

TEXAS HIGHER EDUCATION COORDINATING BOARD



Special Called Board Meeting

August 25, 2020

SCHEDULE OF QUARTERLY COORDINATING BOARD MEETINGS

October 22, 2020

January 21, 2021

April 22, 2021

July 22, 2021

October 21, 2021

TEXAS HIGHER EDUCATION COORDINATING BOARD**PREFERRED MAILING ADDRESS LIST**EMAIL: boardmember@highered.texas.gov

BOARD MEMBER	ADDRESS/PHONE/EMAIL	TERM ENDS
Stuart W. Stedman <i>Chair</i> HOUSTON	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/21
Fred Farias III, O.D. <i>Vice Chair</i> MCALLEN	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/25
Ricky A. Raven. <i>Secretary of the Board</i> SUGAR LAND	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/21
S. Javaid Anwar MIDLAND	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/21
Cody C. Campbell FORT WORTH	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/23
Emma W. Schwartz EL PASO	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/25
R. Sam Torn HOUSTON	/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/25
Donna N. Williams ARLINGTON	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/23
Welcome W. Wilson, Jr. HOUSTON	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	08/31/23
Levi D. McClenny <i>Student Representative</i> COLLEGE STATION	c/o Texas Higher Education Coordinating Board P. O. Box 12788, Austin, TX 78711 Phone: (512) 427-6101	05/31/21

Dated 06/17/20

Standing Committee Membership
Effective June 01, 2020

Committee on Academic and Workforce Success (CAWS)

Fred Farias III, O.D., Chair

Donna N. Williams., Vice Chair

Cody C. Campbell

Emma W. Schwartz

R. Sam Torn

Welcome W. Wilson, Jr.

Levi D. McClenny (Student Representative), Ex-Officio

Stuart W. Stedman, Ex-Officio

Committee on Innovation, Data, and Educational Analytics (IDEA)

S. Javaid Anwar, Chair

Welcome W. Wilson, Jr., Vice Chair

Ricky A. Raven

R. Sam Torn

Donna N. Williams

Levi D. McClenny (Student Representative), Ex-Officio

Stuart W. Stedman, Ex-Officio

Agency Operations Committee (AOC)

Ricky A. Raven, Chair

Emma W. Schwartz, Vice Chair

S. Javaid Anwar

Cody C. Campbell

Fred Farias III, O.D.

Levi D. McClenny (Student Representative), Ex-Officio

Stuart W. Stedman, Ex-Officio

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

TEXAS HIGHER EDUCATION COORDINATING BOARD
A G E N D A

Special Called Board Meeting

Via Conference Call

9:30 AM, Tuesday, August 25, 2020

This meeting is convened pursuant to section 61.025 of the Texas Education Code and section 551.121 of the Texas Government Code. The Texas Higher Education Coordinating Board may convene in Executive Session at any point in this meeting, concerning any item listed in the agenda, or to seek or to receive its attorney's advice on legal matters related thereto, pursuant to Texas Government Code Ann. 551.071.

PUBLIC TESTIMONY: The presiding chair shall designate whether public testimony will be taken at the beginning of the meeting, at the time the related item is taken up by the Board after staff has presented the item, or any other time as determined by the presiding chair. For procedures on testifying please go to <http://www.highered.texas.gov/public-testimony>.

I. Call to Order: Opening Remarks and Announcements

II. Public Testimony

III. Matters relating to the Full Board

A. Adoption of Emergency Rule:

- (1) Consideration and possible adoption of Emergency Rule § 1.15(b) authorizing the Commissioner of Higher Education to make adjustments to reporting requirements pertaining to formula funding as necessary to assist institutions of higher education (IHEs) in responding to the COVID-19 pandemic or other disasters.

IV. Adjournment

Governor Abbott's office approved a request by the Office of the Attorney General to temporarily suspend a limited number of open meeting laws in response to the Coronavirus (COVID-19) disaster. This action will allow governmental bodies to conduct meetings by telephone or video conference to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). All persons requesting to address the Board regarding an item on this agenda should follow standard Board protocol for doing so and they will be provided a toll-free telephone number, free-of-charge video conference link, or other means by which to do so.

Special Called Board Meeting

AGENDA ITEM I

Opening Remarks: Opening Remarks and Announcements

Mr. Stuart Stedman, Chair of the Board, will call the meeting to order and provide opening remarks.

Special Called Board Meeting

AGENDA ITEM II

Public Testimony

RECOMMENDATION: No action required

Background Information:

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

Special Called Board MeetingAGENDA ITEM III-A (1)

Consideration and possible adoption of Emergency Rule § 1.15(b) authorizing the Commissioner of Higher Education to make adjustments to reporting requirements pertaining to formula funding as necessary to assist institutions of higher education (IHEs) in responding to the COVID-19 pandemic or other disasters

RECOMMENDATION: Approval

Background Information:

The Texas Higher Education Coordinating Board (Board) proposes adopting, on an emergency basis, in Title 19 Texas Administrative Code, Part 1, Chapter 1 Agency Administration, a new subsection § 1.15(b) to authorize the Commissioner of Higher Education to make exceptions or modifications to reporting requirements pertaining to formula funding as necessary to assist institutions of higher education (IHEs) in responding to the COVID-19 pandemic or other disasters. The rule provides that the Commissioner will report any exceptions or modifications to the Board at its next meeting. The emergency rule would also modify the title of the rule to read: Authority of the Commissioner to Propose Board Rules and Grant Certain Emergency Exceptions.

The purpose of the emergency rulemaking is to support 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. During this unprecedented global pandemic, the Board has made numerous adjustments to the regulation, reporting, and permissible operational conditions for IHEs in order to allow them best meet the needs of students and ensure continued access to quality education.

In response to the pandemic, IHEs began providing mostly or wholly online education essentially overnight to limit the spread of COVID-19 while continuing to educate students. As IHEs look toward the upcoming academic school year, IHEs need the maximum amount of flexibility in the delivery of instruction through various modalities to ensure instruction can safely continue for students, staff, and faculty. Amending Rule 1.15 to add a new subsection (b) authorizing the Commissioner of Higher Education to make exceptions or modifications to certain reporting requirements pertaining to formula funding, otherwise consistent with statutory limitations, will ensure IHEs can continue delivering education in the safest method possible without jeopardizing formula funding.

This rule is adopted on an emergency basis because the IHEs need this flexibility immediately as they report students in attendance in the summer session and modify or finalize fall planning for student instruction even as the conditions of the pandemic evolve daily.

Ms. Emily Cormier, Assistant Commissioner for Funding, will present this item and be available to answer questions.

Chapter 1 Agency Administration

Subchapter A General Provisions

- 1.1 Dates for Regular Quarterly Meetings of the Board
 - 1.2 Authority of the Commissioner to Interpret Rules
 - 1.3 Educational Data
 - 1.4 Rules of Order
 - 1.5 Coordinating Board Committees
 - 1.6 Advisory Committees
 - 1.7 Petition for the Adoption of Rules
 - 1.8 Historically Underutilized Business (HUBs) Program
 - 1.9 Training for Members of Governing Boards and Board Trustees
 - 1.10 Administration of the Open Records Act
 - 1.11 Protest Procedures for Resolving Vendor Protests Relating to Purchasing Issues
 - 1.12 Foreign Travel
 - 1.13 Internal Auditor and Compliance Monitoring
 - 1.14 Negotiated Rulemaking
 - 1.15 Authority of the Commissioner to Propose Board Rules
 - 1.16 Contracts, Including Grants, for Materials and/or Services
 - 1.17 Authority of the Commissioner to Provide Direct Supervision of the Education Research Centers
 - 1.18 Operation of Education Research Centers
 - 1.19 Education and Training of Board Administrators and Employees
- 1.15 Authority of the Commissioner to Propose Board Rules and Grant Certain Emergency Exceptions

(a) The Board authorizes the Commissioner to approve proposed Board rules for publication in the Texas Register. The Commissioner may refer proposed rules for consideration by Coordinating Board committees established pursuant to §1.5 of this title (relating to Coordinating Board Committees) or for consideration by the Board.

(b) During a period for which the Governor has declared a disaster pursuant to Ch. 418 of the Government Code, the Commissioner may grant exceptions, or otherwise modify, the formula funding reporting provisions set out in rule for institutions of higher education within the declared disaster area as necessary to mitigate the impact of the disaster. The Commissioner shall report to the Board any exceptions or modifications made pursuant to this rule at the next meeting of the Board.