificate of Authority.

~~[Name and contact information of the designated Single Point of Contact as defined in §7.3 of this chapter (relating to Definitions).]~~

(3) Fees Related to Certificates of Authority.

(A) Each biennium the Board shall set the fees for applications for Certificates of Authority, which shall not exceed the average cost, in the preceding two fiscal years, of staff time, review and consultation with applicants, and evaluation of the applications by necessary consultants, including the cost of such consultants.

(B) Each biennium, the Board shall also set the fees for amendments to add additional degree programs to Certificates of Authority.

(C) The Commissioner shall request changes in the fees at a Board quarterly meeting.

(4) [(3)] Authorization Process.

~~[(A) An institution must submit an application to the Board to be considered for a Certificate of Authority to offer specific degree(s), and courses which may be applicable toward a degree, in Texas.]~~

~~[(B) Each institution must have either a Letter of Exemption or Certificate of Approval from the Texas Workforce Commission pursuant to Texas Education Code, Chapter 132.]~~

~~[(C) An institution must submit detailed information describing the manner in which the institution complies with each of the Standards of Operations of Institutions contained in §7.4 of this chapter (relating to Standards for Operations of Institutions).]~~

~~[(D) Institutions accredited by entities which are not recognized by the Board must submit all accrediting agency reports and any findings and institutional responses to such reports and findings.]~~

~~[(E) Each institution must provide the required fee set by the Commissioner on a biennial basis which is necessary to cover the costs of the application review, site review team, and travel, meals, lodging and consulting fees for the review.]~~

(A) [(F)] Based upon the information contained in the application, the Commissioner or his/her designee shall determine whether a site review team is necessary. A site review team is always required for applications for an initial Certificate of Authority.

(B) [(G)] ~~If a site review team is required, the Commissioner or his/her designee shall identify~~ A [a] site review team shall be composed of no fewer [less] than three (3) members [individuals], all of whom have experience and knowledge in postsecondary education. The combined team experience and knowledge shall be sufficient to review all applicable standards of the agency.

(C) [(H)] An institution must demonstrate it is prepared to be fully operational as of the date of the on-site evaluation; i.e., it must have in-hand or under contract all the human, physical, administrative, and financial resources necessary to demonstrate its capability to meet the standards for nonexempt institutions.

(D) The conditions found at the institution as of the date of the on-site evaluation review team's visit will provide the basis for the [visiting] team's evaluation and report, the Certification Advisory Council's recommendation, the Commissioner's recommendation, and the Board's determination of the institution's qualifications for a Certificate of Authority.

(E) [(I)] The site review team shall conduct an on-site review of the institution and prepare a report regarding the institution's ability to meet the Standards of Operation.

(F) [(J)] The applicant [institution] shall have thirty (30) days in which to respond in writing to the report.

(G) [(K)] The Certification Advisory Council shall review the site review team's report and the applicant's [institution's] response and make a recommendation regarding disposition to the Board and Commissioner.

(i) If the applicant has no previous operational history as described by §7.8(1)(A)(ii)(I)-(III) of this chapter, the Council shall make recommendations for additional conditions, restrictions, or reporting requirements during the first two years of operation under a Certificate of Authority.

(ii) If the applicant has previous operational history as described by §7.8(1)(A)(ii)(I)-(III) of this chapter, the Council may make recommendations for additional conditions, restrictions, or reporting requirements during the first two years of operation under a Certificate of Authority.

(H) [(L)] ~~The~~ Upon receipt of the Council's recommendation, the Commissioner shall make his/her recommendation regarding the application to the Board ~~[if it differs from the Council's recommendation].~~ The Commissioner's recommendation shall be made independent of the Certification Advisory Council's recommendation. The Commissioner may make recommendations for additional conditions, restrictions, or reporting requirements for the time the institution is operating under a Certificate of Authority.

(I) [(M)] After review of the Commissioner's and Council's recommendations, if the Board approves the application, the Commissioner shall immediately have prepared a Certificate of

Authority containing the issue date, a list of the approved degree(s) or courses leading to degrees, and the period for which the Certificate is valid. If applicable, the Certificate of Authority will be issued with any written, specific conditions, restrictions, or reporting requirements placed upon the institution and approved by the Board.

~~(J)~~ ~~[(N)]~~ After review of the Commissioner's and Council's recommendations, if the Board does not approve the application, the Commissioner shall immediately notify the applicant of the denial and the reasons for the denial.

~~(K)~~ ~~[(O)]~~ Upon denial, an applicant [institution] that has met the previous operational history conditions described by §7.8(1)(A)(ii)(I)-(III) of this chapter may not reapply for a period of one hundred eighty (180) days from date of denial.

~~(L)~~ Upon denial, an applicant that has not met the previous operational history conditions described by §7.8(1)(A)(ii)(I)-(III) of this chapter may not reapply for a period of one year from date of denial.

~~(5)~~ ~~[(4)]~~ Terms and Limitations of a Certificate of Authority.

(A) The Certificate of Authority to grant degrees is valid for a period of two (2) years from the date of issuance.

(B) Certification by the state [State] of Texas is not accreditation, but merely a protection of the public interest while the institution pursues accreditation from a recognized agency, within the time limitations expressed in subparagraph ~~(A)~~ ~~[(C)]~~ of this paragraph. Therefore, the institution awarded a Certificate of Authority shall not use terms to interpret the significance of the certificate which specify, imply, or connote greater approval than simple permission to operate and grant certain specified degrees in Texas. Terms which may not be used include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended" by the state [State] of Texas or agency thereof. Specific language prescribed by the Commissioner which explains the significance of the Certificate of Authority shall be included in all publications, advertisements, and other documents where certification and the accreditation status of the institution are mentioned.

~~[(C) An institution may be granted consecutive Certificates of Authority for a total grant of no longer than eight (8) years. Absent sufficient cause, at the end of the eight (8) years, the institution must be accredited by a Board-recognized accrediting agency.]~~

~~(C)~~ ~~[(5)]~~ Institutions holding a Certificate of Authority will be required to:

~~(i)~~ ~~[(A)]~~ furnish a list of their agents to the Board;

~~(ii)~~ ~~[(B)]~~ maintain records of students enrolled, credits awarded, and degrees awarded, in a manner specified by the Board; and

~~(iii)~~ ~~[(C)]~~ report any substantive change, including changes in administrative personnel, faculty, or facilities.

(D) Institutions that, upon application, did not meet one of the three previous operational history conditions described by §7.8(1)(A)(ii)(I)-(III) of this chapter, in addition to the requirements of subparagraph (C) of this paragraph, are required to provide, at the end of the first year of the initial Certificate of Authority:

(i) Documentary evidence of continued exemption or approval from the Texas Workforce Commission pursuant to Texas Education Code, Chapter 132;

(ii) Current audited financial statements, including a balance sheet, income statement, statement of changes in net worth, and statement of cash flow, updated since issuance of the initial Certificate of Authority;

(iii) Documentation of continued validity of any required financial surety instrument;

(iv) Current enrollment, retention, and graduation numbers for students in all approved degree programs; and

(v) An updated accreditation plan, including any progress made toward obtaining Board-recognized accreditation identified in the initial application or a change in plans to apply for accreditation with another Board-recognized accreditation agency.

(E) Authority to Represent Transferability of Course Credit. Any institution as defined in §7.3 of this chapter, whether it offers degrees or not, may solicit students for and enroll them in courses on the basis that such courses will be credited to a degree program offered by another institution, provided that:

(i) the other institution is named in such representation, and is accredited by a Board-recognized accrediting agency or has a Certificate of Authority;

(ii) the courses are identified and documented for which credit is claimed to be applicable to the degree programs at the other institution; and

(iii) the written agreement between the institution subject to these rules and the accredited institution is approved by both institutions' governing boards in writing, and is filed with the Board.

(6) Amendments to a Certificate of Authority.

(A) An institution seeking to amend its Certificate of Authority to award a new or different degree during the period of time covered by its current Certificate of Authority may file an application for amendment, on forms provided by the Board upon request, subject to the following exceptions:

(i) An institution with no previous operational history described by §7.8(1)(A)(ii)(I)-(III) of this chapter which has been granted a Certificate of Authority may not apply for an amendment during the period of time covered by its initial Certificate of Authority.

(ii) An institution with operational history described by §7.8(1)(A)(ii)(I)-(III) of this chapter which has been granted a Certificate of Authority may not apply for an amendment within the first one hundred eighty (180) days after the grant of its initial Certificate of Authority.

(iii) An institution with operational history described by §7.8(1)(A)(ii)(I)-(III) of this chapter which has been granted a Certificate of Authority with restrictions may not apply for an amendment during the period of time covered by the restricted Certificate of Authority.

(iv) An institution seeking to discontinue a degree program, without closure of the institution, shall assure the continuity of students' education by entering into a teach-out agreement with:

(I) another institution authorized by the Board to hold a Certificate of Authority;

(II) an institution operating under a Certificate of Authorization; or

(III) a public or private institution of higher education as defined in Texas Education Code §61.003.

(v) The teach-out agreement shall be in writing, shall be subject to Board staff approval, shall contain provisions for student transfer, and shall specify the conditions for completion of degree requirements at the teach-out institution. The agreement shall also contain provisions for awarding degrees.

(B) Applications for amendments shall be accompanied by the fee described in paragraph (3) of this subsection for each amendment to an existing degree or for each application to award a new or different degree.

(C) Based upon the information contained in the application for amendment, the Commissioner or his/her designee may utilize an outside consultant, the Certification Advisory Council, or both, to review the application for amendment in order to make a recommendation to the Board.

(D) Upon Board approval that the new or revised degree program meets the required standards, the Board shall amend the institution's Certificate of Authority accordingly.

(E) A change of degree level or additional program would require an amended Certificate of Authority prior to beginning the program.

(7) Renewal of Certificate of Authority.

(A) At least one hundred eighty (180) days, but no more than two hundred ten (210) days, prior to the expiration of the current Certificate of Authority, an institution seeking renewal shall make application to the Board on forms provided upon request. The renewal application must include any applications for or renewal of accreditation by national or regional accrediting agencies. The renewal application shall be accompanied by the fee described in paragraph (3) of this subsection.

(B) The application for renewal of the Certificate of Authority will be evaluated in the same manner as that prescribed for evaluation of an initial application, except that the renewal application must include the institution's record of improvement and progress toward accreditation. Evaluation of the renewal application will include review of compliance with any specific conditions, restrictions, or reporting requirements placed upon the institution during the period of the previous Certificate of Authority and whether continuation or addition of conditions, restrictions or reporting requirements is warranted.

(C) An institution may be granted consecutive Certificates of Authority for a total grant of no longer than eight (8) years. Absent sufficient cause, at the end of the eight (8) years, the institution must be accredited by a recognized accrediting agency.

(D) Subject to the application and authorization restrictions of this section, the Board shall renew the certificate if it finds that the institution has maintained all requisite standards and is making sufficient progress toward accreditation by a Board-recognized accrediting agency.

~~(8)~~ [6] ~~[Grounds for]~~ Revocation of Certificate of Authority.

(A) Grounds for revocation include:

~~(i)~~ ~~[(A)]~~ ~~[The]~~ Institution no longer holds a Certificate of Approval or Letter of Exemption issued by the Texas Workforce Commission; or ~~[-]~~

~~(ii)~~ ~~[(B)]~~ Institution fails to comply with substantive change notification and data reporting requirements as outlined in §7.11 of this chapter (relating to Changes of Ownership and Other Substantive Changes) and §7.13 of this chapter (relating to Student Data Reporting), respectively; or ~~[-]~~

~~(iii)~~ ~~[(C)]~~ Institution offers degrees or courses leading to a degree for which it does not have Board approval; or ~~[-]~~

~~(iv)~~ ~~[(D)]~~ Institution fails to maintain the Standards of Operation as defined in §7.4 of this chapter; or ~~[-]~~

~~(v)~~ ~~[(E)]~~ Failure to comply with ~~[paragraph (3)(D) of this section]~~ the requirement to submit all accrediting agency correspondence, reports, or findings and institutional responses to such correspondence, reports, and findings if an institution is accredited by entities which are not recognized by the Board; or

~~(vi)~~ Failure to fully comply with any additional conditions, restrictions, or reporting requirements placed upon the institution as part of its current Certificate of Authority.

(B) Process for revocation ~~[(7)]~~ ~~[Revocation]~~ of Certificate of Authority to offer ~~[Offer]~~ degrees ~~[Degrees]~~ in Texas; ~~[-]~~

~~(i)~~ ~~[(A)]~~ Board notifies institution of grounds for revocation as outlined in this paragraph ~~[(6) of this section]~~ via registered or certified mail; ~~[-]~~

(ii) [(B)] Within ten (10) days of its receipt of the Commissioner's notice, the institution must either cease and desist operations or respond and offer proof of its continued qualification for the authorization ~~[exemption]~~, and/or submit data as required by ~~[\$7.13 of]~~ this chapter. ~~[-]~~

(iii) [(C)] After reviewing the evidence, the Commissioner will issue a notice of determination, which in the case of an adverse determination, shall contain information regarding the reasons for the denial, and the institution's right to a hearing. ~~[-]~~

(iv) [(D)] If a determination under this section is adverse to an institution, it shall become final and binding unless, within forty-five (45) days of its receipt of the adverse determination, the institution invokes the administrative remedies contained in Chapter 1, Subchapter B of this title (relating to Dispute Resolution).

(C) [(E)] Without a valid ~~[Until the]~~ Certificate of Authority, the institution must immediately cease and desist all operations, ~~[is reinstated, the]~~ including granting ~~[institution may not grant]~~ degrees, offering ~~[offer]~~ courses leading to degrees, receiving ~~[or receive]~~ payments from students for courses which may be applicable toward a degree, or enrolling new students.

(i) If an institution must cease and desist operations, within forty-five (45) days of the adverse determination becoming final and binding, the institution must assure the continuity of students' education by entering into a teach-out agreement with another institution authorized by the Board to hold a Certificate of Authority, with an institution operating under a Certificate of Authorization, or with a public or private institution of higher education as defined in Texas Education Code §61.003.

(ii) The teach-out agreement shall be in writing, shall be subject to Board staff approval prior to implementation, shall contain provisions for student transfer, and shall specify the conditions for completion of degree requirements at the teach-out institution. The agreement shall also contain provisions for awarding degrees.

(D) [(8)] Reapplication After Revocation of Certificate of Authority.

(i) [(A)] The institution will not be eligible to reapply for a period of one hundred eighty (180) days.

(ii) [(B)] The subsequent application must show, in addition to all other requirements described herein, correction of the deficiencies which led to the denial.

(iii) [(C)] The period of time during which the institution does not hold a Certificate of Authority shall not be counted against the eight (8) year period within which the institution must achieve accreditation from a Board-recognized accrediting agency absent sufficient cause, as described in paragraph (7) ~~[(4)]~~ (C) of this section; the time period begins to run again upon reinstatement.

~~[(9) Fees Related to Certificates of Authority.]~~

~~[(A) Certificates of Authority. Each biennium the Commissioner shall set the fee for initial and renewal applications for Certificates of Authority, which shall be equal to the average cost of~~

~~evaluating the applications. The fee shall include the costs of travel, meals, and lodging of the visiting team and the Commissioner, or the Commissioner's designated representatives, and consulting fees for the visiting team members, if an on-site review is conducted.]~~

~~[(B) Each biennium, the Commissioner shall also set the fees for amendments to Certificates of Authority.]~~

~~[(C) The Commissioner shall report changes in the fees to the Board at a quarterly meeting.]~~

~~[(10) Renewal of Certificate of Authority.]~~

~~[(A) At least one hundred eighty (180) days, but no more than two hundred ten (210) days, prior to the expiration of the current Certificate of Authority, an institution, if it desires renewal, shall make application to the Board on forms provided upon request. Reports not previously submitted to the Board, related to the application for or renewal of accreditation by national or regional accrediting agencies shall be included. The renewal application shall be accompanied by the fee described in paragraph (9) of this section.]~~

~~[(B) The application for renewal of the Certificate of Authority will be evaluated in the same manner as that prescribed for evaluation of an initial application, except that the evaluation will include the institution's record of improvement and progress toward accreditation.]~~

~~[(C) An institution may be granted consecutive Certificates of Authority for no longer than eight (8) years. Absent sufficient cause, at the end of the eight (8) years, the institution must be accredited by a recognized accrediting agency.]~~

~~[(D) Subject to the restrictions of paragraph (3) of this section, the Board shall renew the certificate if it finds that the institution has maintained all requisite standards.]~~

~~[(11) Amendments to a Certificate of Authority.]~~

~~[(A) An institution which wishes to amend an existing program of study to award a new or different degree during the period of time covered by its current certificate may file an application for amendment, on forms provided by the Board upon request. An institution may begin operating such a program upon filing the application, and the application shall be deemed to be granted if not rejected by the Board within one hundred twenty (120) days.]~~

~~[(B) Applications for amendments shall be accompanied by the fee described in paragraph (9) of this section.]~~

~~[(C) Unless the Board finds that the new program of study does not meet the required standards, the Board shall amend the institution's certificate accordingly.]~~

~~[(D) A change of degree level would require an amended Certificate of Authority prior to beginning the program.]~~

~~[(12) Authority to Represent Transferability of Course Credit. Any institution as defined in §7.3 of this chapter, whether it offers degrees or not, may solicit students for and enroll them in~~

~~courses on the basis that such courses will be credited to a degree program offered by another institution, provided that:]~~

~~[(A) the other institution is named in such representation, and is accredited by a recognized accrediting agency or has a Certificate of Authority;]~~

~~[(B) the courses are identified for which credit is claimed to be applicable to the degree programs at the other institution; and]~~

~~[(C) the written agreement between the institution subject to these rules and the accredited institution is approved by both institutions' governing boards in writing, and is filed with the Board.]~~

(9) ~~[(13)]~~ Closure of an Institution.

(A) The governing board, owner, or chief executive officer of an institution that plans to cease operation in the state of Texas shall provide the Board with written notification of intent to close at least ninety (90) days prior to the planned closing date.

(B) If an institution closes unexpectedly, the governing board, owner, or chief executive officer of the school shall provide the Board with written notification immediately.

(C) If an institution closes or intends to close before all currently enrolled students have completed all requirements for graduation, the institution shall assure the continuity of students' education by entering into a teach-out agreement with another institution authorized by the Board to hold a Certificate of Authority, with an institution operating under a Certificate of Authorization, or with a public or private institution of higher education as defined in Texas Education Code §61.003. The agreement shall be in writing, shall be subject to Board approval prior to implementation, shall contain provisions for student transfer, and shall specify the conditions for completion of degree requirements at the teach-out institution. The agreement shall also contain provisions for awarding degrees.

(D) The Certificate of Authority ~~[Authorization]~~ for an institution is automatically withdrawn ~~as of the date~~[when] the institution closes. The Commissioner may grant to an institution that has existing ~~[a]~~ degree-granting authority temporary approval to award a degree(s) in a program for which the institution does not have approval in order to facilitate a formal agreement as outlined under this section.

(i) The curriculum and delivery shall be appropriate to accommodate the remaining students.

(ii) No new students shall be admitted to ~~[allowed to enter]~~ the transferred degree program unless the new entity seeks and receives permanent approval for the program(s) from the Board, or Board staff, as delegated, or the transferred degree program already has such approval.

~~[(14) Alternative Certificate of Authority. In lieu of the standard Certificate of Authority requirements for institutions and their agents described in paragraphs (1) — (13) of this section,~~

~~an institution may obtain an Alternative Certificate of Authority to issue degrees as provided by this subsection. Alternative Certificates of Authority shall be issued by the Commissioner and are temporary, being valid for twelve (12) months, after which a regular Certificate of Authority shall be required. A site visit shall be conducted by Board staff during the initial twelve (12) month period.]~~

~~[(A) Surety Instrument Requirement. At the time application is made for an Alternative Certificate of Authority, or when new programs, stand-alone courses or continuing education courses are added, the applicant shall file with the Board a surety bond or surety alternative which meets the requirements set forth in these sections. Schools located in Texas each shall file one bond or surety alternative covering the school and its agents.]~~

~~[-(i) The amount of the bond or other allowable surety instrument submitted to the Board with an application for an Alternative Certificate of Authority shall be equal to or greater than the cost of providing a refund, including administrative costs associated with processing claims, for the maximum prepaid, unearned tuition and fees of the school for a period or term during the applicable school year for which programs of instruction are offered, including, but not limited to, on a semester, quarter, monthly, or class basis; except that the period or term of greatest duration and expense shall be utilized for this computation where a school's year consists of one or more such periods or terms.]~~

~~[-(ii) A school, whose surety value is found by the Board to be insufficient to fund the unearned, prepaid tuition of enrolled students, shall be noncompliant with these sections, and, if, after ten (10) working days from the issuance of a notice of noncompliance, the school has not increased its surety to an acceptable level, it shall be subject to revocation or suspension of its Alternative Certificate of Authority.]~~

~~[(iii) Following the initial filing of the surety bond with the Board, the amount of the bond shall be recalculated annually based upon a reasonable estimate of the maximum prepaid, unearned tuition and fees received by the school for such period or term. In no case shall the amount of the bond be less than twenty five thousand dollars (\$25,000).]~~

~~[(iv) The institution shall include a proposal in the form of a letter signed by an authorized representative of the school showing in detail the calculations made pursuant to this section and explaining the method used for computing the amount of the bond or surety alternative.]~~

~~[(v) In order to be approved by the Board, a surety bond must be:]~~

~~[(I) An original bond;]~~

~~[(II) Executed by the applicant and by a surety company authorized to do business in Texas;]~~

~~[(III) In a form acceptable to the Board; and]~~

~~[(IV) Conditioned to provide indemnification to any student or enrollee of an in-state or out-of-state school or his/her parent or guardian determined by the Board to have suffered a loss of tuition or any fees as a result of violation of any minimum standard or as a result of a holder of an Alternative Certificate of Authority ceasing operation.]~~

~~[(vi) In lieu of a surety bond, an applicant may file with the Board an assignment of savings account that:]~~

~~[(I) Is in a form acceptable to the Board;]~~

~~[(II) Is executed by the applicant; and]~~

~~[(III) Is executed by a state or federal savings and loan association, state bank or national bank whose accounts are insured by a federal depositor's corporation.]~~

~~[(vii) In lieu of a surety bond, an applicant may file with the Board a certificate of deposit that:]~~

~~[(I) Is issued by a state or federal savings and loan association, state bank or national bank whose accounts are insured by a federal depositor's corporation;]~~

~~[(II) Is either:]~~

~~[(a) Payable to the Board;]~~

~~[(b) In the case of a negotiable certificate of deposit, is properly assigned without restriction to the Board; or]~~

~~[(c) In the case of a non-negotiable certificate of deposit, is assigned to the Board by assignment in a form satisfactory to the Board.]~~

~~[(viii) In lieu of a surety bond, an applicant may file with the Board an irrevocable letter of credit that:]~~

~~[(I) Is in a form acceptable to the Board; and]~~

~~[(II) Is conditioned to provide indemnification to any student or enrollee of the school or his/her parent or guardian determined by the Board to have suffered loss of tuition or any fees as a result of violation of any minimum standard or as a result of a holder of an Alternative Certificate of Authority ceasing operation.]~~

~~[(ix) In lieu of a surety bond, an applicant may file with the Board a properly executed participation contract with a private association, partnership, corporation or other entity whose membership is comprised of postsecondary institutions, which:]~~

~~[(I) Is in a form acceptable to the Board; and]~~

~~[(II) Is conditioned to provide indemnification to any student or enrollee of the school or his/her parent or guardian determined by the Board to have suffered loss of prepaid tuition or any fees as a result of violation of any minimum standard or as a result of a holder of an Alternative Certificate of Authority ceasing operation, and provides evidence satisfactory to the Board of its financial ability to provide such indemnification and lists the amount of surety liability the alternative entity will assume.]~~

~~[(x) Whenever these sections require a document to be executed by an applicant the following shall prevail:]~~

~~[(I) If the applicant is a corporation, the document must be executed by the president of the corporation or persons designated by the corporate board.]~~

~~[(II) If the applicant is a limited liability corporation the document must be executed by the members.]~~

~~[(III) If the applicant is a partnership, the document must be executed by all general partners.]~~

~~[(IV) If the applicant is an individual, the document must be signed by the individual.]~~

~~[(V) If the applicant is a state agency, the document must be signed by the Director of that Department.]~~

~~[(VI) If the applicant is a local government, the document must be signed by the mayor or board president.]~~

~~[(xi) Any bonding alternative entity must have independent financial resources necessary to meet the contractual obligation to the students of a failed member institution and resources equal to or exceeding the maximum bonds required of all single schools.]~~

~~[(xii) A school applying for an Alternative Certificate of Authority shall be exempt from the surety instrument requirement if it can demonstrate a United States Department of Education composite financial responsibility score of 1.5 or greater on its current financial statement; or if it can demonstrate a composite score between 1.1 and 1.4 on its current financial statement and has scored at least 1.5 on a financial statement in either of the prior two (2) years.]~~

~~[(B) Application and Statement. Institutions seeking an Alternative Certificate of Authority are urged to obtain informal guidance from Board staff before filing a formal application. The Board will accept applications for an Alternative Certificate of Authority only from those institutions proposing to offer a degree or credit courses alleged to be applicable to a degree.]~~

~~[(C) An institution seeking an Alternative Certificate of Authority shall submit to the Board a completed application, which must demonstrate it meets, or has the ability to meet, depending on circumstances, the standards set out in §7.4 of this chapter; a signed and dated affirmation statement, acknowledging compliance with certification criteria set forth in this section; and a notarized attestation statement signed by the chief executive officer or equivalent. The application form shall contain:]~~

~~[(i) The name and address of the institution and its purpose;]~~

~~[(ii) The names of the sponsors or owners of the institution;]~~

~~[(iii) The regulations, rules, constitutions, bylaws, or other regulations established for the government and operation of the institution;]~~

~~[(iv) The names and addresses of the chief administrative officer, the principal administrators, and each member of the board of trustees or other governing board;]~~

~~[(v) The names of faculty who have been retained, their area(s) of teaching, and their degrees held;]~~

~~[(vi) The types of degrees to be awarded and a list of courses that may be included in each degree program; and]~~

~~[(vii) The location of any facilities maintained or being constructed and a list of potentially hazardous equipment which requires a federal or state government license to operate, if any has been acquired, that is to be used by students in the teaching process.]~~

~~[(D) Institutions shall certify that they maintain a list of their agents as defined in §7.3 of this chapter and have policies to ensure that their agents are of good character and provide accurate information to prospective students and their families, but such agents are not required to register with the Board or submit a fee.]~~

~~[(E) Applications must be submitted with an original and four copies and accompanied by the required fee. Alternative Certificate of Authority fees shall be five hundred dollars (\$500) more than the fee for a regular Certificate of Authority, as established in paragraph (9) of this section.]~~

~~[(F) Board's Review of Applications.]~~

~~[(i) Within ninety (90) days of receipt of a complete application, Board staff will review said application and recommend to the Commissioner either approval or denial of the application.]~~

~~[(ii) Within one hundred twenty (120) days of receipt of a complete application, the Commissioner shall either award a one-year Alternative Certificate of Authority or deny the application.]~~

~~[(iii) If a determination under this section is adverse to an institution, it shall become final and binding unless, within forty five (45) days of its receipt of the adverse determination, the institution invokes the administrative remedies contained in Chapter 1, Subchapter B of this title.]~~

~~[(iv) Upon denial, or after the institution has exhausted all appeal options and has not prevailed, the institution may not reapply for a period of one hundred eighty (180) days.]~~

~~[(G) Terms and Limitations of an Alternative Certificate of Authority.]~~

~~[(i) The Alternative Certificate of Authority to grant degrees is valid for one (1) year from the date of issuance.]~~

~~[(ii) The institution shall notify the Board at least ten (10) working days prior to the start of the first class of its first year schedule. Board staff shall visit the institution and interview both staff and students at least once during the first year.]~~

~~[(iii) Certification by the State of Texas is not accreditation, but merely a protection of the public interest while the institution pursues accreditation from a recognized agency, within the time limitations expressed in paragraph (10)(C) of this section. An institution awarded an Alternative Certificate of Authority shall not use terms to interpret the significance of the certificate which specify, imply, or connote greater approval than simple permission to operate and grant degrees in Texas. Terms which may not be used include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended" by the State of Texas or agency thereof. Specific language prescribed by the Commissioner which explains the significance of the Alternative Certificate of Authority shall be included in all publications, advertisements, and other documents where certification and the accreditation status of the institution are usually mentioned, including the institution's catalog and the home page of the institution's Internet website.]~~

~~[(iv) Approval of the application grants the institution the authority to award degrees or to enroll students for courses that may be applicable toward a degree only for those programs approved by the Alternative Certificate of Authority. Separate program approval shall be required for each additional degree program in accordance with this chapter.]~~

~~[(v) The Commissioner may revoke an institution's Alternative Certificate of Authority to grant degrees at any time if the Commissioner finds that:]~~

~~[(I) Any statement contained in an application for the certificate is untrue;]~~

~~[-(II) The institution has failed to maintain the standards of the Board, as described herein, on the basis of which the certificate was granted;]~~

~~[(III) Advertising or representations made on behalf of the institution is deceptive or misleading;]~~

~~[(IV) The institution has offered degrees or courses leading to degrees for which they have not been approved in an Alternative Certificate of Authority; or]~~

~~[(V) The institution has violated any provision of this subchapter.]~~

~~[(H) Continuing Operations after One Year.]~~

~~[(i) At least one hundred eighty (180) days, but no more than two hundred ten (210) days, prior to the expiration of the current Alternative Certificate of Authority, an institution, if it desires to continue operations, shall make application to the Board for a Certificate of Authority following the process in paragraph (10) of this section. Only one Alternative Certificate of Authority will be granted.]~~

~~[(ii) The application will be evaluated in the same manner as that prescribed for evaluation of an initial application.]~~

7.9 No Changes.

7.10 Registration of Agents

(a) Application for Registration--An agent as defined in §7.3 of this chapter (relating to Definitions) shall submit an application to the Board in the following manner:

(1) The application shall be accompanied by the fee described in this subsection.

(A) Each biennium, the Commissioner shall set the fee for Certificates of Registration of agents.

(B) The Commissioner shall report changes in the fee to the Board at a quarterly meeting.

(2) Upon request of the Commissioner or the Commissioner's designee, the agent shall provide sufficient evidence of good character.

(3) The agent's Certificate of Registration shall be issued for a five-year period.

(4) If the Commissioner denies the application for a Certificate of Registration, or a renewal of the Certificate of Registration, the applicant shall be notified in writing, and shall be given the reasons for the denial. Additionally, the Commissioner shall notify the institution or institutions which the agent represented or proposed to represent, according to the records of the Board, in the same manner.

(5) At least sixty (60), but no more than one hundred twenty (120), days prior to the expiration of an agent's certificate, the agent ~~may~~shall complete and file with the Board an application for renewal, accompanied by the registration fee described in ~~§7.8(9) of this section~~ chapter.

(6) If a determination under this section is adverse to a person or institution, it shall become final and binding unless, within forty-five (45) days of the receipt of the adverse determination, the person or institution invokes the administrative remedies contained in Chapter 1, Subchapter B of this title (relating to Dispute Resolution).

(b) Revocation of Registration--The Commissioner may revoke an agent's Certificate of Registration at any time if the Commissioner finds that:

(1) Any statement contained in the application is untrue;

(2) The institution represented has had its Certificate of Authority revoked;

(3) The agent has made false, deceptive, or misleading statements while attempting to solicit residents of this state as students; or

(4) The agent has violated any provision of this subchapter.

(c) Notice of Revocation--Notice under subsection (b) of this section shall be given to the agent and to the institution that the agent represented or purported to represent. Immediately upon receipt of actual knowledge of the agent's violation, or upon receipt of the Commissioner's notice, whichever is earlier, the institution shall make every effort to:

- (1) divest the agent of the authority and of the apparent authority to represent the institution;
- (2) notify the media through which the agent made the misrepresentations of the actual facts; and
- (3) notify all students whose decision to enroll in the institution was affected by the agent's misrepresentation, of the actual facts.

(d) Administrative Remedies--A revocation made pursuant to this section shall become final and binding unless, within forty-five (45) days of its receipt of the notice of revocation, the institution or agent invokes the administrative remedies contained in Chapter 1, Subchapter B of this title.

7.11 Changes of Ownership and Other Substantive Changes

(a) Change of Ownership or Control for Career Schools and Colleges. In the event of a change in ownership or control of a career school or college, the Certificate of Authority or Certificate of Authorization is automatically void ~~[withdrawn]~~ unless the institution meets the requirements of this section.

(b) The Commissioner may authorize the institution to retain the Certificate of Authority or Certificate of Authorization during and after a change of ownership or control, provided that the institution notifies Board staff of the impending transfer in time for staff to receive, review, and approve the documents listed in paragraphs (1) - (3) of this subsection and provided that the following conditions are met:

(1) The institution must submit acceptable evidence that the new owner is complying with all Texas Workforce Commission requirements regarding the purchase or transfer of ownership of a career school or college;

(2) The institution must submit an acceptable written statement of assurance that the new owner understands and undertakes to fully comply with all applicable Board rules, regulations, and/or policies; ~~[and]~~

(3) The institution must submit documentation that the new owner has been approved by the institution's Board-recognized accreditor to operate the institution or is able to meet the requirements of the existing Certificate of Authority; and

(4) ~~[(3)]~~ The institution must submit satisfactory evidence of financial ability to adequately support and conduct all approved programs. Documentation shall include but may not be limited to independently audited financial statements and auditor's reports and assurance that the new owner does not currently own or operate any institutions under financial restrictions

for, or is not permanently debarred from participating in, federal financial aid by the United States Department of Education.

(c) If the institution does not meet the conditions outlined under this section prior to completion of transfer of ownership or control and the institution loses its Certificate of Authority or Certificate of Authorization, the new owner(s) shall submit a new application for a Certificate of Authority as outlined under §7.8 of this chapter (relating to Institutions Not Accredited by a Board-Recognized Accreditor) or a new application for a Certificate of Authorization as outlined under §7.7 of this chapter (relating to Institutions Accredited by Board-Recognized Accreditors).

(d) Any modification of an approved degree program that results from a change of ownership or control constitutes a program revision. Requests for approval of program revisions or other substantive changes as defined in §7.3 of this chapter (relating to Definitions) shall conform to the procedures and requirements contained in §7.7~~[(1)]~~ and §7.8~~[(11)]~~ of this chapter.

(e) If the ownership or control of a career school or college is transferred within, among, or between different subsidiaries, branches, divisions, or other components of a corporation and if said transfer in no way diminishes the career school or college's administrative capability or educational program quality, the Commissioner may permit the school to retain its Certificate of Authority or Certificate of Authorization during the transfer period. In such cases, the career school or college shall fully comply with all provisions outlined in this section.

(f) All notifications regarding changes of ownership or other substantive changes should be provided to the Board via the institution's designated Single Point of Contact.

7.12 – 7-13 No Changes.

7.14 Distance Education Approval Processes for Degree Granting Colleges and Universities Other Than Texas Public Institutions

An institution which does not meet the definition of institution of higher education contained in Texas Education Code §61.003 and wishes to offer distance education to students in Texas must follow the requirements in paragraph (1) or (2) of this section. For the purposes of this section distance education shall mean education or training delivered off campus via educational technologies where the student(s) and the instructor(s) are separated by physical distance and/or time.

(1) Exempt Institutions.

(A) An institution is exempt and does not need to receive permission from the Board to offer distance education programs and courses to Texas students if it fulfills the following:

(i) Accredited to offer degrees at a specific level either by an accrediting agency recognized by the Board or an accrediting agency recognized by the Secretary of Education of the U.S. Department of Education or approved by a Texas state agency which authorizes the school's graduates to take a professional or career and technical state licensing examination administered by that agency; ~~[and]~~

(ii) No physical presence in the state as defined by §7.3 of this chapter (relating to Definitions); and[.]

(iii) Meets and agrees to comply with Council of Regional Accrediting Commissions (C-RAC) provisions as listed in this section.

(B) An institution is also exempt and does not need to receive permission from the Board to offer distance education programs and courses to Texas students if it is covered by a reciprocal state exemption agreement.

(C) An institution's exemption applies only to the degree level for which the programs or institution is accredited.

(D) An institution's exemption under subparagraph (A) or (B) of this paragraph continues as long as it is in compliance with subparagraph (A) or (B) of this paragraph. Exempt institutions must also maintain compliance with subparagraph (C) of this paragraph. If an institution is no longer accredited by an accrediting agency recognized by the Board or an accrediting agency recognized by the Secretary of Education of the U.S. Department of Education or no longer approved by a Texas state agency which authorizes the school's graduates to take a professional or career and technical state licensing examination administered by that agency and/or maintains a physical presence in Texas or if an institution is no longer covered by a reciprocal state exemption agreement, the institution is no longer eligible for an exemption and must receive Board authority to offer distance education to Texas students. The institution would need to either submit an application for a Certificate of Authority as outlined under §7.8 of this chapter (relating to Institutions Not Accredited by a Board-Recognized Accreditor) or for a Certificate of Authorization as outlined under §7.7 of this chapter (relating to Institutions Accredited by Board-Recognized Accreditors).

(2) Nonexempt Institutions.

(A) An institution is not exempt and must receive Board permission to offer distance education programs and courses to Texas students if it fulfills any of the following:

(i) Is accredited to offer degrees at a specific level by an accrediting agency recognized by the Board or approved by a Texas state agency which authorizes the school's graduates to take a professional or career technical state licensing examination administered by that agency and maintains a physical presence in Texas as defined by §7.3 of this chapter; the institution would need to submit an application for a Certificate of Authorization as outlined under §7.7 of this chapter; or

(ii) Is not accredited to offer degrees at a specific level by an accrediting agency recognized by the Board or an accrediting agency recognized by the Secretary of Education of the U.S. Department of Education nor approved by a Texas state agency which authorizes the school's graduates to take a professional or career technical state licensing examination administered by that agency. The institution, whether or not it maintains a physical presence in Texas as defined by §7.3 of this chapter, would need to submit an application for a Certificate of Authority as outlined under §7.8 of this chapter.

(B) An institution that would like to offer a degree program or courses leading to a degree in a religious discipline via distance education is exempt from seeking Board approval. A religious institution that would like to offer a degree program or courses leading to a degree in a non-religious discipline via distance education must follow the requirements outlined in subparagraph (A)(i) and (ii) of this paragraph.

(C) As part of its qualification or continued approval for a Certificate of Authorization or a Certificate of Authority, a nonexempt institution must meet and agree to comply with C-RAC provisions as listed in this section before offering distance education.

(3) Board staff shall utilize the best practices in postsecondary distance education as adopted by the C-RAC as standards for approval of distance education offered in Texas or to Texas residents. C-RAC provisions applicable to all institutions offering distance education under this section include:

(A) Online learning is appropriate to the institution's mission and purposes;

(B) The institution's plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes;

(C) Online learning is incorporated into the institution's systems of governance and academic oversight;

(D) Curricula for the institution's online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats;

(E) The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals;

(F) Faculty responsible for delivering the online learning curricula and evaluating the students' success in achieving the online learning goals are appropriately qualified and effectively supported;

(G) The institution provides effective student and academic services to support students enrolled in online learning offerings;

(H) The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings; and

(I) The institution assures the integrity of its online offerings.

AGENDA ITEM IX-W

Consideration of adopting the Committee's recommendation to the Board relating to providing funds for the Innovative Academies - The Next Generation of Early College High Schools, an initiative of the Texas Higher Education Coordinating Board, Texas Education Agency, and the Texas Workforce Commission

RECOMMENDATION: Approval to transfer Carl D. Perkins Reserve Funds to the Texas Education Agency for the Innovative Academies – The Next Generation of Early College High Schools Initiative

Background Information:

The Texas Higher Education Coordinating Board (THECB) staff requests approval to transfer \$1 million from the Carl D. Perkins Reserve Funds to the Texas Education Agency (TEA) for the purpose of fulfilling a Tri-Agency Initiative. The THECB, the Texas Workforce Commission, and the Texas Education Agency have joined together to fund Innovative Academies – the Next Generation of Early College High Schools. All three agencies are contributing money to the initiative. The project will be headed by TEA. The funds will be used for a competitive process to fund early college high schools with a Career and Technical Education (CTE) focus. CTE programs funded will target high-demand occupations. Funded programs also will include opportunities for internships, externships, or mentorships. Partnerships between secondary and postsecondary institutions and business and industry will be emphasized. Approximately \$7.2 million in total will be available to fund at least 18 proposals.

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

AGENDA ITEM IX-X

Consideration of adopting the staff recommendation to the Board relating to the request from Texas A&M University to establish a Single Institution Center in McAllen

RECOMMENDATION: Pending*

Background Information:

Texas A&M University (TAMU) requested approval of a Single Institution Center in McAllen, Texas in accordance with Coordinating Board rules, Section 5.73(6), on the establishment of Higher Education Centers. The proposed location of the TAMU Single Institution Center at McAllen is 6200 Tres Lagos Boulevard, McAllen, Texas 787654.

TAMU also proposes to offer the following programs at the Higher Education Center at McAllen:

- Bachelor of Science in Interdisciplinary Engineering (Fall 2017)
- Bachelor of Science in Multidisciplinary Engineering Technology (Fall 2017)
- Bachelor of Science in Biomedical Science (Fall 2018)
- Baccalaureate degree in Agriculture (Fall 2018)

Supplemental materials will be provided prior to the October 20, 2016 Board meeting.

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

*At the time of printing these materials, staff were still reviewing the proposal. A recommendation will be provided to the Board for the meeting.

AGENDA ITEM IX-Y

Report on institutional requests acted on by the Commissioner or Assistant Commissioner since the previous Board meeting

RECOMMENDATION: No action required

Background Information:

The Board authorized the Commissioner or the Assistant Commissioner of Academic Quality and Workforce to act on institutional requests. Coordinating Board rule, Chapter 5, Section 5.50 (j) directs the Commissioner to provide a list to Board members of all institutional requests acted on by the Commissioner and Assistant Commissioner.

Requests for new degree and certificate programs were reviewed by staff to ensure they met the standards established by Coordinating Board rules, Sections 5.50, 9.93 (c), and 7.4 before receiving approval from the Commissioner or the Assistant Commissioner of Academic Quality and Workforce. The standards address the institution's mission, overall program quality, student demand and job market needs, duplication with existing programs at other institutions, funding, and institutional effectiveness.

Since the last report to the Coordinating Board, the Assistant Commissioner approved 33 new degree and certificate programs; approved 12 institutional requests to phase programs out; issued 7 Certificates of Authorization (new, renewed, revised, or cancelled); and received 6 planning notifications. Detailed information is provided in the tables on the following pages.

**REPORT ON INSTITUTIONAL REQUESTS ACTED ON BY THE
COMMISSIONER OR ASSISTANT COMMISSIONER SINCE THE PREVIOUS BOARD MEETING**

July 1, 2016 - September 30, 2016

NEW DEGREE AND CERTIFICATE PROGRAMS

Institution	Degree	Program	Date Approved
Community & Technical Colleges			
Alamo Colleges – St. Phillips College	AA	International Studies	7/19/2016
Alamo Colleges – St. Phillips College	AA	Mexican – American Studies	7/19/2016
Austin Community College	AAS	Logistics and Supply Chain Management	8/16/2016
Austin Community College	Continuing Education Certificate Program	Sustainable Agriculture	8/16/2016
Dallas County Community College District – Brookhaven	AAS	Health Information Technology	7/20/2016
Dallas County Community College District – El Centro	AAS	Dental Hygiene	9/19/2016
Lone Star College – North Harris	AAS & Level 2 Cert.	Construction Supervision	7/13/2016
Lone Star College – North Harris	AAS	Pipefitting	7/13/2016
Lone Star College – Kingwood College	AAS	Fire Science	7/28/2016
McLennan Community College	AS	Biology	8/15/2016
McLennan Community College	AS	Chemistry	8/15/2016
McLennan Community College	AS	Computer Science	8/15/2016
McLennan Community College	AS	Math	8/15/2016
Vernon College	Continuing Education Certificate Program	Dental Assisting	8/16/2016
Vernon College	Continuing Education Certificate Program	Medical Assisting	8/16/2016
Universities & Health-Related			
Stephen F. Austin State University	BBA	Banking	8/15/2016
Texas Southern University	MS	Sport Studies and Sport Leadership	9/9/2016
Texas State University	BS	Digital Medical Innovation and Mass Communication	8/5/2016
Texas State University	MA/MS	Sustainability Studies	7/15/2016
Texas Woman's University	BAAS	Business	7/25/2016
Texas Woman's University	BAAS	Health Sciences	7/25/2016
Texas Woman's University	MS	Child Life	8/15/2016
Texas Woman's University	MS	Psychological Science	9/12/2016

Institution	Degree	Program	Date Approved
The University of Texas at Austin	BS	Communication and Leadership	7/22/2016
The University of Texas at Austin	BA	Human Dimensions of Organizations	8/3/2016
The University of Texas at Austin	BA	Sustainability Studies	7/15/2016
The University of Texas at El Paso	MS	Professional Science	9/9/2016
The University of Texas at San Antonio	MS	Geoinformatics	8/15/2016
The University of Texas at Tyler	BA	Wellness	8/17/2016
The University of Texas at Tyler	BS	Communication Sciences and Disorders	8/18/2016
University of Houston – Clear Lake	BS	Addictions Counseling	7/12/2016
University of North Texas at Dallas	BS	Public Health	7/8/2016
University of Texas M.D. Anderson Center	MS	Radiologic Sciences	7/12/2016

PHASE-OUT OF PROGRAMS

Institution	Degree	Program	Phase out Date
Universities & Health-Related			
Stephen F. Austin State University	MA	Counseling-Rehabilitation Counseling	8/31/2019
Tarleton State University	BBA/BS	Administrative Systems	9/1/2022
Texas A&M University – Corpus Christi	BA	Economics	12/31/2018
Texas A&M University – Corpus Christi	MA	Studio Arts	12/31/2016
Texas A&M University	BS	Radiological Health Engineering	5/31/2016
Texas A&M University – Texarkana	EDD	Education Administration	9/12/2016
The University of North Texas at Dallas	MS	Forensic Accounting	7/12/2016
The University of Texas at Tyler	MA/MS	Interdisciplinary Studies	8/15/2016
The University of Texas Health Science Center at San Antonio	MS	Medical Physics	8/5/2016
The University of Texas Health Science Center at San Antonio	PHD	Radiological Sciences-Human Imaging	8/5/2016
The University of Texas Rio Grande Valley	BS	Dietetics	12/31/2018
The University of Texas Rio Grande Valley	BS	Engineering Physics	5/31/2020

PLANNING NOTIFICATIONS

Institution	Authority Level	Program	Date Notified
Universities & Health-Related			
Texas A&M University – San Antonio	Bachelor	Engineering	7/29/2016
Texas State University	Bachelor	Civil Engineering	7/12/2016
Texas State University	Doctorate	Anthropology	7/12/2016
Texas Tech University Health Sciences Center at El Paso	Professional	Dentistry	7/12/2016
The University of Texas at Tyler	Doctorate	Clinical Psychology	9/8/2016
University of Houston	Professional	Physical Therapy	9/21/2016

CERTIFICATES OF AUTHORIZATION

Non-Public and Out-of-State Institution	Authorization Type	Certificate of Authorization Issue Date
AOMA Graduate School of Integrative Medicine (name change)	Master, doctoral degrees, credit towards degrees, and use certain protected terms	8/26/16
Chamberlain College of Nursing – Addison, IL	Clinical, internship, and field-based educator training	9/14/16
Drexel University (IL)	Clinical, internship, and field-based educator training	9/13/16
Maryland University of Integrative Health	Clinical, internship, and field-based educator training	7/19/16
Peloton College-Arlington	Associate degrees, grant credits toward degrees, and use certain protected academic terms	7/22/16
Touro University Nevada	Clinical, internship, and field-based educator training	8/5/16
RGV Careers An Institute for Higher Learning	Associate degrees, credits toward degrees, and use certain protected academic terms	9/16/16

Agenda Item X-A

Welcome and Committee Chair's Opening Remarks

Mr. John Steen, Chair of the Committee on Agency Operations, will provide the Board an overview of the items on the agenda.

Agenda Item X-B

Public Testimony on Agenda Items Relating to the Committee on Agency Operations

RECOMMENDATION: No action required

Background Information:

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other time as determined by the presiding chair.

Agenda Item X-C

Consideration of adopting the Committee's recommendation to the Board relating to the Board Operating Policies and Procedures

RECOMMENDATION: Approval

Background Information:

At the direction of the Agency Operations Committee in 2014, Coordinating Board staff developed the Board Operating Policies and Procedures document, which was adopted by the Board in October of that year. This document includes the Board members' code of conduct, conflict of interest/ethics, duties/responsibilities, and protocol in communicating with the media, elected officials, institutional representatives, and students. Pursuant to Section XII, D, of the Board Operating Policies and Procedures, this document is to be reviewed by the Board in October of every even-numbered year. Staff is recommending changes to this document to better reflect how the current Board is operating in relation to protocols in communicating with staff, legislators and other stakeholders. Recommended changes to the document are noted in red.

Linda Battles and Bill Franz will be available to answer questions.

Agenda Item X-D

Consideration of adopting the Committee's recommendation to the Board relating to a resolution authorizing the issuance of State of Texas College Student Loan Bonds in one or more series; and delegating to the Commissioner the authority for the filing of one or more applications to obtain a portion of the state's allocation for private activity bonds.

RECOMMENDATION: Approval

Background Information:

Staff is requesting approval to issue up to \$180 million in aggregate principal amount of new money bonds in Fiscal Year 2017 to fund Hinson-Hazlewood loans to eligible students under Texas Education Code, Chapter 52, Subchapter C. The Coordinating Board staff has determined that it will be necessary to issue these bonds in one or more series to provide adequate funding for the Board to continue to disburse College Access Loans under the Hinson-Hazlewood program to eligible students during fiscal year 2016.

- Bonds are authorized under the Texas Constitution, Sections 50b-4-50b-7.
- The THECB has \$181M of remaining of bond authority with the Bond Review Board (BRB) and is required to submit a request to the BRB for approval to use this authority before issuance of bonds.
- Favorable interest rate environment continues to exist in the municipal bond market.

A representative from the Board's bond counsel, McCall, Parkhurst & Horton, is available to answer any questions regarding the proposed resolution authorizing the issuance of the bonds, the delegation to the Commissioner the authority to approve all final terms of the bonds, or the delegation of authority to file for the state's allocation of private activity volume cap.

Ken Martin, Assistant Commissioner for Financial Services/CFO will present this item to the committee.

AGENDA ITEM X-E

Consideration of adopting the Committee's recommendation to the Board relating to South Texas College's proposal regarding the Board's determination that South Texas College not receive certain additional formula funding and repay formula funds rendered in error pursuant to the findings of a Compliance Monitoring report dated July 7, 2016.

RECOMMENDATION: Discussion and consideration of a proposal dated September 16, 2016, by South Texas College signed by President Shirley Reed to Commissioner Raymund A. Paredes, and entitled *Request for Board Reconsideration of South Texas College Compliance Monitoring Audit*.

Background Information:

The final report of *An Audit of Formula Funding at South Texas College*, Report No. THECB-CM-FF-16-014 was issued on July 7, 2016. The audit found that South Texas College over reported 438,107 hours in continuing education formula funding for the 2014 base period that resulted in over allocating formula funding to South Texas College of \$2,270,206 for the FY16-17 biennium.

The audit report was presented to the Board's Agency Operations Committee on July 20, 2016. A presentation was also made by South Texas College officials on that date. The Agency Operations Committee passed a motion to "immediately cease all future funding of this program to South Texas College and that we obtain recoupment of all funds previously rendered in error." At the full Board meeting the following day, July 21, 2016, the motion was restated and the full Board passed the same motion.

On August 2, 2016, Commissioner Paredes sent a letter (Attachment A) to South Texas College stating that the Board would immediately reduce the remaining FY16-17 biennium formula funding payments by \$1,157,805 to account for unallowable contact hours, leaving \$1,112,401 of already paid amounts to be recouped at a yet to be determined repayment schedule. Commissioner Paredes invited South Texas College to discuss a repayment schedule at their earliest convenience. South Texas College retained legal counsel and requested a meeting with the Commissioner and Coordinating Board staff to discuss the Board's action of July 21, 2016.

A meeting with South Texas College was held on August 30, with Commissioner Paredes and Coordinating Board staff, a representative from the Attorney General's office, Dr. Reed and several South Texas College Board Trustees, Senator Juan "Chuy" Hinojosa, and South Texas College legal counsel. Subsequent to the meeting and pursuant to discussions at the meeting, South Texas College proposed a compromise by letter (Attachment B) dated September 16, 2016, such that no further appropriations for the questioned contact hours would be paid for the remainder of the biennium. In effect, South Texas College proposed that the Coordinating Board not recoup the \$1,112,401 of already paid amounts but rather reduce formula funding payments for this fiscal year by a total amount of \$1,157,805.

Commissioner Paredes agreed that he would support bringing this matter to the Board, with the understanding that it is solely up to the Board to consider modifying its July 21, 2016 determination.