

## SUPPLEMENTAL MATERIALS

### Special Called Board Meeting

#### AGENDA ITEM III-A (2)

Consideration of adopting the Negotiated Rulemaking Committee's recommendation to the Board relating to proposed new rules for Chapter 3, Subchapter A, Section 3.16, and proposed revisions to Chapter 4, Subchapter A, Section 4.2 and Chapter 4, Subchapter A, Section 4.7 of Board rules, concerning required transcript notation when a student is ineligible to reenroll in an institution of higher education due to a non-academic or non-financial reason (*House Bill 449, 86th Texas Legislature, Regular Session*)

RECOMMENDATION: Approval

#### Background Information:

The intent of the new rules for Chapter 3, Subchapter A and revised rules for Chapter 4, Subchapter A, is to establish provisions enacted by House Bill 449, 86th Texas Legislature, Regular Session. The proposed amendments of existing rules reference new transcript notation requirements when a student is ineligible to reenroll at public and private or independent institutions of higher education in Texas. A negotiated rulemaking committee meet on September 25, 2019, and provided the Board with recommended rules regarding notations on transcripts when a student is ineligible to reenroll at public and private or independent institutions of higher education in Texas due to a non-academic or nonfinancial reason. Legislation requires that the Board have rules in place by January 1, 2020.

Dr. Stacey Silverman, Interim Assistant Commissioner for Academic Quality and Workforce, will present this item and be available to answer questions.

Date approved by the Commissioner for publication in the *Texas Register*: October 7, 2019.

Date Published in the *Texas Register*: October 18, 2019.

The 30-day comment period with the *Texas Register* ended on: November 17, 2019.

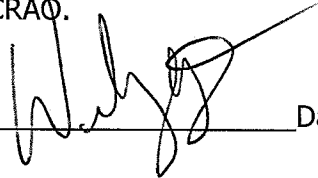
A public comment was received from the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) on November 19, 2019, after having been sent on November 16, 2019. (Note: The comment was sent through email to an individual staff email using an incorrect state agency email address, rather than in accordance with instructions as published in the *Texas Register*. The comment was forwarded to the facilitator, subsequent to the facilitator's communication to the Negotiated Rulemaking Committee that no comments had been received.)

**Comment:** TACRAO recommends a standard message of "Expulsion – Disciplinary" or "Suspension – Disciplinary" be used when notating the transcript of a student when the student is ineligible to reenroll due to non-academic or non-financial reason.

**Staff response:** The Negotiated Rulemaking Committee discussed placing a standardized notation into the proposed rule, and the subsequent discussion highlighted that the proposed rule affects a wide variety of institutions, including private and independent institutions of higher education. The Negotiated Rulemaking Committee purposely allowed each institution to retain the ability to notate according to their accepted practices. No change is recommended.

Consistent with the rules of negotiated rulemaking, the comment from TACRAO and the staff's proposed response were forwarded to the Negotiated Rulemaking Committee on November 20, 2019, along with an explanation that as committee members, they could accept, reject, or modify the staff recommendation. When two members of the Negotiated Rulemaking Committee appeared to disagree with staff's proposed response, a conference call for all members of the Negotiated Rulemaking Committee was arranged and held on December 6, 2019. After discussions on the conference call, consensus was reached to accept staff's proposed response to the comment from TACRAO.

Approved by the Office of General Counsel

A handwritten signature in black ink, appearing to be 'W. J. ...', written over a horizontal line.

Date: 12/9/19