

TEXAS HIGHER EDUCATION COORDINATING BOARD

MINUTES

January 26, 2023

Regular Quarterly Meeting

The Texas Higher Education Coordinating Board convened at 9 a.m. on January 26, 2023, with the following members present: Fred Farias, presiding; Donna Williams; Javaid Anwar; Richard Clemmer; Robert Gauntt; Emma Schwartz; Sam Torn; Daniel Wong; and Georgia Hejny.

Welcome Wilson attended via Zoom.

AGENDA ITEM	ACTION
I. Call to Order: Opening Remarks	<p>Dr. Farias called the meeting of the Coordinating Board to order and called roll. All members were present except for Mr. Wilson who joined via zoom at 9:15am. A quorum was met for this board meeting.</p> <p>Dr. Farias announced that agenda item 10-D had been withdrawn from today's agenda.</p>
II. Commissioner's Comments	<p>No action required. Commissioner Keller provided remarks on some of the agenda items.</p>
III. Public Testimony	<p>Dr. Farias announced that one person had registered to give written testimony and announced that testimony would be heard later in the meeting.</p>
<p>IV. Approval of Minutes</p> <p>A. October 27, 2022, Quarterly Board Meeting</p> <p>B. December 12, 2022, Special Called Board Meeting</p>	<p>On a motion by Ms. Williams, seconded by Dr. Wong, the Board approved the minutes for the October Quarterly Board Meeting. The vote was unanimous.</p> <p>On a motion by Mr. Clemmer, seconded by Mr. Anwar, the Board approved the minutes for the December Special Called Board Meeting. The vote was unanimous.</p>

AGENDA ITEM	ACTION
V. Approval of the Consent Calendar	<p>On a motion by Ms. Williams, seconded by Mr. Anwar, the Board approved the consent calendar as amended. The vote was unanimous.</p> <p>Items approved on the consent calendar were 7-E, 8-B, 8-C, 10-B, 10-C, 10-E, 10-F (1-3), and 11-B.</p>
VI. Major Policy Discussion Texas Higher Education Affordability	<p>No action required. Dr. David Troutman, Deputy Commissioner for Academic Affairs, presented this item and was available for questions.</p>
VII. Matters Relating to the Full Board	
A. Update on <i>Building a Talent Strong Texas</i>	<p>No action required. Melissa Henderson, Associate Commissioner for Strategic Partnerships, presented this item and was available for questions.</p>
B. Update on Texas Transfer Initiatives	<p>No action required. Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available for questions.</p>
C. Update on Program Review	<p>No action required. Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available for questions.</p>
D. Consideration and possible action to adopt the recommendation to contract with a vendor to provide software for supporting and servicing the agency's student loan programs	<p>On a motion by Ms. Schwartz, seconded by Mr. Gauntt, the Board approved the recommendation to contract with Nelnet not to exceed \$10 million for a four-year contract and four one-year optional renewals to provide software for supporting and servicing the agency's student loan programs.</p> <p>Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, presented this item and was available for questions.</p>

AGENDA ITEM	ACTION
E. Acceptance of Gifts and Donations to the Board	This item was approved on the consent calendar.
	Ms. Williams announced that the board would take a short break. The meeting adjourned at 11:10 AM and re-convened at 11:20 AM.
VIII. Matters Relating to the Committee on Innovation, Data, and Educational Analytics	
A. Committee chair's overview	No action required
B. Consideration and possible action to delegate to the commissioner authority to approve the data report required by Texas Education Code, Section 51.4033 and Section 51.4034, related to nontransferable credit and transfer courses	This item was approved on the consent calendar.
C. Report on Financial Aid Advisory Committee activities	This item was approved on the consent calendar.
IX. Lunch	The board did not break for lunch.
X. Matters Relating to the Committee on Academic and Workforce Success	
A. Committee chair's overview	No action required
B. Consideration and possible action to adopt the report to the Board on school closures and/or teach-outs pursuant to Board Rule 7.7(6)	This item was approved on the consent calendar.
C. Report on institutional requests related to new degree and certificate programs acted on by the commissioner or assistant commissioners since the last Board meeting	This item was approved on the consent calendar.
D. Consideration and possible action to adopt the Certification Advisory Council's recommendation related to a request from Nettleman Institute of Surveying Technology for its first Certificate of Authority to grant degrees in Texas	This item was withdrawn.

AGENDA ITEM	ACTION
<p>E. Consideration and possible action to adopt the recommendation relating to the July2022 Annual Compliance Reports for institutions under a Certificate of Authorization (names beginning with “P” through “Z”)</p>	<p>This item was approved on the consent calendar.</p>
<p>F. Consideration and possible action to approve the issuance of a Request for Applications for the:</p> <ul style="list-style-type: none"> (1) Carl D. Perkins Career and Technical Education Basic Grant Program (2) Carl D. Perkins Career and Technical Education State Leadership Grant Program (3) Carl D. Perkins Equitable Access and Opportunity Grant Program 	<p>These items were approved on the consent calendar.</p>
<p>G. Consideration and possible action to approve the following requests for new degree programs:</p> <p>ALAMO DISTRICT – ST. PHILLIP’S COLLEGE (1) Bachelor of Applied Technology (BAT) in Cybersecurity</p> <p>UNIVERSITY OF HOUSTON (2) Doctor of Business Administration (DBA) in business administration</p>	<p>On a motion by Mr. Clemmer, seconded by Mr. Torn, the Board approved the new degree program. The vote was unanimous. Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available for questions. Mr. Anwar departed the meeting at 11:25AM.</p> <p>On a motion by Mr. Wilson, seconded by Mr. Torn, the Board approved the new degree program. The vote was unanimous. Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available for questions.</p>

H. Proposed rules:

(1) Consideration and possible action to adopt proposed amendments to Chapter 2, Subchapter D, Sections 2.50-2.58 and 2.70-2.74 of Board rules, concerning Approval Process for New Associate Degrees

(2) Consideration and possible action to adopt proposed amendments to Chapter 4, subchapter A, Section 4.10 (a)(2), (c)(1)-(2), and (g) of Board rules, concerning the Common Admission Application Forms

(3) Consideration and possible action to adopt proposed amendments to Chapter 4, Subchapter B, Section 4.32 of Board rules, concerning Fields of Study Curriculum

(4) Consideration and possible action to adopt proposed amendments to Chapter 4, Subchapter C, Section 4.54(a)(1)(A) of Board rules,

On a motion by Ms. Schwartz, seconded by Dr. Wong, the Board adopted the proposed amendments to Chapter 2, Subchapter D, Sections 2.50-2.58 and 2.70-2.74 of Board rules, concerning Approval Process for New Associate Degrees. A copy of the Board rules as adopted may be found in the agenda materials. The vote was unanimous.

Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available for questions.

On a motion by Ms. Schwartz, seconded by Mr. Clemmer, the Board voted to adopt proposed amendments to Chapter 4, subchapter A, Section 4.10 (a)(2), (c)(1)-(2), and (g) of Board rules, concerning the Common Admission Application Forms. A copy of the Board rules as adopted may be found in the agenda materials. The vote was unanimous.

Ms. Molly Gully, Senior Director of Advising Strategy, presented this item and was available to answer questions.

On a motion by Mr. Clemmer, seconded by Ms. Schwartz, the Board voted to adopt amendments to Chapter 4, Subchapter B, Section 4.32 of Board rules, concerning Fields of Study Curriculum. The vote was unanimous. A copy of the Board rules as adopted may be found in the agenda materials.

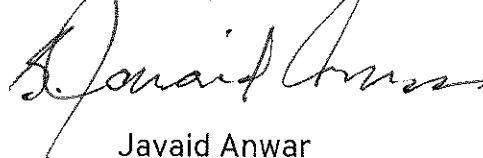
Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available to answer questions.

On a motion by Ms. Schwartz, seconded by Dr. Wong, the Board voted to adopt amendments to Chapter 4, Subchapter C, Section 4.54(a)(1)(A) of Board rules, concerning the Texas Success Initiative Exemptions,

<p>concerning the Texas Success Initiative Exemptions, Exceptions, and Waivers</p>	<p>Exceptions, and Waivers. The vote was unanimous. A copy of the Board rules as adopted may be found in the agenda materials.</p> <p>Mr. Jerel Booker, Assistant Deputy Commissioner for Academic Affairs, presented this item and was available to answer questions.</p> <p>Written testimony was provided for this agenda item, a copy of the testimony can be found at attachment A. Mr. Clemmer requested that staff report back to the board following consultation with ACT.</p>
<p>XI. Matters Relating to the Agency Operations Committee</p>	
<p>A. Committee chair's overview</p>	<p>No action required.</p>
<p>B. Report on grants and contracts</p>	<p>This item was approved on the consent calendar.</p>
<p>C. Consideration and possible action to approve the updated Internal Audit Charter</p>	<p>On a motion by Mr. Gauntt, seconded by Ms. Williams, the Board voted to approve the updated Internal Audit Charter.</p> <p>Mr. Mark Poehl, Assistant Commissioner, Internal Audit and Compliance, presented this item and was available to answer questions.</p>
<p>XII. Adjournment</p>	

With no further business, on a motion by Mr. Gauntt, seconded by Ms. Schwartz, the meeting adjourned at approximately 12:10 p.m.

Respectfully Submitted,



Javaid Anwar
Secretary of the Board

ATTACHMENT A

Written Public Testimony



January 26, 2023

Re: Agenda Item X-H (4)

The Texas Higher Education Coordinating Board
1801 Congress Ave. Suite 12.200
Austin, TX 78701

Dear Members of the Board,

ACT recommends against adopting the amendments to the Texas Administrative Code concerning the ACT assessment as referenced on agenda item X-H (4). The proposal under consideration is to adopt updated college readiness benchmarks for the ACT assessments to be used to qualify for TSI exemption. The proposed ACT Benchmarks are a combined score of 40 on the English and Reading (E+R) tests and a score of 22 on the mathematics test. We believe that adopting these benchmarks will establish an unfair standard for students who seek the exemption with the ACT assessment. Based on our research, we propose benchmarks of 34 on the English and Reading tests (E+R) and 21 on the mathematics test.

The fundamental issue we see here is that the Board's current recommendation would separately establish exemption benchmarks for the ACT and the SAT assessments that are based on two different definitions of "college readiness." The current proposal is to adopt ACT's existing College and Career Readiness Benchmarks (22 Mathematics and 40 for English + Reading); the policy has already adopted the College Board's SAT College and Career Readiness Benchmarks (480 for Evidence Based Reading and Writing; 530 for Math). However, the criteria each organization used in its empirical research to establish their respective benchmarks are different, resulting in ACT benchmarks that are at a higher level of proficiency. The College Board defined college readiness as SAT scores in each subject that "represent a 75% likelihood of a student achieving at least a C grade in a first-semester, credit-bearing college course in a related subject."¹ ACT defined college readiness as ACT scores in each subject at which students "have at least a 50% chance of earning a B or higher grade and approximately a 75-80% chance of earning a C or higher grade in the corresponding college course or courses."² Although the definitions are similar, ACT's additional criterion of earning a B or higher results in benchmarks that are more difficult to achieve.

This difference is illustrated empirically by comparing the ACT and SAT benchmarks using the [2018 ACT/SAT concordance tables](#). The concordance was jointly produced by ACT and the College Board as a tool for finding comparable scores on the two tests. It is intended to inform this type of policy decision, and it does so in states throughout the country. If the College Board definition of college ready and associated benchmarks are used, the concordated ACT scores are a 34 on the English + Reading tests (6 points lower than the proposed E+R benchmark of 40), and 21 on the mathematics test (1 point lower than the proposed mathematics benchmark of 22). The concordance objectively illustrates that ACT's College and Career Readiness Benchmarks are set at a higher level of proficiency than the SAT

¹ The College Board, "K-12 Educator Brief The College and Career Readiness Benchmarks for the SAT® Suite of Assessments." Accessed online: <https://satsuite.collegeboard.org/media/pdf/educator-benchmark-brief.pdf>

² Jeff Allen and Justine Radunzel, "What are the ACT College Readiness Benchmarks." Accessed online: <https://www.act.org/content/dam/act/unsecured/documents/pdfs/R1670-college-readiness-benchmarks-2017-11.pdf>

benchmarks. As a result, if the Board adopts these benchmarks, students who take the ACT would have to meet a higher level of proficiency to obtain the same exemption. Because these scores also factor into the CCMR indicators for school accountability, the current recommendations would create an imbalanced comparison among Texas schools and negatively impact those that choose to provide the ACT to their students.

To quantify the impact of adopting the benchmarks currently under consideration by the Board rather than our recommended scores based on the empirical concordance, we are able to extract information directly from ACT's 2022 graduating class data from the state of Texas. As an example, were Texas to establish the higher ACT benchmarks (22 Math, 40 English+Reading), we estimate such a change would result in thousands fewer students who attain the exemption:

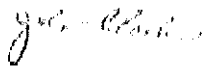
- over 2,800 fewer Texas students would be determined college ready in math and would not earn the TSIA exemption
- over 12,000 fewer Texas students would be determined college ready in reading and writing and would not earn the TSIA exemption

Furthermore, we estimate this change would impact over 8,696 underserved students who took the ACT (7,429 reading/writing and 1,267 math). These figures illustrate our concern about the potential impact of the policy decision.

ACT strongly believes that the exemption benchmarks should indicate an equivalent definition of college and career readiness, as determined by the empirical concordance research. Adopting ACT's recommended benchmarks using the concordance table would provide students the opportunity to earn an exemption based on the same definition of readiness no matter which assessment they choose and ensure students and schools are not negatively impacted. Since this impacts the state's accountability system, it would seem that an even bar for establishing the exemption would be vital, and we have this ability with the jointly developed ACT-SAT concordance tables. To do otherwise incentivizes districts to select the easiest path to higher accountability points and more state dollars, rather than what may be in the best interest of their students.

ACT was founded as a nonprofit organization more than 60 years ago with a mission to ensure that all individuals had equitable access and opportunity in education and the workplace. Like the Texas Higher Education Coordinating Board, our mission is to ensure greater access, fairness, and improved education outcomes so that the dream of higher education is within reach for all who seek it. Thank you for all that you do, and we look forward to being a partner to this end.

Respectfully,



John Clark
Senior Director, State Government Relations

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