

TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAIR
S. Javaid Anwar

COMMITTEE ON INNOVATION, DATA, AND EDUCATIONAL ANALYTICS

VICE CHAIR
Welcome W. Wilson

VIA LIVE BROADCAST

July 22, 2020
9:00 a.m.

Ricky A. Raven
R. Sam Torn
Donna N. Williams
Levi D. McClemy
Student Representative, Ex-Officio
Stuart W. Stedman,
Ex-Officio

AGENDA

BROADCAST LINK: A link to the live broadcast for this meeting will be available on our website at <http://www.highered.texas.gov>.

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/about-us/meetings-broadcasts/public-testimony1/>.

- I. Welcome and Committee Chair's meeting overview
- II. Consideration of approval of the minutes from the April 23, 2020, 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 Innovation, Data, and Educational Analytics
- V. Matters relating to the Committee on Innovation, Data, and Educational Analytics
 - A. 60x307X Data Insight: Discussion of COVID-19 impact on summer enrollment
 - B. Update on Data Infrastructure Modernization Project
 - C. Consideration of approving the Commissioner's recommendation to enter into a services contract for access to student out-of-state data
 - D. Consideration of approving the staff's recommendation to change Committee on Affordability, Accountability and Planning to the Committee on Innovation, Data, and Educational Analytics wherever it appears in the Board Rules
 - E. Consideration of adopting the staff recommendation to the Committee relating to the approval of the Energy Savings Performance Contract for Texas A&M University-Corpus Christi
 - F. Review of facilities projects that were submitted to the Coordinating Board
 - G. Consideration of adopting the staff recommendation to the Committee relating to the report on the TEXAS Grant Program (*Texas Education Code, Section 56.311(c-1)*)

Note: Highlighted items in gray are on the Consent Calendar

H. Proposed Rules

- (1) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 1, Subchapter A, Section 1.18 of Board rules, concerning the Operation of Education Research Centers

VI. Adjournment

NOTE: The Board will not consider or act upon any item before the Committee on Innovation, Data, and Educational Analytics 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 Innovation, Data, and Educational Analytics 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 Innovation, Data, and Educational Analytics

AGENDA ITEM I

Welcome and Committee Chair's meeting overview

Mr. S. Javaid Anwar, Chair of the Committee on Innovation, Data, and Educational Analytics, will provide the Committee an overview of the items on the agenda.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM II

Consideration of approval of the minutes from the April 23, 2020, 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

April 23, 2020, 9:34 a.m.

DRAFT Minutes

The Texas Higher Education Coordinating Board *Committee on Affordability, Accountability and Planning* convened via teleconference at 9:35 a.m. on April 23, 2020, with the following members present: S. Javaid Anwar, Chair, presiding; Welcome W. Wilson, Vice Chair; Ricky A. Raven; R. Sam Torn; Donna N. Williams; Lauren C. McKenzie, Student Representative, Ex-Officio; Stuart W. Stedman, 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	Mr. S. Javaid Anwar called the meeting of the Committee on Affordability, Accountability and Planning to order and announced the meeting was being held via conference call. Mr. Anwar called roll and established that a quorum was met, and all members were present.
II. Consideration of approval of the minutes from the December 11, 2019, Committee meeting	On motion by Mr. Sam Torn, seconded by Ms. Donna Williams, the Committee approved this item.
III. Consideration of approval of the Consent Calendar	Mr. Anwar stated item V-C through V-D (6) were on the Consent Calendar for consideration. On motion by Mr. Ricky Raven, seconded by Mr. Welcome Wilson, the Committee approved the Consent Calendar.
IV. Public Testimony on Agenda Items Relating to the Committee on Affordability, Accountability and Planning	Mr. Anwar stated there was no public testimony.

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

A. Consideration of adopting the formula advisory committees' recommendation to the Committee relating to funding formulas for use by the Governor and the Legislative Budget Board in making appropriations recommendations to the appropriate Legislative Committees

Commissioner Harrison Keller began the discussion with general comments regarding the formula funding recommendations. The Commissioner was followed by Dr. Julie Eklund, Assistant Commissioner for Strategic Planning, who provided a presentation and was available for questions.

On motion by Mr. Sam Torn, seconded by Mr. Ricky Raven, the Committee approved this item.

B. Consideration of adopting the Commissioner's recommendation to the Committee relating to the annual report about the financial condition of the state's community college districts (*H.B. 1, 86th Texas Legislature, Regular Session, Rider 12, III-219*)

Dr. Julie Eklund, Assistant Commissioner for Strategic Planning, was available to answer questions.

On motion by Mr. Ricky Raven, seconded by Mr. Welcome Wilson, the Committee approved this item.

C. Consideration of adopting the staff recommendation to the Committee relating to the appointment of a student representative to the Financial Aid Advisory Committee

This item was approved on the Consent Calendar.

D. Proposed Rules

(1) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed amendments to Chapter 21, Subchapter C, Section 21.49 of Board rules, concerning Student Loan Debt Disclosure

This item was approved on the Consent Calendar.

(2) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter G, Sections 22.127-22.134, and the repeal of Section 22.135 of Board rules, concerning the Texas College Work-Study Program

This item was approved on the Consent Calendar.

(3) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed repeal of Chapter 22, Subchapter I, Sections 22.169 and 22.174, new rule under Section 22.174, and amendments to Sections 22.163 – 22.168 and 22.170–22.173 of Board rules, concerning Texas Armed Services Scholarship Program

This item was approved on the Consent Calendar.

<p>(4) Consideration of adopting the Commissioner's recommendation to the Committee relating to the proposed repeal of Chapter 22, Subchapter M, Sections 22.257-22.261, 22.263, and 22.265, new rules under Sections 22.257-22.261, and amendments to Sections 22.253-22.256 of Board rules, concerning Texas Educational Opportunity Grant Program</p> <p>(5) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter X, Sections 22.625, 22.626, and 22.631 and the repeal of Sections 22.627-22.630, 22.632, and 22.642-22.643 of Board rules, concerning Teach for Texas Conditional Grant Program</p> <p>(6) Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 22, Subchapter Y, Sections 22.663, 22.664, and 22.668, and the repeal of Chapter 22, Subchapter Y, Sections 22.665-22.667, 22.669, and 22.678-22.679 of Board rules, concerning Teach for Texas Alternative Certification Conditional Grant Program</p>	<p>This item was approved on the Consent Calendar.</p> <p>This item was approved on the Consent Calendar.</p> <p>This item was approved on the Consent Calendar.</p>
<p>VII. Adjournment</p>	<p>On motion by Mr. Sam Torn, seconded by Mr. Ricky Raven, the Committee approved this item.</p> <p>The meeting adjourned at 10:00 a.m.</p>

Committee on Innovation, Data, and Educational Analytics

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 Innovation, Data, and Educational Analytics 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 Innovation, Data, and Educational Analytics

- E. Consideration of adopting the staff recommendation to the Committee relating to the approval of the Energy Savings Performance Contract for Texas A&M University-Corpus Christi
- F. Review of facilities projects that were submitted to the Coordinating Board
- G. Consideration of adopting the staff recommendation to the Committee relating to the report on the TEXAS Grant Program (*Texas Education Code, Section 56.311(c-1)*)

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM IV

Public Testimony on Agenda Items Relating to the Committee on Innovation, Data, and Educational Analytics

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.

AGENDA ITEM V-A

60x30TX Data Insight: Discussion of COVID-19 impact on summer enrollment

RECOMMENDATION: No action required

Background Information:

This presentation focuses on preliminary enrollment data from summer 2020 which were requested from Texas public institutions of higher education to provide insight on possible impacts of the COVID-19 pandemic on postsecondary enrollments.

The data collection was structured much like the fall preliminary enrollments that are conducted every year by Texas Higher Education Coordinating Board staff and presented to the Board each October. As preliminary enrollment data for previous summers are not available, summer 2020 Census Date enrollments will be compared to certified data from prior summers to illustrate past trends and highlight any differences observed in the summer 2020 preliminary data.

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

AGENDA ITEM V-B

Update on Data Infrastructure Modernization Project

RECOMMENDATION: No action required

Background Information:

Texas' rich collection of longitudinal data collection spanning K-12, higher education, and workforce represents an extraordinary asset for informing both policy and practice. Today, however, these data are not necessarily analyzed and presented as actionable intelligence in ways that support current decision-making or facilitate continuous improvement for institutions, the state, or students and families.

In addition, achieving the state's higher education goals requires Texas to educate more students from more diverse backgrounds than ever before. Linking existing data with data sets such as those from the National Student Clearinghouse, Census, and other researchers, and making the resulting analyses available to stakeholders, would allow critical questions to be more easily answered, such as:

- Which programs are best supporting Texas students to enroll, complete with a credential of value, and find meaningful employment?
- What factors predict on-time graduation from postsecondary education institutions and positive employment outcomes?
- What are the most common pathways for students into and through postsecondary education, and what supports are most important in strengthening those pathways?
- What are the earnings and employment outcomes of various credentials and degrees, and how aligned are those with the needs of Texas' economy?

The Texas Higher Education Coordinating Board is embarking on a planning effort to inform the design of a modern data infrastructure that facilitates this new approach to data use.

Ms. Lori Fey, Deputy Commissioner for Innovation and Policy Development, will provide a presentation and be available to answer questions.

AGENDA ITEM V-C

Consideration of approving the Commissioner's recommendation to enter into a services contract for access to student out-of-state data

RECOMMENDATION: Approval

Background Information:

The agency proposes to purchase Student Tracker Premium data services from the National Student Clearinghouse for 2020 and 2021. These data would be used to track the educational progress of students from Texas who enroll in higher education institutions in other states, including tracking persistence and completion. Adding student-level, out-of-state data to the agency's data resources would enhance the Texas Higher Education Coordinating Board's (THECB) ability to analyze and, therefore, better understand the student educational pipeline through analyses and studies, including informing the *60x30TX* higher education plan progress metrics.

Several other benefits would result from the purchase of Student Tracker Premium data services, including:

- The services would provide access to custom reports and visualizations of data as well as timely updates to both in- and out-of-state enrollment and completion data.
- Institutions of higher education in Texas that already purchase Student Tracker services from the Clearinghouse would have the ability to upgrade to Premium services, at no charge, for the full two-year period of the contract between the Clearinghouse and the THECB.
- The data would be used to identify out-of-state transfers from Texas community colleges for the purpose of Success Point funding.
- The contract would allow for providing de-identified data to the state's three Education Research Centers.
- In year two of the contract, data on public high school graduates would be available to assist the Texas Education Agency in tracking high school graduates who leave the state to pursue higher education.

The 86th Texas Legislature included funds "for access to out-of-state student data" in the 2019 budget under the agency's administrative funds. The appropriation covers both years of the biennium.

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

AGENDA ITEM V-D

Consideration of approving the staff's recommendation to change Committee on Affordability, Accountability and Planning to the Committee on Innovation, Data, and Educational Analytics wherever it appears in the Board Rules

RECOMMENDATION: Approval

Background Information:

At the April Board meeting, the Board changed the name of the Committee on Affordability, Accountability and Planning to the Committee on Innovation, Data, and Educational Analytics.

Subsequent to that decision, staff proposes that the Board vote to change the Committee on Affordability, Accountability and Planning to the Committee on Innovation, Data, and Educational Analytics wherever it appears in the Board Rules for consistency. Staff also recommends authorizing the Agency to treat any reference to the Committee on Affordability, Accountability and Planning in rule, or wherever it may appear, as a reference to the Committee on Innovation, Data, and Educational Analytics, pending amendments to correct the references.

Ms. Lori Fey, Deputy Commissioner for Data Analytics and Innovation, will be available to answer questions.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-E

Consideration of adopting the staff recommendation to the Committee relating to the approval of the Energy Savings Performance Contract for Texas A&M University-Corpus Christi

RECOMMENDATION: Approval

Background Information:

Texas A&M University-Corpus Christi requested approval for an Energy Savings Performance Contract with a total project cost of \$9,500,000 and a contract term of 20 years. This project meets all standards pertaining to Energy Savings Performance Contracts.

The Texas Higher Education Coordinating Board (THECB) has the authority to review capital development projects and improved real property purchases but does not have approval authority for those projects. The THECB is, however, responsible for approving Energy Savings Performance Contracts. Board rules delegate the approval authority for these contracts to either the Assistant Commissioner for Strategic Planning and Funding; the Committee on Innovation, Data, and Educational Analytics; or the full Board, based on the parameters specified in Chapter 17, Subchapter B, Section 17.12 of Board rules. Given the cost and the term of this project, the Committee on Innovation, Data, and Educational Analytics is the approval authority.

Dr. John Dawson, Associate Vice President for Operations, Texas A&M University-Corpus Christi, will be available to answer questions pertaining to the project.

Ms. Emily Cormier, Assistant Commissioner for Funding, will be available to answer questions regarding the review process.

PROJECT BRIEFING SHEET

Institution: Texas A&M University-Corpus Christi
 Project: **Renovate Energy Consumption Reduction Project 2**
 6300 Ocean Drive, Corpus Christi, TX 78412
 Project Number: 011161-20-001
 Project Cost: **\$9,500,000**
 Source of Funds: Bonds: (Performance Contracting Energy Conservation, Energy Savings - \$9,500,000)

Project Description:

Texas A&M University-Corpus Christi (TAMUCC) has engaged Ameresco, Inc. to conduct a 20-year energy savings performance contract, which will provide for significant building and infrastructure improvements to 34 buildings. These improvements include upgrades to interior and exterior lighting, air conditioning, heating and ventilating systems, plumbing fixtures, and transformers that will allow the university to improve energy efficiency while maintaining a more comfortable environment for the building occupants.

The implementation of this project is projected to save electric consumption of 7,367,197 kWh per year, reduce electricity demand by 1,425 kWh per year, and reduce annual water and waste water consumption by 4,904 kGal per year. Based on a third-party engineer’s review, the project’s total design/construction cost has a projected first year utility savings of \$544,173 and escalating each year thereafter for a simple payback of 16.7 years.

In addition to deriving energy savings, these improvements will reduce future operation and maintenance expenses associated with the affected facilities. The implementation of these measures will result in reduced energy consumption, minimize campus carbon footprint, and enhance campus infrastructure reliability which will create a better environment for students, faculty, staff, and visitors.

The project was not listed on the institution’s Capital Expenditure Plan, however, the institution reports that this was an unforeseen opportunity based on funding availability.

Standards	Standard	Project Detail	Meets, Doesn’t Meet, or NA
Classroom Space Usage Efficiency	75 or >	92	NA
Class Lab Space Usage Efficiency	75 or >	92	NA
Overall Space Usage Efficiency	150 or >	184	Meets
Space Need	Deficit	(255,885)	Meets
Cost: Repair & Renovation, Infrastructure ¹	See Footnote 1 regarding costs and savings requirements		Meets
Building Efficiency:	NA	NA	NA

¹ Per TEC 51.927, the amount spent on energy and water conservation measures cannot exceed the amount to be saved in energy, water, wastewater, and operating costs. This project meets that standard and has been verified by TAMUCC’s Chief Financial Officer and an independent third-party certified engineer. The institution’s general counsel has verified contractual protections are in place to guarantee performance.

**Delegation Matrix for Energy Savings Performance Contracts
(as outlined in Board Rule 17.12)**

		Payback Period		
		10 years or less	Greater than 10 to 15 years	Greater than 15 to 20 years ¹
Cost	\$10 million or less	Asst. Commissioner for Strategic Planning and Funding	Asst. Commissioner for Strategic Planning and Funding	Committee on Innovation, Data, and Educational Analytics
	Greater than \$10 million to \$20 million	Asst. Commissioner for Strategic Planning and Funding	Committee on Innovation, Data, and Educational Analytics	Committee on Innovation, Data, and Educational Analytics
	Greater than \$20 million	Committee on Innovation, Data, and Educational Analytics	Committee on Innovation, Data, and Educational Analytics	Board of the THECB

Note 1 – ESPC may not exceed 20 years (TEC 51.927).

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-F

Review of facilities projects that were submitted to the Coordinating Board

RECOMMENDATION: No action required

Background Information:

Senate Bill 215, 83rd Texas Legislature, Regular Session, 2013, shifted the authority to approve capital projects from the Texas Higher Education Coordinating Board (THECB) to the Boards of Regents. However, it grants the THECB the authority to require that institutions continue to report projects to the Board, and THECB staff continue to review facilities projects. Additional information can be provided upon request for projects that do not meet one or more standards. The Board must notify the governor, lieutenant governor, speaker of the house, and Legislative Budget Board on all projects that do not meet standards. These materials serve as that notification.

Ms. Emily Cormier, Assistant Commissioner for Funding, will be available to answer questions.

Reviewed Projects

Institution Project Name	Project Cost	Standard Met Yes/No			
		Space Usage	Space Need	Cost	Building Efficiency
The University of Texas Rio Grande Valley School of Medicine <i>Construct School of Medicine Institute of Neurosciences</i>	\$30,000,000	NA ¹	Yes	No	Yes
University of North Texas Health Science Center <i>Purchase Property at 550 Bailey Avenue</i>	\$26,323,332	NA ¹	Yes	Yes	NA ²
Texas A&M University <i>Peterson Building Renovation</i>	\$26,000,000	NA ³	Yes	Yes	Yes
Texas Tech University <i>Weeks Hall Abatement and Renovation</i>	\$24,500,000	NA ³	Yes	No	Yes
The University of Texas at Austin <i>Construct Sarah M. and Charles E. Seay Building Addition</i>	\$20,000,000	Yes	Yes	Yes	Yes
Angelo State University <i>Construct Angelo State University Mayer Museum</i>	\$17,100,000	Yes	Yes	Yes	Yes
University of North Texas <i>Purchase of 6170 Research Road</i>	\$8,493,580	NA ⁴	Yes	Yes	NA ²
Midwestern State University <i>Acquisition of Property at 2733 Midwestern Parkway</i>	\$3,730,000	NA ⁴	Yes	Yes	Yes
The University of Texas at Arlington <i>Construct Administrative & Faculty Support Services</i>	\$26,000,000	Yes	Yes	Yes	Yes

¹ Space Usage Efficiency (SUE) is not calculated for health-related institutions.

² Building efficiency is not applicable to property purchases that do not add educational and general space to the institutions inventory.

³ Space Usage Efficiency (SUE) is not applicable to renovation projects.

⁴ Space Usage Efficiency (SUE) is not applicable to property purchases.

Guidelines Used for Capital Project Reviews

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

AGENDA ITEM V-G

Consideration of adopting the staff recommendation to the Committee relating to the report on the TEXAS Grant Program (Texas Education Code, Section 56.311(c-1))

RECOMMENDATION: Approval

Background Information:

The Texas Legislature established the Toward EXcellence, Access, and Success (TEXAS) Grant Program in 1999 (Texas Education Code, Section 56.301) to provide assistance to academically prepared high school graduates with financial need to pursue higher education.

Texas Education Code, Section 56.311(c-1) requires the Texas Higher Education Coordinating Board to provide by September 1 of each year a report regarding the operation of the TEXAS Grant Program to the governor, lieutenant governor, speaker of the House of Representatives, and the Senate Higher Education Committee members. The report regarding the operation of the TEXAS Grant Program, includes the following information from the three preceding state fiscal years:

- Allocations of TEXAS Grants by eligible institution, disaggregated by initial and subsequent grants.
- The number of TEXAS Grants offered to students, disaggregated by race, ethnicity, and expected family contribution.
- Disaggregated by race, ethnicity, and expected family contribution, and reported both on a statewide basis and for each eligible institution, the number of TEXAS Grants offered to students who meet:
 - only the eligibility criteria described by Section 56.304 (relating to Basic Eligibility requirements); or
 - the eligibility criteria described by Section 56.3041(2)(A) (relating to Priority Model requirements).
- The persistence, retention, and graduation rates of students receiving TEXAS Grants.

A draft of the TEXAS Grant report will be provided under separate cover.

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

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-H (1)

Consideration of adopting the Commissioner's recommendation to the Committee relating to proposed amendments to Chapter 1, Subchapter A, Section 1.18 of Board rules, concerning the Operation of Education Research Centers

RECOMMENDATION: Approval

Background Information:

The Texas Higher Education Coordinating Board (THECB) proposes amendments to Title 19, Part 1, Chapter 1, Subchapter A, Section 1.18 Operation of Education Research Centers.

Specifically, this amendment will allow for improved access to data for education researchers while maintaining controls for data security. By law, up to three Education Research Centers (ERCs) are authorized to operate in Texas. The ERCs are under the oversight of the THECB and are governed by an Advisory Board which meets at least quarterly and includes representation from the Texas Education Agency, the Texas Workforce Commission, and each ERC, among others. Researcher proposals are reviewed and acted upon by the Advisory Board, and research must be of benefit to the state of Texas. The ERCs are self-funded.

Currently, researchers must access the P-16/Workforce Data Repository available through the ERCs by physically accessing special terminals at the ERC locations. The rule amendments would allow a researcher or researchers, when approved by the Advisory Board, to access the de-identified data approved for their project via remote access. Security guidelines for this access, including required Virtual Private Network (VPN) and multifactor authentication have been developed and approved by the ERC Advisory Board. All FERPA and other federal and state education privacy law requirements must be met, as stipulated by existing ERC law and rule.

There would be minimal costs to public institutions of higher education to adjust to the revised rules, given the security measures that the authorized ERCs already have in place and the self-supporting nature of the Education Research Centers.

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

Date approved by the Commissioner for publication in the *Texas Register*: June 8, 2020.

Date Published in the *Texas Register*: June 19, 2020.

The 30-day comment period with the *Texas Register* ends on: July 18, 2020.

Comments are still being received regarding this rule. They will be summarized and provided as supplemental materials at the meeting.

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

1.18 Operation of Education Research Centers

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) - (2) No change.

(3) P-20/Workforce Data Repository refers to the collection of data from each Cooperating Agency. The cooperating agencies shall execute agreements for the sharing of data for the purpose of facilitating the studies or evaluations at Education Research Centers (ERCs). In accordance with the agreements, each cooperating agency shall make available all appropriate data, including to the extent possible data collected by the cooperating agency for at least the preceding 20 years. A cooperating agency shall periodically update the data as additional data is collected, but not less than once each year. The repository shall be operated by the CB.

(4) – (5) No change.

(b) Purpose.

(1) ERCs shall be established by the CB. An ERC may only be established at a sponsoring public institution of higher education in Texas but may be awarded to a consortium of such institutions. An ERC must be physically located within Texas and must retain all data at that location except for secure off-site data back-up in accordance with written procedures approved by the Advisory Board. Individual level data from the ERC P-20/Workforce Data Repository may not be provided to a researcher except in the following ways:

(A) Individual level data may ~~not~~ be provided to a researcher at a ~~[location other than a]~~ Research Center or the CB or a public institution of higher education located in Texas that is an acknowledged consortium member of the ERC.

(B) Individual level data may be accessed by approved researchers via secure, restricted, VPN remote access provided all other provisions of this chapter are met and established policies are followed regarding additional controls.

(2) – (3) No change.

(4) The ERCs may provide researchers access to shared data only through secure methods and require each researcher to execute an agreement regarding compliance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. §1232g) and rules and regulations adopted under that Act. Each ERC shall adopt rules or policies to protect the confidentiality of information used or stored at the center in accordance with applicable state and federal law, including rules or policies establishing procedures to ensure that confidential information is not duplicated or removed from an Education Research C[e]nter or from a remote access interface in an unauthorized manner.

(c) No change.

(d) Operation.

(1) – (2) No change.

(3) All research at an ERC involving access to confidential information shall be conducted with the approval of the Advisory Board or by request of the Texas Workforce Commission, Commissioner of Higher Education or the Commissioner of Education if the requesting agency provides sufficient funds to the ERC to finance the project. All remote access research at an ERC involving access to confidential information shall be conducted with the approval of the Advisory Board.

(4) – (9) No change.

(e) – (f) No change.