

**TEXAS HIGHER EDUCATION COORDINATING BOARD**

**COMMITTEE ON AFFORDABILITY, ACCOUNTABILITY  
AND PLANNING**

1200 EAST ANDERSON LANE, ROOM 1.170  
AUSTIN, TEXAS  
September 27, 2017  
9 a.m.

CHAIR  
S. Javaid Anwar

VICE CHAIR  
Arcilia C. Acosta

Janelle Shepard  
Stuart W. Stedman  
Andrias R. "Annie" Jones  
Student Representative, Ex-Officio  
Robert "Bobby" Jenkins, Jr.,  
Ex-Officio

**AGENDA**

*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>.*

- I. Welcome and Committee Chair's meeting overview
- II. Consideration of approval of the minutes from the June 28, 2017, meeting of the Committee on Affordability, Accountability and Planning
- III. Consideration of approval of the Consent Calendar
- IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning
- V. Matters relating to the Committee on Affordability, Accountability and Planning
  - A. Report on Data Highlight: 60x30 Educated Population Goal and Interactive Map
  - B. Report on Data Fellows Trainings
  - C. Consideration of adopting the Commissioner's recommendation to the Committee for the approval of the process for setting regional targets for selected statewide *60x30TX* goals and targets
  - D. Report on facilities projects that were submitted to the Coordinating Board
  - E. Consideration of adopting the Commissioner's recommendation to the Committee for approval of the nominated members of the Financial Aid Advisory Committee
  - F. Consideration of adopting the Commissioner's recommendation to the Committee relating to the Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2016, *(General Appropriations Act, Senate Bill 1, Section 25, page III-53, 85th Texas Legislature, Regular Session)*

Note: Highlighted items in gray are on the Consent Calendar

G. Proposed Rules:

- (1) Update on a proposed rule relating to formula funding for excess hours of developmental courses and interventions
- (2) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 21, Subchapter Y, Sections 21.760-21.766 of Board rules, concerning the Student Loan Default Prevention and Financial Aid Literacy Pilot Program (*Senate Bill 1799, 85th Texas Legislature, Regular Session*)
- (3) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter B, Sections 22.24-22.25, and 22.29 of Board rules, concerning the Provisions for the Tuition Equalization Grant (TEG) Program (*General Appropriations Act, Senate Bill 1, Article III-50, 85th Texas Legislature, Regular Session*)
- (4) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter I, Sections 22.166-22.167 and 22.169-22.170 of Board rules, concerning the Texas Armed Services Scholarship Program (*Senate Bill 49, and House Bill 1117, 85th Texas Legislature, Regular Session*)
- (5) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 22, Subchapter Z, Sections 22.699-22.709 of Board rules, concerning the Early High School Graduation Scholarship Program for Students Graduating High School on or before June 20, 2011
- (6) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter G, Sections 23.186 and 23.193 of Board rules, concerning the Nursing Faculty Loan Repayment Assistance Program (*General Appropriations Act, Senate Bill 1, Article III, Section 42, 85th Texas Legislature, Regular Session*)
- (7) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 23, Subchapter H, Sections 23.217-23.223 of Board rules, concerning the Educational Loan Repayment Program for Attorneys Employed by the Office of the Attorney General
- (8) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 23, Subchapter I, Sections 23.248-23.255 of Board rules, concerning the Loan Repayment Program for Speech-Language Pathologists and Audiologists

VI. Adjournment

*NOTE: The Board will not consider or act upon any item before the Committee on Affordability, Accountability and Planning at this meeting. This meeting is not a regular meeting of the full Board. Because the Board members who attend the committee meeting may create a quorum of the full Board, the meeting of the Committee on Affordability, Accountability and Planning is also being posted as a meeting of the full Board.*

*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.*

Committee on Affordability, Accountability and Planning

AGENDA ITEM I

Welcome and Committee Chair's meeting overview

Mr. S. Javaid Anwar, Chair of the Committee on Affordability, Accountability and Planning, will provide the Committee an overview of the items on the agenda.

Committee on Affordability, Accountability and Planning

AGENDA ITEM II

Consideration of approval of the minutes from the June 28, 2017, meeting of the Committee on Affordability, Accountability and Planning

RECOMMENDATION: Approval

TEXAS HIGHER EDUCATION COORDINATING BOARD

MINUTES

Committee on Affordability, Accountability and Planning

1200 East Anderson Lane, Room 1.170

Austin, Texas

June 28, 2017, 9:00 a.m.

DRAFT Minutes

The Texas Higher Education Coordinating Board Committee on Affordability, Accountability and Planning convened at 9:00 a.m. on *June 28, 2017*, with the following members present: S. Javaid Anwar, Vice Chair; Arcilia C. Acosta; Stuart Stedman; and Andrias R. "Annie" Jones, Student Representative, Ex-Officio. The following were not in attendance: Janelle Shepard; and Robert "Bobby" Jenkins, Jr., Ex-Officio.

The meeting is available at the following link: <http://www.thecb.state.tx.us/apps/Events/>

| AGENDA ITEM   | ACTION   |
|---|--|
| I. Welcome and Committee Chair's meeting overview                                       | <p>Mr. S. Javaid Anwar called the meeting to order and advised the meeting was being broadcast over the internet.</p> <p>Mr. Anwar announced that he was asked to step in as committee chair for this meeting because Dr. David Tuescher accepted a Federal Government appointment which precludes him from serving out the last few months of his term on the Board and has resigned.</p> <p>Mr. Anwar introduced Andrias R. "Annie" Jones, the new student representative who was appointed to serve a one-year term by Governor Abbott.</p> |
| II. Consideration of approval of the minutes from the March 29, 2017, Committee meeting | <p>On motion by Ms. Arcilia C. Acosta, seconded by Mr. Stuart W. Stedman, the Committee approved this item.</p>  |
| III. Consideration of approval of the Consent Calendar                                  | <p>Mr. S. Javaid Anwar stated the following items were on the Consent Calendar for consideration: Agenda Item V-G and V-K (2). He announced Agenda Item V-H and V-I had been added to the Consent Calendar.</p> <p>On motion by Mr. Stuart Stedman, seconded by Ms. Arcilia C. Acosta, the Committee approved the Consent Calendar as amended.</p>   |

| AGENDA ITEM   | ACTION   |
|---|--|
| <p>IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning</p>   | <p>Mr. S. Javaid Anwar stated there was no public testimony.</p>   |
| <p>V. Matters relating to the Committee on Affordability, Accountability and Planning</p> <p>A. Consideration of adopting the Commissioner’s recommendation to the Committee relating to the approval of the revised measures for the Texas Higher Education Accountability System</p> <p>B. Consideration of adopting the Commissioner’s recommendation to the Committee relating to approval of the <i>60x30TX</i> Progress Report</p> <p>C. Presentation on setting regional targets for selected statewide <i>60x30TX</i> goals and targets</p> <p>D. Report on facilities projects that were submitted to the Coordinating Board</p> <p>E. Consideration of adopting the Commissioner’s recommendation to the Committee relating to approval of the nominated members of the Formula Funding Advisory Committee for the 2020-2021 biennium</p> | <p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, provided a presentation on the process to update the accountability system measures and presented the Commissioner’s recommendation for final measures.</p> <p>On motion by Ms. Arcilia C. Acosta, seconded by Mr. Stuart Stedman, the Committee approved this item.</p> <p>Dr. Julie Eklund, Assistant Commissioner of Strategic Planning and Funding, and Mr. John Wyatt, Director of External Relations, presented an overview of the report and were available to answer questions.</p> <p>On motion by Mr. Stuart Stedman, seconded by Ms. Arcilia C. Acosta, the Committee approved this item.</p> <p>Dr. Jenna Cullinane Hege, Deputy Assistant Commissioner, Strategic Planning and Funding, provided a brief presentation and was available for questions.</p> <p>No action required on this item.</p> <p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, was available to answer questions.</p> <p>No action required on this item.</p> <p>Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, was available for questions.</p> <p>On motion by Ms. Arcilia C. Acosta, seconded by Mr. Stuart Stedman, the Committee approved this item.</p> |

| AGENDA ITEM  | ACTION  |
|--|---|
| <p>F. Consideration of adopting the staff recommendation to the Committee for approval of the Energy Savings Performance Contract for Prairie View A&amp;M University</p>  | <p>Dr. Julie Eklund, Assistant Commissioner, Strategic Planning and Funding, provided a brief background on the project review process and was available to answer questions.</p> <p>Dr. Cynthia A. Carter, Associate Vice President for Business Services, Prairie View A&amp;M University, and Mr. Billy McCord, Ameresco, provided a brief presentation and were available to answer questions.</p> <p>On motion by Mr. Stuart Stedman, seconded by Ms. Arcilia C. Acosta, the Committee approved this item.</p> |
| <p>G. Consideration of adopting the staff recommendation to the Committee relating to the report on the TEXAS Grant Program</p>  | <p>This item was on the Consent Calendar.</p>   |
| <p>H. Consideration of authorizing the continuation of the Financial Aid Advisory Committee</p>  | <p>This item was added to the Consent Calendar.</p>   |
| <p>I. Consideration of adopting the staff recommendation to the Committee for approval of certain members to remain on the Financial Literacy Advisory Committee</p>   | <p>This item was added to the Consent Calendar.</p>   |
| <p>J. Interim report on Financial Literacy Advisory Committee activities</p>   | <p>The committee's co-chairs, Laura Ewing and Jared Pickens, provided an update giving a general overview of the work that the committee has accomplished thus far and were available to answer questions.</p> <p>Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, was available to answer questions.</p> <p>No action required on this item.</p>   |
| <p>K. Proposed Rules:</p> <p>(1) Discussion of proposed amendments to Chapter 22, Subchapter B, Sections 22.23, 22.24-22.25 and 22.29 of Coordinating Board rules, concerning Provisions for the Tuition Equalization Grant (TEG) Program, to be heard for adoption by the Board in July</p> | <p>Dr. Charles W. Puls, Deputy Assistant Commissioner for Student Financial Aid Programs, was available to answer questions.</p> <p>No action required on this item.</p>  |



| <b>AGENDA ITEM</b>   | <b>ACTION</b>                          |
|--|--|
| (2) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter B, Section 23.36 of the Board rules, concerning the Teach for Texas Loan Repayment Assistance Program | This item was on the Consent Calendar. |
| VI. Adjournment  | The meeting adjourned at 10:30 a.m.    |

Committee on Affordability, Accountability and Planning

AGENDA ITEM III

Consideration of approval of the Consent Calendar

RECOMMENDATION: Approval

Background Information:

In order to save institutions time and travel costs to attend the Committee on Affordability, Accountability and Planning meetings in Austin, the Committee has a Consent Calendar for items that are noncontroversial. Any item can be removed from the Consent Calendar by a Committee member.

## Consent Calendar

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

- E. Consideration of adopting the Commissioner's recommendation to the Committee for approval of the nominated members of the Financial Aid Advisory Committee
- F. Consideration of adopting the Commissioner's recommendation to the Committee relating to the Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2016, (*General Appropriations Act, Senate Bill 1, Section 25, page III-53, 85th Texas Legislature, Regular Session*)
- G. Proposed Rules:
  - (2) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 21, Subchapter Y, Sections 21.760-21.766 of Board rules, concerning the Student Loan Default Prevention and Financial Aid Literacy Pilot Program (*Senate Bill 1799, 85th Texas Legislature, Regular Session*)
  - (3) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter B, Sections 22.24-22.25, and 22.29 of Board rules, concerning the Provisions for the Tuition Equalization Grant (TEG) Program (*General Appropriations Act, Senate Bill 1, Article II-50, 85th Texas Legislature, Regular Session*)
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  - (5) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 22, Subchapter Z, Sections 22.699-22.709 of Board rules, concerning the Early High School Graduation Scholarship Program for Students Graduating High School on or before June 20, 2011
  - (6) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter G, Sections 23.186 and 23.193 of Board rules, concerning the Nursing Faculty Loan Repayment Assistance Program (*General Appropriations Act, Senate Bill 1, Article III, Section 42, 85th Texas Legislature, Regular Session*)

- (7) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 23, Subchapter H, Sections 23.217-23.223 of Board rules, concerning the Educational Loan Repayment Program for Attorneys Employed by the Office of the Attorney General
  
- (8) Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 23, Subchapter I, Sections 23.248-23.255 of Board rules, concerning the Loan Repayment Program for Speech-Language Pathologists and Audiologists

Committee on Affordability, Accountability and Planning

AGENDA ITEM IV

Public Testimony on Agenda 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 at any other time as determined by the presiding chair.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-A

Report on Data Highlight: 60x30 Educated Population Goal and Interactive Map

RECOMMENDATION: No action required

Background Information:

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, will provide a presentation on the 60x30 Educated Population goal, including a demonstration of an interactive map that provides a visual representation of how the education levels of Texans ages 25-34 are distributed throughout the state. Data for the map are from the American Community Survey conducted by the U.S. Census Bureau. This map will be shared on the 60x30TX.com website and used to support statewide and regional efforts to achieve the Educated Population goal of *60x30TX*.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-B

Report on Data Fellows Trainings

RECOMMENDATION: No action required

Background Information:

The Texas Higher Education Coordinating Board (THECB) has re-launched the Data Fellows program which trains stakeholders on how to locate and better understand, use, and leverage data resources to help support achieving the goals of the state strategic plan for higher education. Data Fellows include individuals representing Texas higher education institutions, public schools, and professional and community networks. The Data Fellows program is currently funded by the College for All Texans Foundation through grant support.

The state's new higher education strategic plan, *60x30TX*, is a data-driven plan comprised of measurable goals and targets. State data played an important role in the strategic planning committee's development of *60x30TX*, and data continue to play an important role in the THECB's efforts to disseminate information about the plan, track progress, and inspire engagement among diverse stakeholders across the state. By training leaders on how to find and use the data resources publicly available on the agency data site, the THECB is helping individuals better understand the strategic plan and crystalize areas for action.

Once trained, Data Fellows serve as ambassadors to help disseminate information about *60x30TX* and available data resources. Data Fellows have committed to providing presentations for colleagues in their K-12 districts, higher education institutions, or professional or community networks.

Dr. Jenna Cullinane Hege, Deputy Assistant Commissioner, Strategic Planning and Funding, will provide a brief presentation and be available for questions.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-C

Consideration of adopting the Commissioner's recommendation to the Committee for the approval of the process for setting regional targets for selected statewide 60x30TX goals and targets

RECOMMENDATION: Approval

Background Information:

Four statewide goals and several affiliated targets are identified in the long-term strategic plan for Texas higher education, 60x30TX. Regions and institutions have asked for guidance about the contributions they can make to help achieve the state's ambitious objectives.

Coordinating Board staff propose that the agency identify attainment and completion goals and targets by higher education region to help accelerate progress toward achieving the goals of 60x30TX. Institutional actions and outcomes—particularly those for two-year colleges and for doctoral, comprehensive, and master's institutions—are embedded in their regional and local context, including factors like high school feeder patterns, transfer networks, and local labor markets. As a result, regions are an appropriate sub-unit of analysis for agency target-setting for attainment and selected completion goals.

Dr. Jenna Cullinane Hege, Deputy Assistant Commissioner, Strategic Planning and Funding, will provide a brief presentation and be available for questions. The presentation will include a review of preliminary regional targets and initial plans for statewide roll-out, including a starter kit for regions and early outreach activities.



Committee on Affordability, Accountability and Planning

AGENDA ITEM V-D

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. However, it requires that institutions continue to report projects to the Board and that THECB staff continue to review facilities projects. Additional information is provided for projects that do not meet one or more standards. 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, has a brief update and is available to answer questions.

**Reviewed Projects**

| Institution<br>Project Name  | Project<br>Cost | Space<br>Usage  | Space<br>Need | Cost | Building<br>Efficiency |
|--|-----------------|-----------------|---------------|------|------------------------|
| The University of Texas at Austin (TRB)<br><i>Resubmit Renovation of Welch Hall</i>                                      | \$148,000,000   | No              | Yes           | Yes  | Yes                    |
| Texas A&M International University (TRB)<br><i>Construct Additional Instructional and Support Space</i>                  | \$71,230,000    | No              | Yes           | Yes  | Yes                    |
| Texas A&M University San Antonio (TRB)<br><i>Construct Science and Technology Building</i>                               | \$63,000,000    | No              | Yes           | Yes  | Yes                    |
| Lamar University (TRB)<br><i>Construct Science and Technology Building</i>   | \$60,000,000    | Yes             | Yes           | Yes  | Yes                    |
| Tarleton State University (TRB)<br><i>Construct Applied Sciences Building</i>  | \$54,000,000    | Yes             | Yes           | Yes  | Yes                    |
| The University of Texas Health Science Center at Tyler<br><i>Construct School of Community and Rural Health Building</i> | \$39,000,000    | NA <sup>1</sup> | Yes           | Yes  | No <sup>2</sup>        |
| Texas A&M AgriLife Research<br><i>Construct Dallas ArgiLife Center</i>   | \$34,000,000    | NA              | No            | Yes  | Yes                    |
| Prairie View A&M University (TRB)<br><i>Construct Fabrication Center</i>   | \$17,158,000    | No              | Yes           | Yes  | Yes                    |
| The University of Texas at Austin (TRB)<br><i>Resubmit Renovation of Welch Hall</i>                                      | \$148,000,000   | No              | Yes           | Yes  | Yes                    |

<sup>1</sup> The standard for Space Usage Efficiency is not calculated for Health Related Institutions.

<sup>2</sup> This project contains Net Assignable Square Feet (NASF) of unfinished space to be completed as needed by the institution. Once the NASF is complete these projects will meet the building efficiency standard.

| Project Type   | Space Usage   | Space Need  | Cost   | Building Efficiency  |
|--|---|---|--|--|
| <b>New Construction and Addition</b>   | Space Usage Efficiency (SUE) score of: <ul style="list-style-type: none"> <li>• 75 points in the classroom score for classroom type facilities</li> <li>• 75 points in the class laboratory score for lab type facilities</li> <li>• 150 points overall for all others</li> </ul> | Does not create nor add to a surplus as predicted in the space projection model | Does not exceed the annually published cost standard   | The ratio of net assignable square feet (NASF) to gross square feet (GSF) shall not exceed: <ul style="list-style-type: none"> <li>• Classroom and general – 0.60</li> <li>• Office – 0.65</li> <li>• Clinical, diagnostic support labs, and technical research – 0.50</li> </ul> For parking structures: <ul style="list-style-type: none"> <li>• Automobile – 400 SF per space</li> <li>• Boathouses – 500 SF per space</li> <li>• Airplanes – 3,000 SF per space</li> </ul> |
| <b>Repair and Renovation (including repairs and renovations as part of a real property purchase)</b> | 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  |
| <b>Real Property Purchases</b>   | 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   |

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-E

Consideration of adopting the Commissioner's recommendation to the Committee 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). Board staff will seek confirmation of these appointments at the October 2017 Board meeting.

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 background 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 and geographic regions. Agency staff and the FAAC Chair, Vice Chair, and Past Chair reviewed the nominations submitted by institutional chancellors and presidents and other stakeholders. A list of the candidates recommended for appointment to the FAAC appears on the following page.

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

**Recommended new members:**

Karla Flores, Associate Director of Financial Aid  
The University of Texas Rio Grande Valley  
(Term ending 2020)

Bridget Jans, Executive Director, Scholarships and Financial Aid  
University of Houston  
(Term ending 2019, to serve the remainder of unexpired term due to William Bloom vacating his position on the committee.)

Dana Mingo, Financial Aid Director  
Paul Quinn College  
(Term ending 2020)

Samantha Stalnaker, District Director of Student Financial Aid Services  
Tarrant County College  
(Term ending 2020)

Chris Murr, President  
Texas Association of Student Financial Aid Administrators (TASFAA)  
(Current term ends in 2017. Nominated for a new one-year term as the TASFAA representative.)

Billy Satterfield, Executive Director of Financial Aid, Registrar  
University of Houston-Clear Lake  
(Term ending 2020)

Mike Scott, Director of Scholarships and Student Financial Aid  
Texas Christian University  
(Term ending 2019, to serve the remainder of unexpired term due to Anne Walker vacating her position on the committee)

Terry Sheneman, Coordinator of College Readiness and Success  
Fort Bend ISD  
(Term ending 2020)

Christine Stuart-Carruthers, VP for Student Development/Chief Enrollment Service Officer  
Texas State Technical College  
(Term ending 2020)

Peggy Watts, Director of Financial Aid  
Temple College  
(Term ending 2020)

Brent Williford, Dean Financial Aid and Scholarships  
Blinn College  
(Term ending 2018, to serve the remainder of unexpired term due to Lyn Kinyon vacating her position on the committee)

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-F

Consideration of adopting the Commissioner's recommendation to the Committee relating to the Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2016, (General Appropriations Act, Senate Bill 1, Section 25, page III-53, 85th Texas Legislature, Regular Session)

Recommendation: Approval

Background Information:

General Appropriations Act, Senate Bill 1, Article III, Section 25, 85th 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, 2017. The report provides a comprehensive analysis of the financial aid awarded to students in Texas.

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

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (1)

Update on a proposed rule relating to formula funding for excess hours of developmental courses and interventions

RECOMMENDATION: No action required

Background Information:

With the passage of House Bill 2223, 85th Texas Legislature, Regular Session, the number of non-degree-credit developmental and basic academic skills education hours considered excess for the purposes of formula funding was changed by amendment of Texas Education Code (TEC); Section 51.340. Previously, institutions were prohibited from submitting for formula funding any semester credit hours (SCH) exceeding 18 SCH for public general academic institutions or 27 SCH for public community, technical, or state colleges.

Amendments to TEC 51.340 provided more specificity to the funding parameters and limits. General academic institutions cannot submit for formula funding any hours in excess of 9 SCH unless the additional coursework is English for speakers of other languages (ESOL), in which case the limit is a maximum of 18 SCH, in total. For public community, technical, or state colleges, the limits are 18 SCH and 27 SCH, respectively.

A proposed rule was submitted to the *Texas Register* on August 4, 2017, but was withdrawn because phone calls received from the field indicated that more clarity was needed regarding how the additional ESOL developmental courses and interventions should be reported for funding. The reworked rule was posted to the *Texas Register* on September 11, 2017, and will be included on the agenda for the October 26, 2017, full Board meeting.

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

Date approved by the Commissioner for publication in the *Texas Register*: September 11, 2017.

Date published in the *Texas Register*: September 22, 2017.

The 30-day comment period with the *Texas Register* ended on October 22, 2017.

## CHAPTER 13 FINANCIAL PLANNING

## SUBCHAPTER F FORMULA FUNDING AND TUITION CHARGES FOR REPEATED AND EXCESS HOURS OF UNDERGRADUATE STUDENTS

## Section

- 13.100 Purpose
- 13.101 Authority
- 13.102 Definitions
- 13.103 Limitation on Formula Funding for Excess Hours
- 13.104 Exemptions for Excess Hours
- 13.105 Limitation on Formula Funding for Repeated Hours for Attempted Courses
- 13.106 Exemptions for Repeated Hours for Attempted Courses
- 13.107 Limitation on Formula Funding for Remedial and Developmental Courses and Interventions
- 13.108 Tuition Rate for Students
- 13.109 Additional Responsibilities of Institutions

13.100 – 13.101 No Change.

## 13.102 Definitions

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

- (1) Degree Plan—Academic program of courses and their related hours culminating in a degree or certificate, including minors, double majors, and completion of any other special program in which the student is also enrolled, such as a program with a study abroad component.
- (2) Excess Hours—Effective with students initially enrolling in the fall 1999 semester and subsequent terms, hours attempted by a resident undergraduate student that exceed more than 45 hours of the number of hours required for completion of the degree plan in which the student is enrolled. Effective with students initially enrolling in the fall 2006 semester and subsequent terms, hours attempted by a resident undergraduate student that exceed more than 30 hours of the number of hours required for completion of the degree program in which the student is enrolled. Effective fall 2009, hours earned by a student before graduating from high school and used to satisfy high school graduation requirements are not included in the calculation of excess hours. For purposes of excess hours, resident undergraduate student includes a nonresident student who is permitted to pay resident tuition.
- (3) Hours—Semester credit hours.
- (4) International Study Abroad Student—A student who is a citizen or permanent resident of a nation other than the United States who resides in the nation of which he or she is a citizen or permanent resident and who is in the United States and enrolled at a Texas public institution of higher education for a limited time as part of an exchange program or other study abroad program and who is not seeking a certificate or degree from a Texas Public institution of higher education.



- (5) Non-Course-Based Developmental Education Interventions (also known as Non-Semester-Length Interventions and also referred to as interventions)—Interventions that use learning approaches designed to address a student’s identified weaknesses and effectively and efficiently prepare the student for college-level work. These interventions must be overseen by an instructor of record, must not fit traditional course frameworks, and cannot include advising or learning support activities already connected to a traditional course; interventions may include, but are not limited to, tutoring, supplemental instruction, or labs.
- (6) Remedial and Developmental Courses—Courses designed to correct academic deficiencies and bring students’ skills to an appropriate level for entry into college. The term includes English for speakers of other languages (ESOL) [English as a Second Language (ESL)] courses in which a student is placed as a result of failing the reading or writing portion of a test required by §4.56 of this title (relating to Assessment Instruments).
- (7) Repeated Hours for Attempted Course—Hours for a course that is the same or substantially similar to a course that the student previously attempted for two or more times at the same institution. Previously attempted courses from which the student withdraws before the official census date shall not count as an attempted course.
- (8) Repeated Hours for Completed Course—Hours for a course in which a student enrolls for two or more times that is the same as or substantially similar to a course that the student previously completed and received a grade of A, B, C, D, F, or Pass/Fail at the same institution.
- (9) Student—For the purposes of this subchapter, a student who has not been awarded a bachelor’s degree or the equivalent.
- (10) Workforce Education Courses—Courses offered by two-year institutions for the primary purpose of preparing students to enter the workforce rather than academic transfer. The term includes both technical courses and continuing education courses.

13.103 – 13.106 No change.

13.107 Limitation on Formula Funding for Remedial and Developmental Courses and Interventions

- (a) General academic teaching institutions [Institutions] shall not submit for formula funding any hours for remedial and development courses and/or interventions for which a student has exceeded 9 [18] semester credit hours of remedial and developmental courses and/or interventions in a general academic teaching institution. [,] Up to 9 additional semester credit hours of English for speakers of other languages (ESOL) courses and/or interventions is allowed, bringing the maximum allowable to 18 semester credit hours. [27 semester credit hours of remedial and developmental courses and/or interventions in a public community college, public technical college, or public state college.]
- (b) Public community colleges, public technical institutes, or public state colleges shall not submit for formula funding any hours for remedial and development courses and/or interventions for which a student has exceeded 18 semester credit hours of remedial and developmental courses and/or interventions. Up to additional semester

credit hours of ESOL courses and/or interventions is allowed, bringing the maximum allowable to 27 semester credit hours.

- (c) ~~[(b)]~~ General academic teaching institutions may not report students in developmental student success courses ~~[or developmental ESL courses]~~ as defined in §13.102(6) of this title (relating to Definitions) for formula funding. General academic teaching institutions may report a student enrolled in a developmental student success intervention or in an ESOL course or intervention ~~or developmental [ESL intervention]~~ as defined in §13.102(5) of this title for formula funding only if the following conditions are met:
- (1) the student has not met state college readiness standards under Texas Education Code Chapter 51, Subchapter F-1, Texas Success Initiative; §51.3062;
  - (2) the student is not currently an international study abroad student as defined in §13.102 of this title;
  - (3) the student has not exceeded the number of [18] semester credit hours of remedial and developmental courses and/or interventions specified in [related to] subsection (a) of this section; and
  - (4) the student success intervention or the ESOL course or intervention meets the ~~[course]~~ description for a developmental student success intervention or developmental ESOL ~~[(English for Speakers of Other Languages)]~~ course or intervention in the Lower Division Academic Course Guide Manual (ACGM).

13.108 – 13.109      No Change.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (2)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 21, Subchapter Y, Sections 21.760-21.766 of Board rules, concerning the Student Loan Default Prevention and Financial Aid Literacy Pilot Program (Senate Bill 1799, 85th Texas Legislature, Regular Session)

RECOMMENDATION:            Approval

Background Information:

Senate Bill 1799, 85th Texas Legislature, Regular Session amended current law relating to the student loan default prevention and financial aid literacy pilot program. Rulemaking authority previously granted to the Texas Higher Education Coordinating Board in Texas Education Code, Section 61.0763 has been rescinded, and has been transferred to the Texas Guaranteed Student Loan Corporation.

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

Date approved by the Commissioner for publication in the *Texas Register*: July 24, 2017.

Date published in the *Texas Register*: August 4, 2017.

The 30-day comment period with the *Texas Register* ended on September 4, 2017.

No comments were received regarding the repeal.

## CHAPTER 21 STUDENT SERVICES

SUBCHAPTER Y ~~Student Loan Default Prevention And Financial Aid Literacy Pilot Program~~

## Section

- ~~21.760. Authority, Scope, and Purpose~~  
~~21.761. Administration~~  
~~21.762. Definitions~~  
~~21.763. Criteria for Selection of Participating Institutions~~  
~~21.764. Consumer Awareness~~  
~~21.765. Reporting Requirements~~  
~~21.766. End of Pilot Project~~

~~21.760. Authority, Scope, and Purpose.~~

~~(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Subchapter C, Student Loan Default Prevention and Financial Aid Literacy Pilot Program. This subchapter establishes procedures to administer the program as prescribed in the Texas Education Code, §61.0763.~~

~~(b) Purpose. The purpose of the Student Loan Default Prevention and Financial Aid Literacy Pilot Program is to ensure that students attending the participating postsecondary institutions are informed consumers with regard to all aspects of student financial aid.~~

~~21.761. Administration.~~

~~The Board shall administer the Student Loan Default Prevention and Financial Aid Literacy Pilot Program, and may contract with one or more entities to administer the program. The contractor(s) selected for this purpose must demonstrate the following:~~

- ~~(1) substantial experience with student borrowing for attendance at Texas postsecondary institutions;~~
- ~~(2) substantial experience with federal student loan cohort default rates;~~
- ~~(3) substantial experience with student loan default prevention initiatives;~~
- ~~(4) substantial familiarity with academic choices as they relate to career options for students attending Texas postsecondary institutions; and~~
- ~~(5) established working relationships with financial aid administrators in every sector of Texas postsecondary institutions.~~

~~21.762. 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) — Career schools or colleges—Texas career schools or colleges, as defined in Texas Education Code, Chapter 132, §132.001.~~
- ~~(3) — General Academic Teaching Institutions—Texas institutions of higher education, as defined in Texas Education Code, §61.003(3).~~
- ~~(4) — Postsecondary institutions—General academic teaching institutions, public junior colleges, private or independent institutions, or career schools or colleges, as defined in this section.~~
- ~~(5) — Private or independent institutions of higher education—Texas institutions of higher education, as defined in Texas Education Code, §61.003(15).~~
- ~~(6) — Program—Student Loan Default Prevention and Financial Aid Literacy Pilot Program.~~
- ~~(7) — Public junior colleges—Texas institutions of higher education, as defined in Texas Education Code, §61.003(2).~~
- ~~(8) — Three-year cohort federal student loan default rate—The default rate defined in 34 C.F.R. §668.202, the Code of Federal Regulations for certain federal student loans. The percentage of a postsecondary institution's student borrowers whose Federal Family Education Loans or William D. Ford Federal Direct Loans enter a repayment status during a particular federal fiscal year (October 1 to September 30), and default or meet other specified conditions before the end of the second following federal fiscal year.~~

~~21.763. — Criteria for Selection of Participating Institutions.~~

~~(a) — In selecting postsecondary institutions to participate in the program, the Board shall give priority to institutions that have a three-year cohort federal student loan default rate, as reported by the United States Department of Education, that:~~

- ~~(1) — is greater than 20%; or~~
- ~~(2) — represents above average growth as compared to the federal student loan default rates of other postsecondary institutions in Texas.~~

~~(b) — The Board shall select at least one institution from each of the following categories of postsecondary educational institutions to participate in the program:~~

- ~~(1) — general academic teaching institutions;~~
- ~~(2) — public junior colleges;~~
- ~~(3) — private or independent institutions of higher education; and~~
- ~~(4) — career schools or colleges.~~

~~21.764. — Consumer Awareness.~~

~~The program must ensure that the students of the participating institutions are informed consumers with regard to all aspects of student financial aid, including:~~

- ~~(1) — the consequences of borrowing to finance the student's postsecondary education;~~
- ~~(2) — the financial consequences of a student's academic and career choices; and~~
- ~~(3) — strategies for avoiding student loan delinquency and default.~~

~~21.765. — Reporting Requirements.~~

~~Not later than January 1 of each year, beginning in 2016:~~

- ~~(1) — the Board shall submit a report 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; and~~
- ~~(2) — each participating institution shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives regarding the outcomes of the pilot program at the institution, as reflected in the federal student loan default rate reported for the institution.~~

~~21.766. — End of Pilot Project.~~

~~The pilot project shall end on December 3, 2020.~~

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (3)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter B, Sections 22.24-22.25 and 22.29 of Coordinating Board rules, concerning Provisions for the Tuition Equalization Grant (TEG) Program (General Appropriations Act, Senate Bill 1, Article III-50, 85th Texas Legislature, Regular Session)

RECOMMENDATION:           Approval

Background Information:

The intent of the amendment is to incorporate into existing rules a new provision enacted by General Appropriations Act, SB 1, Article III, 85th Texas Legislature, Regular Session. The amendment strikes references to non-resident students (eligible to pay in-state tuition) who are National Merit scholarship finalists, as these students are no longer eligible to receive awards through the Tuition Equalization Grant program. These rules were adopted on an emergency basis in July 2017 by the Board and will only remain in effect for 180 days. The rule amendments will need to be heard for adoption at the October 2017 Board meeting in order to permanently become a part of the Texas Administrative Code.

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

Date approved by the Commissioner for publication in the *Texas Register*: July 28, 2017.

Date published in the *Texas Register*: August 11, 2017.

The 30-day comment period with the *Texas Register* ended on September 11, 2017.

No comments were received regarding the amendments.

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER B. PROVISIONS FOR THE TUITION EQUALIZATION GRANT PROGRAM

Section

- 22.21. Authority and Purpose.
- 22.22. Definitions.
- 22.23. Institutions.
- 22.24. Provisions that Apply Only to 2006 Revised TEG Program Students.
- 22.25. Provisions that Apply Only to Original TEG Program Students.
- 22.26. Award Amounts and Uses.
- 22.27. Adjustments to Awards.
- 22.28. Late Disbursements.
- 22.29. Allocation and Reallocation of Funds.
- 22.30. Authority to Transfer Funds.
- 22.31. Dissemination of Information and Rules.
- 22.32. Reporting.

22.21 – 22.23. No Changes.

22.24. Provisions that Apply Only to 2006 Revised TEG Program Students

(a) Eligible Students. To receive an award through the TEG Program, a 2006 Revised TEG Program student must:

(1) – (3) No Changes.

(4) be a resident of Texas as determined based on data collected using the Residency Core Questions and in keeping with Chapter 21, Subchapter B of this title (relating to Determination of Resident Status) [~~unless such student is a National Merit scholarship finalist and has received a scholarship in the amount required to be eligible to pay Texas resident tuition under the Texas Education Code §54.213(a)~~];

(5) – (9) No Changes.

(b) – (e) No Changes.

22.25. Provisions that Apply Only to Original TEG Program Students

(a) Eligible Students. To receive an award through the TEG Program, an Original TEG Program student must:

(1) – (3) No Changes.

(4) be a resident of Texas as determined based on data collected using the



Residency Core Questions and in keeping with Chapter 21, Subchapter B of this title (relating to Determination of Resident Status) [~~unless such student is a National Merit scholarship finalist and has received a scholarship in the amount required to be eligible to pay Texas resident tuition under the Texas Education Code §54.213(a)~~];

(5) – (9) No Changes.

(b) – (c) No Changes.

22.26 – 22.28. No Changes.

22.29. Allocation and Reallocation of Funds

(a) No Changes.

(b) Allocations for Fiscal Year 2020 and later. Allocations for the TEG Program are to be determined on an annual basis as follows:

(1) All eligible institutions will be invited to participate; those choosing not to participate will be left out of the calculations for the relevant year.

(2) The allocation base for each institution choosing to participate will be its three-year average share of the total statewide amount of the Total TEG Need, subject to the limits in Texas Education Code, §61.227(c) and (e), based on the students who met the following criteria:

(A) - (C) No Changes.

(D) Classified as a Resident of Texas [~~unless such student is a National Merit scholarship finalist and has received a scholarship in the amount required to be eligible to pay Texas resident tuition under the Texas Education Code §54.213(a)~~];

(E) - (H) No Changes.

(3) - (8) No Changes.

(c) - (d) No Changes.

22.30 - 22.32. No Changes

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (4)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter I, Sections 22.166-22.167 and 22.169-22.170 of Board rules, concerning the Texas Armed Services Scholarship Program (Senate Bill 49 and House Bill 1117, 85th Texas Legislature, Regular Session)

RECOMMENDATION:           Approval

Background Information:

The intent of the amendments is to incorporate into existing rules new provisions enacted by SB 49 and HB 1117, 85th Texas Legislature, Regular Session.

Amendments to Section 22.166 (a) and new subsection (e) allow for the appointment of alternate nominees and, if an appointee fails to qualify for an initial award, requires the Texas Higher Education Coordinating Board to notify the alternate nominee.

Amendments to Sections 22.167, 22.169, and 22.170 extend eligibility to students who are enrolled in other undergraduate officer commissioning programs, in addition to those enrolled in ROTC. In addition, rule references have been updated throughout the rule.

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

Date approved by the Commissioner for publication in the *Texas Register*: August 2, 2017.

Date published in the *Texas Register*: August 18, 2017.

The 30-day comment period with the *Texas Register* will end on September 18, 2017.

If comments are received, staff responses will be provided in supplemental material.

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS  
SUBCHAPTER I. TEXAS ARMED SERVICES SCHOLARSHIP PROGRAM

|         |   |
|---------|---|
| Section |   |
| 22.163. | Authority and Purpose.                                |
| 22.164. | Definitions.  |
| 22.165. | Award Amount.   |
| 22.166. | Requirements for Appointment by Elected Officials.    |
| 22.167. | Initial Award Eligibility and Agreement Requirements. |
| 22.168. | Promissory Note.                                      |
| 22.169. | Eligibility for Continued Awards.                     |
| 22.170. | Conversion of the Scholarship to a Loan.              |
| 22.171. | Repayment of Loans.                                   |
| 22.172. | Enforcement of Collection.                            |
| 22.173. | Exemption and Cancellation.                           |

22.163 – 22.165. No Change.

22.166. Requirements for Appointment by Elected Officials

(a) Each year the governor and the lieutenant governor may each appoint two students and two alternates, and each state senator and each state representative may appoint one student and one alternate to receive an initial conditional Texas Armed Services Scholarship.

(b) Appointments must be reported to the Board by the deadline established by the Commissioner.

(c) A selected student must meet two of the following four academic criteria at the time of application:

(1) Is on track to graduate high school or graduated with the Distinguished Achievement Program (DAP) or the International Baccalaureate Program (IB);

(2) Has a current high school GPA of 3.0 or higher or graduated with a high school GPA of 3.0 or higher;

(3) Achieved a college readiness score on the SAT or ACT;

(4) Is currently ranked in the top one-third of the prospective high school graduating class or graduated in the top one-third of the high school graduating class.

(d) A non-freshman student applying for an initial award must meet the requirements set forth in Section 22.169 [~~§21.2246~~] (1) and (3) of this title (relating to Eligibility for Continued Awards).

(e) If a student appointed to receive a scholarship fails to initially meet eligibility or fails to meet the requirements to initially receive the scholarship, the Board must notify the alternate on file of his or her nomination.

22.167. Initial Award Eligibility and Agreement Requirements.

To receive an initial conditional scholarship award through the Texas Armed Services Scholarship Program, a selected student must:

(1) Be enrolled in a Texas public or private institution of higher education, as certified by the institution;

(2) Enroll in and be a member in good standing of a Reserve Officers' Training Corps (ROTC) program or another undergraduate officer commissioning program while enrolled in the institution, as certified by the institution; and

(3) Enter into a written agreement with the Board agreeing to:

(A) Complete four years of ROTC training, or the equivalent of four years of ROTC training if the institution awards ROTC credit for prior service in any branch of the U.S. Armed Services or the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine, or another undergraduate officer commissioning program;

(B) - (D) No Change.

(E) Repay the scholarship according to the terms of the promissory note if the student fails to meet the requirements described in Section 22.170 [~~§21.2247~~] of this title (relating to Conversion of the Scholarship to a Loan).

22.168. No Change.

22.169. Eligibility for Continued Awards.

To continue to receive an annual conditional Texas Armed Services Program Scholarship, the student must:

(1) Maintain satisfactory academic progress as determined by the institution of higher education in which the student is enrolled;

(2) Continue to be a member of a Reserve Officers' Training Corps (ROTC) program or another undergraduate officer commissioning program; and

(3) Not have earned a baccalaureate degree or a cumulative total of 150 credit hours, including transferred hours, as verified by the recipients' institution of higher education.

22.170. Conversion of the Scholarship to a Loan.

(a) A scholarship will become a loan if the recipient:

(1) Fails to maintain satisfactory academic progress as required by the institution's ROTC or another undergraduate officer commissioning program for continued participation in that program;

(2) - (3) No Change.

(b) If a scholarship recipient requires a temporary leave of absence from the institution and/or the ROTC or another undergraduate officer commissioning program for personal reasons or to provide service for the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine for fewer than twelve months, the Board may agree to not convert the scholarship to a loan during that time.

(c) If a recipient is required to provide more than twelve months of service in the Texas Army National Guard, Texas Air National Guard, Texas State Guard, United States Coast Guard, or United States Merchant Marine as a result of a national emergency, the Board shall grant that recipient additional time to meet the graduation and service requirements specified in the Texas Armed Services Scholarship agreement.

22.171. – 22.173. No Change.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (5)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 22, Subchapter Z, Sections 22.699-22.709 of Board rules, concerning the Early High School Graduation Scholarship Program for Students Graduating High School on or before June 20, 2011

RECOMMENDATION:            Approval

Background Information:

No funds have been appropriated for this program since FY 2011. Since this is no longer an active program, it is appropriate to delete the rules.

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

Date approved by the Commissioner for publication in the *Texas Register*: July 24, 2017.

Date published in the *Texas Register*: August 4, 2017.

The 30-day comment period with the *Texas Register* ended on September 4, 2017.

No comments were received regarding the repeal.

CHAPTER 22 STUDENT FINANCIAL AID PROGRAMS

~~SUBCHAPTER Z EARLY HIGH SCHOOL GRADUATION SCHOLARSHIP PROGRAM FOR STUDENTS GRADUATING HIGH SCHOOL ON OR BEFORE JUNE 20, 2011~~

Section

- ~~22.699. Authority and Purpose~~
- ~~22.700. Definitions~~
- ~~22.701. Institutions~~
- ~~22.702. Eligible Students~~
- ~~22.703. The Application and Awarding Process~~
- ~~22.704. Source of Funding~~
- ~~22.705. Award Amounts and Processing Cycle~~
- ~~22.706. Reimbursements~~
- ~~22.707. Refunds~~
- ~~22.708. Hardship Provisions~~
- ~~22.709. Dissemination of Information and Rules~~

~~22.699. Authority and Purpose.~~

~~(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Subchapter K, Early High School Graduation Scholarship Program. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §§56.201 - 56.209.~~

~~(b) Purpose. The purpose of the Early High School Graduation Scholarship Program is to increase the efficiency of the Foundation School Program and provide financial assistance to eligible students who graduate from high school on or before June 20, 2011.~~

~~22.700. 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) Commissioner--The Commissioner of Higher Education, the Chief Executive Officer of the Board.~~

~~(3) Graduate, To--To complete all the academic requirements, including course work and examinations, for graduation from high school. This definition does not apply to individuals who meet these requirements but choose to continue enrollment beyond the end of the term in which they meet the graduation requirements.~~

~~(4) — Institutional aid—Funds which have not originated from any government source.~~

~~(5) — Program Officer—The individual named by each participating institution's chief executive officer to serve as agent for the Board. The Program Officer is responsible for all activities with respect to the program, including all records and reports reflecting program transactions. Unless otherwise indicated by the administration, the director of student financial aid shall serve as Program Officer.~~

~~(6) — Resident of Texas—A resident of the State of Texas as determined in accordance with Chapter 21, Subchapter B of this title (relating to Determination of Resident Status). Nonresident students who are eligible to pay resident tuition rates are not residents of Texas.~~

~~22.701. — Institutions.~~

~~(a) — Eligibility.~~

~~(1) — Any public institution of higher education as defined by Texas Education Code, §61.003, is eligible to participate in the Early High School Graduation Scholarship Program. Private or independent institutions as defined by Texas Education Code, §61.003, are eligible only if they agree to provide scholarship recipients with at least an equal amount of institutional aid.~~

~~(2) — No institution may, on the grounds of race, color, national origin, gender, religion, age or disability exclude an individual from participation in, or deny the benefits of the program described in this subchapter.~~

~~(3) — Each participating institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-353) in avoiding discrimination in admissions.~~

~~(b) — Approval.~~

~~(1) — Agreement. Each approved institution must enter into an agreement with the Board, the terms of which shall be prescribed by the Commissioner.~~

~~(2) — Approval Deadline. An institution must be approved by April 1 in order for qualified students enrolled in that institution to be eligible to receive grants in the following fiscal year.~~

~~(c) — Responsibilities.~~

~~(1) — Probation Notice. If the institution is placed on probation by its accrediting agency, it must immediately advise scholarship recipients of this condition and maintain evidence in each student's file to demonstrate that the student was so informed.~~



~~(2) — Disbursements to Students.~~

~~(A) — Documentation. The institution must maintain records to prove the receipt of program funds by the student or the crediting of such funds to the student's school account.~~

~~(B) — Procedures in Case of Illegal Disbursements. If the Commissioner has reason for concern that an institution has disbursed funds for unauthorized purposes, the Board will notify the Program Officer and financial aid director and offer an opportunity for a hearing pursuant to the procedures outlined in Chapter 1 of this title (relating to Agency Administration). Thereafter, if the Board determines that funds have been improperly disbursed, the institution shall become primarily responsible for restoring the funds to the Board. No further disbursements of scholarships shall be permitted to students at that institution until the funds have been repaid.~~

~~(3) — Reporting. Each participating institution must meet Board reporting requirements, in particular the submission of the Financial Aid Database Report, in a timely fashion.~~

~~(4) — Program Reviews. If selected for such by the Board, participating institutions must agree to submit to program reviews of activities related to the Early High School Graduation Scholarship Program.~~

~~22.702. — Eligible Students.~~

~~(a) — To receive an award through the Early High School Graduation Scholarship Program, a student who graduated from high school before September 1, 2005 must:~~

~~(1) — be a resident of Texas; and~~

~~(2) — have completed the requirements for a high school diploma in not more than thirty-six consecutive months having completed all years of high school in Texas; and~~

~~(3) — have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law.~~

~~(b) — To receive an award through the Early High School Graduation Scholarship Program, a student who graduated from high school on or after September 1, 2005, but prior to June 15, 2007, must:~~

~~(1) — be a resident of Texas;~~

~~(2) — have attended high school exclusively in one or more public high~~

~~schools in this state;~~

~~(3) — have successfully completed the Recommended or Distinguished Achievement Program-Advanced High School Program established under Texas Education Code, §28.025, unless the principal or other authorized representative of the student's high school provides a written explanation along with the student's transcript and exemption program application that the courses in the Recommended or Advanced High School Program which the student did not complete were unavailable to the student at the appropriate time in his or her high school career because of:~~

~~(A) — shortage of qualified teachers;~~

~~(B) — lack of enrollment capacity; or~~

~~(C) — another cause not within the person's control, an explanation for which is provided on the transcript by the official;~~

~~(4) — have graduated:~~

~~(A) — in not more than 41 consecutive months; or~~

~~(B) — in not more than 45 consecutive months, if the student graduated with at least 30 hours of college credit; and~~

~~(5) — have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law.~~

~~(c) — To receive an award through the Early High School Graduation Scholarship Program, a student who graduated from high school on or after June 15, 2007, must:~~

~~(1) — be a citizen of the United States or otherwise lawfully authorized to be present in the United States;~~

~~(2) — have attended one or more public high schools in Texas for the majority of time the person attended high school;~~

~~(3) — have successfully completed the Recommended or Distinguished Achievement Program-Advanced High School Program established under Texas Education Code, §28.025, unless the principal or other authorized representative of the student's high school provides a written explanation along with the student's transcript and exemption program application that the courses in the Recommended or Advanced High School Program which the student did not complete were unavailable to the student at the appropriate time in his or her high school career because of:~~

~~(A) — shortage of qualified teachers;~~

~~(B) — lack of enrollment capacity; or~~

~~(C) — another cause not within the person's control, an explanation for which is provided on the transcript by the official;~~

~~(4) — have graduated from a public high school in Texas:~~

~~(A) — in not more than 41 consecutive months; or~~

~~(B) — in not more than 46 consecutive months, if the student graduated with at least 30 hours of college credit; and~~

~~(5) — have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law.~~

~~(d) — A student's eligibility to receive a tuition credit under the Early High School Graduation Scholarship Program begins with the first regular semester or term following the student's graduation, exclusive of summer sessions that immediately follow the student's graduation. A student's eligibility to receive a tuition credit under the program ends six years after it begins, unless the student seeks and is granted an extension under §21.960 of this title (relating to Hardship Extensions).~~

~~(e) — The months to graduation will be measured beginning with the student's first full month in ninth grade through the date the high school certifies as the date the student completes all the requirements for graduation.~~

~~22.703. — The Application and Awarding Process.~~

~~(a) — Application forms and instructions developed by the Board will be distributed primarily through school district offices throughout the state. The Board will also provide them to financial aid offices of approved institutions, and students will be able to request the forms directly from the Board and/or download them from the College for Texans web site.~~

~~(b) — The application has three parts. The completed forms must be certified by the high school principal on behalf of the student applicant.~~

~~(1) — Parts I and III are to be completed for all applicants who graduated prior to September 1, 2005.~~

~~(2) — Parts I, II, and III are to be completed for all applicants who graduated on or after September 1, 2005.~~

~~(c) — If a student is incorrectly certified by a school district as eligible for an~~

~~exemption, the school district is responsible for reimbursing the program for any funds that might be issued to the student through the program.~~

~~(d) — High school counselors are to send the completed and signed applications certified by the principal to the Board for processing. Applications should not be sent to the Board more than 30 days prior to a student's high school graduation date.~~

~~(e) — Applications will be processed by the Board as they are submitted by the high schools.~~

~~(f) — As soon as possible after processing applications, the Board will notify the relevant institutions, students and school districts of the students' eligibility for awards. The Board will issue an award letter to the institution named in the student's application. Only one copy of the letter will be sent to the institution. If the letter is lost or if verification is needed prior to the receipt of the letter, the institution can document the student's eligibility by printing a copy of the relevant student's entry from the Board's verification web site.~~

~~(g) — If the student graduated from high school prior to June 15, 2007, institutions must confirm that the student is a resident of Texas before they can grant a scholarship through the program outlined in this subchapter. If the student graduated from high school on or after June 15, 2007, institutions must confirm that the student is a citizen of the United States or otherwise lawfully authorized to be present in the United States before they can grant a scholarship through the program outlined in this subchapter.~~

~~(h) — If the student chooses to attend an institution other than the one indicated in the application, he or she should advise the Board of the change and the Board will send the new institution a letter of eligibility and an award may be made at that institution after the student's residency is confirmed.~~

~~(i) — No student may receive awards for the same term through more than one institution. Students who are concurrently enrolled will need to select the college through which they wish to receive awards. If a student's selection is not the school originally scheduled for an award, it is the student's responsibility to notify the Board.~~

~~22.704. — Source of Funding.~~

~~Amounts sufficient to reimburse colleges for scholarships awarded to students who meet the eligibility requirements of the program will be drawn from funds appropriated for Foundation School Program allocations and transferred to the Board by the Commissioner of Education.~~

~~22.705. — Award Amounts and Processing Cycle.~~

~~(a) — Amounts for students graduating prior to September 1, 2005.~~

~~(1) — The aggregate amount of state credit that shall be awarded to a~~

~~student through this program may not exceed \$1,000 to be applied only toward tuition.~~

~~(2) — A student who is attending a private or independent institution may not receive a greater state tuition credit in any enrollment period than the amount of institutional aid that is provided by the institution and credited in the same manner, during that enrollment period.~~

~~(3) — If a state credit awarded through the Early High School Graduation Scholarship Program is more than the amount of the student's first semester's tuition, the balance of the student's award may be used in subsequent semesters.~~

~~(4) — State credits may not be used for continuing education classes that do not receive formula funding.~~

~~(b) — For students who graduate on or after September 1, 2005:~~

~~(1) — the aggregate amount of state credit that may be awarded to a student through this program is:~~

~~(A) — \$2,000 to apply toward tuition and mandatory fees if the student completed the Recommended or Distinguished Achievement Program-Advanced High School Program and graduated from high school in 36 consecutive months or less and an additional \$1,000 if the person graduated with at least 15 hours of college credit; or~~

~~(B) — \$500 to apply toward tuition and mandatory fees if the student completed the Recommended or Distinguished Achievement Program-Advanced High School Program and graduated from high school in more than 36 consecutive months but not more than 41 consecutive months and an additional \$1,000 if the person graduated with at least 30 hours of college credit; or~~

~~(C) — \$1,000 to apply toward tuition and mandatory fees if the student completed the Recommended or Distinguished Achievement Program-Advanced High School Program and, either:~~

~~(i) — graduated prior to June 15, 2007, from high school in more than 41 consecutive months but not more than 45 consecutive months with at least 30 hours of college credit; or~~

~~(ii) — graduated on or after June 15, 2007, from high school in more than 41 consecutive months but not more than 46 consecutive months with at least 30 hours of college credit.~~

~~(2) — A student who is attending a private or independent institution may not receive a greater state tuition credit in any enrollment period than the~~

~~amount of institutional aid that is provided by the institution and credited in the same manner, during that enrollment period.~~

~~(3) — State credits may not be used for continuing education classes that do not receive formula funding.~~

~~(c) — Form of Award--Exemption or Reimbursement.~~

~~(1) — If applications are processed and announced in time, institutions should exempt recipients from the payment of relevant charges and then request reimbursement from the Board.~~

~~(2) — If applications are processed and/or announced too late for the student to be exempted from such payments at registration, the student may be required to pay these charges first, and then be reimbursed by the institution when reimbursement funds are received from the Board.~~

#### ~~22.706. — Reimbursements.~~

~~(a) — Source of Funding. The funds used to reimburse institutions or students for awards made through the Early High School Graduation Scholarship program will come from the state's Foundation School Fund.~~

~~(b) — Requesting Reimbursements. To request reimbursement for student awards, institutions must complete and submit a Request for Reimbursement Form designed and distributed by the Board. Such forms must be submitted to the Board with sufficient documentation (student billing information) to confirm that the requests are being made for authorized charges.~~

~~(c) — Disbursements by the Board. The Board will process institutional Requests for Reimbursement at least once a month and will subsequently have appropriate amounts transferred to institutions by the State Comptroller's office. Such funds are to be used by the institution either to reimburse itself (if it exempted the students from the payment of the relevant charges) or to reimburse students for the relevant charges they paid to the institution.~~

~~(d) — Transfers from the Foundation Program. At least once a year the Board will request a transfer of funds from the Foundation School Fund for use in reimbursing institutions or students for their Early High School Graduation Scholarship program awards.~~

#### ~~22.707. — Refunds.~~

~~The institution attended by an Early High School Graduation Scholarship program award recipient who withdraws from a class or drops classes during the term for which the award was made will be expected to make a refund to the Early High School Graduation Scholarship Program for an amount calculated in accordance with the institution's general refund policies.~~

~~22.708. Hardship Provisions.~~

~~An otherwise eligible student as defined under §21.953(a) and (b) of this subchapter and who is unable to use his or her scholarship within the allotted six years, may petition the Board for an extension. Such extensions may be granted on the basis of hardships or other good causes, including but not limited to:~~

- ~~(1) a severe illness or other debilitating condition;~~
- ~~(2) responsibility for the care of a sick, injured, or needy person; or~~
- ~~(3) active duty or other service in the United States armed forces.~~

~~22.709. Dissemination of Information and Rules.~~

~~The Board is responsible for publishing and disseminating general information and program rules for the program described in this subchapter.~~

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (6)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 23, Subchapter G, Sections 23.186 and 23.193 of Board rules, concerning the Nursing Faculty Loan Repayment Assistance Program (General Appropriations Act, Senate Bill 1, Article III, Section 42, 85th Texas Legislature, Regular Session)

RECOMMENDATION:           Approval

Background Information:

The amendment to Section 23.186 (a) updates the Texas Education Code subchapter which was redesignated from Chapter 61, Subchapter II, to Subchapter JJ in 2015.

The intent of the amendment to Section 23.193 (3) is to incorporate into existing rules new provisions enacted by the General Appropriations Act, SB 1, Article III, Section 42, 85th Texas Legislature, Regular Session. This amendment adds language to indicate that legislative appropriations may be used to provide loan repayments in accordance with the General Appropriations Act. Currently, program funding is limited to gifts, grants, and donations and/or funds that have been reallocated from the Physician Education Loan Repayment Program account.

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

Date approved by the Commissioner for publication in the *Texas Register*: August 2, 2017.

Date published in the *Texas Register*: August 18, 2017.

The 30-day comment period with the *Texas Register* will end on September 18, 2017.

If comments are received, staff responses will be provided in supplemental material.



CHAPTER 23. EDUCATION LOAN REPAYMENT PROGRAMS  
SUBCHAPTER G. NURSING FACULTY LOAN REPAYMENT ASSISTANCE PROGRAM

Section

- 23.186. Authority and Purpose.
- 23.187. Definitions.
- 23.188. Eligibility.
- 23.189. Priorities of Application Acceptance.
- 23.190. Eligible Lender and Holder.
- 23.191. Eligible Education Loan.
- 23.192. Repayment of Education Loans.
- 23.193. Limitations.
- 23.194. Dissemination of Information.

23.186. Authority and Purpose.

(a) Authority for this subchapter is provided in the Texas Education Code, Chapter 61, Subchapter ~~JJ~~ {HH}, Nursing Faculty Loan Repayment Assistance Program. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §§61.9821 - 61.9828.

(b) The purpose of the Nursing Faculty Loan Repayment Assistance Program is to improve access to nursing education programs by encouraging qualified nurses to serve as faculty at eligible institutions of higher education in positions that require an advanced degree in professional nursing.

23.187. - 23.192. No Change.

23.193. Limitations.

The following limitations apply to the Nursing Faculty Loan Repayment Assistance Program.

(1) The total annual repayment to one or more eligible lenders shall not exceed \$7,000.00.

(2) A nursing faculty member may receive loan repayment assistance under this subchapter for a maximum of five years.

(3) Funds will be available for loan repayment assistance under this subchapter only if there are legislative appropriations, gifts, grants, and donations made for this purpose, and/or funds have been reallocated for this purpose from the Physician Education Loan Repayment Program Account at the end of a fiscal year.

(4) Applications from nursing faculty will be considered by the Board only if funds are available for this purpose at the end of the state fiscal year.

23.194. No Change.

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (7)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 23, Subchapter H, Sections 23.217-23.223 of Board rules, concerning the Educational Loan Repayment Program for Attorneys Employed by the Office of the Attorney General

RECOMMENDATION:           Approval

Background Information:

No funds have been appropriated for this program since the 2014-2015 biennium. Because this is no longer an active program, it is appropriate to delete the rules.

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

Date approved by the Commissioner for publication in the *Texas Register*: July 24, 2017.

Date published in the *Texas Register*: August 4, 2017.

The 30-day comment period with the *Texas Register* ended on September 4, 2017.

No comments were received regarding the repeal.

CHAPTER 23 EDUCATION LOAN REPAYMENT PROGRAMS

~~SUBCHAPTER H EDUCATIONAL LOAN REPAYMENT PROGRAM FOR ATTORNEYS EMPLOYED BY THE OFFICE OF THE ATTORNEY GENERAL~~

Section

- ~~23.217. Authority and Purpose~~
- ~~23.218. Definitions~~
- ~~23.219. Application Review Committee~~
- ~~23.220. Application Approval~~
- ~~23.221. Eligible Attorney~~
- ~~23.222. Eligible Education Loan~~
- ~~23.223. Education Loan Repayments~~

~~23.217. Authority and Purpose:~~

~~(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 61, Subchapter DD, Repayment of Certain Education Loans Owed by Certain State Attorneys. These rules establish procedures to administer the program as prescribed in the Texas Education Code, §§61.9721 - 61.9732.~~

~~(b) Purpose. The purpose of the Education Loan Repayment Program for Attorneys Employed by the Office of the Attorney General is to recruit and retain attorneys in the Office of the Attorney General of the State of Texas.~~

~~23.218. Definitions:~~

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

~~(1) Attorney General--the Office of the Attorney General of the State of Texas (OAG).~~

~~(2) Board--the Texas Higher Education Coordinating Board.~~

~~(3) Commissioner--the Commissioner of Higher Education.~~

~~(4) Program--the Education Loan Repayment Program for Attorneys Employed by the Office of the Attorney General.~~

~~(5) Eligible School of Law--a School of Law in Texas which is accredited by the American Bar Association.~~

~~(6) Institution or Institution of Higher Education--an institution of higher education as defined in Texas Education Code, §61.003(8) or a private or independent institution of higher education, as defined in Texas Education Code, §61.003(15).~~

~~23.219. Application Review Committee.~~

~~The Board shall rely on the recommendations of an application review committee in making awards of repayment assistance. The committee shall be composed of a minimum of three attorneys who are, at the time of the application review, employed by the Office of the Attorney General. Additional members may include attorneys employed by either the Office of the Attorney General or by the State Bar of Texas. The purpose of the committee shall be to:~~

- ~~(1) advise the Board on appropriate rules for the Program;~~
- ~~(2) advise the Board on the amount of money needed to adequately fund the Program;~~
- ~~(3) advise the Board on the format and content of the applications for repayment;~~
- ~~(4) assist the Board in the dissemination of information about the Program;~~
- ~~(5) prepare an application scoring tool for use in selection and referral of eligible applicants for acceptance into the program. The scoring tool shall establish the priorities among the various criteria for consideration of application approval, taking into consideration the current needs of the Office of the Attorney General for recruitment and retention of eligible attorneys;~~
- ~~(6) evaluate each applicant separately, using the scoring tool to rank qualified applicants for award; and~~
- ~~(7) select and refer applicants to the Board for awarding of loan repayment assistance.~~

~~23.220. Application Approval.~~

~~Approval of applicants will depend upon the availability of funds, and the recommendations of the Application Review Committee.~~

~~23.221. Eligible Attorney.~~

~~To be eligible for loan repayment assistance, an applicant must:~~

- ~~(1) be licensed by the State Bar of Texas at the time application is made;~~
- ~~(2) submit a completed application to the Office of the Attorney General on or before the annual deadline of December 1 of each year;~~
- ~~(3) have been employed full-time for at least one year by the Office of the Attorney General;~~

~~(4) — be in good standing with the State Bar of Texas and the Office of the Attorney General; and~~

~~(5) — have not received more than two previous awards of annual repayment assistance under this Program.~~

~~23.222. — Eligible Education Loan:~~

~~An eligible education loan is one that:~~

~~(1) — was obtained through a lender for purposes of attending an eligible school of law or for undergraduate education at an institution of higher education, or was obtained through a lender for purposes of consolidating education loans;~~

~~(2) — does not entail a service obligation and is not being repaid through another loan repayment program;~~

~~(3) — is not an education loan made to oneself from one's own insurance policy or pension plan or from the insurance policy or pension plan of a relative;~~

~~(4) — is not in default at the time of application, and~~

~~(5) — is evidenced by a promissory note or other writing signed by the participant which explicitly requires the loan proceeds to be used to pay for costs incurred for attendance at a public or private institution of higher education.~~

~~23.223. — Education Loan Repayments:~~

~~The Application Review Committee shall inform the Board when applicants have satisfactorily met all eligibility requirements and have been selected for an award, and the Board shall arrange for the disbursement of the award. Annual assistance payments to eligible recipients must meet the following conditions:~~

~~(1) — the annual award shall be:~~

~~(A) — co-payable to the attorney and the holder(s) of the loan(s), and forwarded to the applicant to submit to his or her holder; or~~

~~(B) — made payable to the holder and forwarded directly, or sent by electronic funds transfer to the holder by the Board;~~

~~(2) — the annual award amount shall be determined by the Commissioner, with input from the Application Review Committee, but shall not exceed \$6,000; and~~

~~(3) — repayments shall be applied in the manner that is usual and customary for the holder.~~

Committee on Affordability, Accountability and Planning

AGENDA ITEM V-G (8)

Consideration of adopting the Commissioner's recommendation to the Committee relating to the repeal of Chapter 23, Subchapter I, Sections 23.248-23.255 of Board rules, concerning the Loan Repayment Program for Speech-Language Pathologists and Audiologists

RECOMMENDATION:           Approval

Background Information:

No funds have been appropriated for this program since the 2010-2011 biennium. Since this is no longer an active program, it is appropriate to delete the rules.

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

Date approved by the Commissioner for publication in the *Texas Register*: July 24, 2017.

Date published in the *Texas Register*: August 4, 2017.

The 30-day comment period with the *Texas Register* ended on September 4, 2017.

No comments were received regarding the repeal.

## CHAPTER 23 EDUCATION LOAN REPAYMENT PROGRAMS

~~SUBCHAPTER I LOAN REPAYMENT PROGRAM FOR SPEECH LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS~~

## Section

- ~~23.248. Authority and Purpose~~  
~~23.249. Dissemination of Information~~  
~~23.250. Definitions~~  
~~23.251. Preliminary Eligibility Requirements~~  
~~23.252. Priorities for Conditional Approval of Applications~~  
~~23.253. Eligibility for Loan Repayment Awards – End of Service Period~~  
~~23.254. Eligible Education Loan~~  
~~23.255. Loan Repayment Awards~~

~~23.248. Authority and Purpose.~~

~~(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 61, Subchapter H, Repayment of Certain Speech-Language Pathologist and Audiologist Education Loans. This subchapter establishes procedures to administer the program as prescribed in the Texas Education Code, §§61.9811 – 61.9819.~~

~~(b) Purpose. The purpose of the Loan Repayment Program for Speech-Language Pathologists and Audiologists is to alleviate the acute shortage of licensed speech-language pathologists employed by Texas public schools by providing student loan repayment assistance to qualified professionals.~~

~~23.249. Dissemination of Information.~~

~~The Board shall provide program information to officials at institutions of higher education that have communicative disorders programs and at appropriate state agencies and professional associations.~~

~~23.250. Definitions.~~

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

~~(1) Audiologist--A person licensed as an audiologist under Chapter 401, Texas Occupations Code.~~

~~(2) Bilingual Speech-Language Pathologist or Audiologist--A speech-language pathologist or audiologist who is proficient in evaluating and providing therapy in a language other than English.~~

~~(3) Board--The Texas Higher Education Coordinating Board.~~

~~(4) Commissioner--The commissioner of higher education in Texas; the chief executive officer of the Board.~~



~~(5) — Communicative Disorders Program—A graduate degree program in audiology or speech-language pathology that is accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology, or an undergraduate degree program that prepares and qualifies students for admission to a graduate degree program in audiology or speech-language pathology.~~

~~(6) — Institution of Higher Education—A public or private or independent institution as defined in the Texas Education Code, §61.003.~~

~~(7) — Rural School District—A Texas public school district having a majority of schools that are located in a county whose population is less than 50,000.~~

~~(8) — Service Period—A period of service of at least 9 months of a 12-month academic year.~~

~~(9) — Speech-Language Pathologist—A person licensed as a speech-language pathologist under Chapter 401, Texas Occupations Code.~~

~~(10) — Title I schools—Schools that are eligible to receive federal funds under Title I, Part A of the Elementary and Secondary Education Act, as amended.~~

~~23.251. — Preliminary Eligibility Requirements:~~

~~To be considered for participation in the program, an applicant must:~~

~~(1) — be a graduate of a communicative disorders program and must be employed full time as a speech-language pathologist or audiologist by a Texas public school district; or~~

~~(2) — be employed full time as a doctoral faculty member of a communicative disorders program at an institution of higher education in Texas and must:~~

~~(A) — be licensed by the Texas State Board of Examiners for Speech-Language Pathology and Audiology;~~

~~(B) — hold a Certificate of Clinical Competence from the American Speech-Language-Hearing Association;~~

~~(C) — demonstrate past collaboration with U.S. public schools; and~~

~~(D) — have participated in the supervision of students completing communicative disorders programs.~~

~~23.252. — Priorities for Conditional Approval of Applications:~~

~~Annually the Commissioner shall determine an allocation for faculty recruitment;~~

~~based on the availability of funds. An application deadline will be published each year on the Board's web site. The highest ranked applications will be approved conditionally in advance of the service period, until no funds remain to be reserved. After the first year of operation of the program, renewal applicants will receive priority over first-time applications unless a break in service periods has occurred. Applications from first-time applicants will be ranked according to the following criteria, in priority order:~~

~~(1) — In the case of applicants working for Texas public school districts, applicants who:~~

- ~~(A) — are first-year employees of Texas public school districts;~~
- ~~(B) — are working in rural school districts;~~
- ~~(C) — are working in Title I schools;~~
- ~~(D) — are bilingual.~~

~~(2) — In the case of applicants serving as doctoral faculty in communicative disorders programs, applicants who:~~

- ~~(A) — are under contract to begin a first year of employment as faculty members of communicative disorders programs at institutions of higher education that are experiencing the most acute shortages of such faculty, as evidenced by the number of vacant positions and the duration of vacancies;~~
- ~~(B) — are under contract to begin a first year of employment as faculty members of communicative disorders programs at institutions of higher education;~~
- ~~(C) — are under contract to continue employment for the following academic year at institutions that are experiencing the most acute shortages of such faculty, as evidenced by the number of vacant positions and the duration of vacancies.~~

~~23.253. — Eligibility for Loan Repayment Awards – End of Service Period:~~

~~To be eligible for a loan repayment award, a speech-language pathologist or audiologist must submit all required documents to the Board by the established deadline and must:~~

~~(1) — In the case of employees of Texas public school districts:~~

- ~~(A) — have completed a service period working full time for a Texas public school district as a speech-language pathologist or audiologist, for at least one service period;~~
- ~~(B) — be under contract to the school district for the following academic year in that capacity;~~
- ~~(C) — be licensed by the Texas State Board of Examiners for Speech-Language Pathology and Audiology; and~~
- ~~(D) — hold a Certificate of Clinical Competence from the American Speech-Language-Hearing Association.~~

~~(2) — In the case of doctoral faculty of communicative disorders programs:~~

~~(A) — have completed at least one service period working full time as a faculty member of a communicative disorders program at an institution of higher education in Texas; and~~

~~(B) — be under contract to the institution for the following academic year in that capacity.~~

~~23.254. — Eligible Education Loan.~~

~~An education loan eligible for repayment is one that:~~

~~(1) — was obtained through an eligible lender for education costs at any public or private institution of higher education;~~

~~(2) — is not a loan made to oneself from one's own insurance policy or pension plan or from the insurance policy or pension plan of a spouse or other relative; and~~

~~(3) — does not have an existing service obligation.~~

~~23.255. — Loan Repayment Awards.~~

~~Eligible education loans shall be repaid under the following conditions:~~

~~(1) — the annual repayment(s) award shall be disbursed directly to the holder(s)/servicer(s) of the loan(s);~~

~~(2) — the annual repayment amount for speech-language pathologists or audiologists working full time, directly for a public school district may not exceed \$6,000;~~

~~(3) — the annual repayment amount for speech-language pathologists or audiologists who hold a doctoral degree and serve as full-time faculty in a communicative disorders program at an institution of higher education may not exceed \$9,000; and~~

~~(4) — the speech-language pathologist or audiologist shall not receive loan repayment assistance for more than five years.~~