



Texas Higher Education
COORDINATING BOARD
Strategic Planning and Funding

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Memorandum

August 31, 2020

To: Chief Reporting Officials -Public Universities, Health-Related Institutions, Community Colleges, TSTCs, and Lamars

From: Emily Cormier, Assistant Commissioner for Funding
Julie Eklund, Assistant Commissioner for Strategic Planning

Subject: Reporting Modifications for Nonresident Distance Education Courses for Formula Funding

Per the memorandum distributed on August 31, 2020, from Commissioner of Higher Education, Harrison Keller, a rule modification was issued pursuant to emergency rule, 19 Texas Administrative Code (TAC), Chapter 1, Subchapter A, Rule § 1.15(b), which provides authority for the Commissioner to grant exceptions, or modify formula funding provisions set out in rule for institutions of higher education in an area declared a disaster pursuant to Chapter 418 of the Government Code.

The memorandum modifies the formula funding provisions in 19 TAC § 4.264(c) to remove the restriction on submitting distance education courses taken by nonresident students who are located out of state for formula funding, subject to the below reporting instructions.

The modification is made pursuant to the Governor's March 13, 2020, proclamation, and subsequent proclamations, certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas. This modification applies to all Texas public institutions of higher education and is effective as of August 31, 2020, for reporting in each semester, beginning with certified submissions for Summer 2020, through the end of the effective dates of all disaster declarations pertaining to COVID-19, or the provision of emergency Rule § 1.15(b) is otherwise expired.

This modification does not apply to the limitation on the submission of courses in programs that are located out of state, taken by any student, or to self-supporting courses for formula funding.

See below guidance on the modification:

A. Applicability. This modification allows the submission of certain distance education courses for formula funding when taken by nonresident students enrolled in courses that moved online because of COVID-19. This modification is in effect for out of state students who do not have the ability to enroll in regular (on campus, in Texas) courses.

- B. **Courses.** Under this modification, institutions may report distance education courses, limited only to those courses that were moved online due to COVID-19, for funding taken by out of state students, even if the students are no longer located in Texas or if their location is unknown, if the student intends to enroll in on-campus, in-Texas courses when they are able to do so.
- C. **Program Eligibility.** When submitting courses for formula funding under this rule modification, the student must be enrolled in a program that was not classified and reported as distance education. The modification does not apply to out of state students enrolled in classes in a program formally classified as distance education, even if the program is new. However, if a student is in a program that is not classified as distance education, they may be enrolled in any distance education course and may be reported for funding if they are unable to travel to Texas provided the student intends to enroll in on-campus, in-Texas courses when they are able to do so.

The CBM Manuals will be updated to reflect this change.

Please contact Victor Reyna in the Education Data Center at Victor.Reyna@highered.texas.gov if you have questions.

Attachment

c: UHRI and CTC Liaisons
Harrison Keller, PhD
Rey Rodriguez
Lori Fey
Ray Martinez
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SPF/ec/bb



TEXAS HIGHER EDUCATION COORDINATING BOARD

P.O. Box 12788 Austin, Texas 78711

Memorandum

August 31, 2020

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To: Presidents & Chancellors-Public Universities, Public Health-Related Institutions, Community Colleges, TSTCs, and Lamars

From: Harrison Keller, PhD 

Subject: Notification of Changes to Nonresident Student Reporting for Formula Funding

As part of our mission to support institutions of higher education, the Coordinating Board has worked to find ways assist institutions in meeting the needs of your students and providing continued access to quality education during the COVID-19 pandemic.

We heard from institutions about limitations in our rules relating to the reporting of certain distance education courses for formula funding taken by nonresident students who may be located outside of Texas. Given the unique circumstances facing students and institutions related to online course delivery during this pandemic, and the importance of reporting fundable semester credit hours taken by students before the state legislative session, we have worked to address these concerns.

Our Board recently approved an emergency rule which provides authority for the Commissioner of Higher Education to grant exceptions, or modify, formula funding reporting provisions set out in rule for institutions of higher education in an area declared a disaster pursuant to Chapter 418 of the Government Code. Under the authority provided by this emergency rule, I am granting a modification to our board rules relating to the reporting of distance education courses for formula funding.

Pursuant to emergency rule 19 Texas Administrative Code (TAC) § 1.15(b), Rule 19 TAC § 4.264(c) is hereby modified to remove the restriction on submitting distance education courses taken by nonresident students who are located out of state for formula funding, subject to certain reporting instructions. The modification does not apply to out of state students enrolled in classes in a program formally classified as distance education.

Specific guidance for reporting distance education courses taken by nonresident students will be issued separately to the chief reporting officials at your institution.

Please contact Emily Cormier at emily.cormier@highered.texas.gov if you have questions.

c: UHRI and CTC Liaisons
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