

# SUPPLEMENTAL MATERIALS

## AGENDA ITEM X-H (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

RECOMMENDATION: Adoption

Background Information:

The Texas Higher Education Coordinating Board (Coordinating Board) proposes to adopt new rules to add Subchapter D to Chapter 2 of Coordinating Board rules. This rulemaking establishes processes and approvals of new *academic* associate degrees.

**Goals of the rule revision:** The proposed rule continues the Coordinating Board's ongoing project to revise program approval processes. Previously, the agency revised its processes for approving new professional, doctoral, master's, and bachelor's degrees, as well as academic certificates, establishing a new chapter (Chapter 2) in rule. The proposed rules extend those processes to cover *academic* associate degrees, which are associate degrees intended to prepare graduates for study at the bachelor's degree level.

**Content of revised rules:** Proposed rules cover a new Subchapter D, Approval Process for New Associate Degrees. Approval processes for these degrees have similar approval levels and criteria timelines and requirements as other degree programs submitted to the agency.

The most substantive changes in the proposed rules include the following:

- **Approval of Academic Associate Degrees:** The proposed rules introduce the submission and approval of academic associate degrees through the Coordinating Board's Academic and Health Affairs (AHA) department. Requests will be approved through AHA in the same way that other degree program requests are processed.
- **Embedded Associate Degrees:** The proposed rules include the option of an embedded associate degree for public universities and public health-related institutions. The embedded degree is designed to be an offramp for students who need to pause or discontinue their baccalaureate education. Students may only be awarded an associate degree in the same or related academic field of the bachelor's degree in which they are currently and unconditionally enrolled. Embedded associate degrees will only be approved/accepted if all courses required already exist in the bachelor's degree program.

- **General Criteria for Program Approval:** The proposed rules add a few new criteria for proposed academic associate degree programs, including whether the cost of the program is reasonable and the extent to which it aligns with the statewide strategic plan for higher education.

In addition to this new subchapter, the Coordinating Board has also proposed amendments to the definitions section of Board rules in Texas Administrative Code (TAC), Title 19, Part 1, Chapter 2, Subchapter A, Rule 2.3, establishing the following definitions for terms in these proposed rules :

- **Academic Associate Degree:** A type of degree program generally intended to transfer to an upper-level baccalaureate program that will satisfy the lower-division requirements for a baccalaureate degree in a specific discipline. The academic associate degree includes, but is not limited to, the Associate of Arts (AA), Associate of Science (AS), or Associate of Arts in Teaching (AAT) degrees.
- **Applied Associate Degree:** A type of degree program designed to lead the individual directly to employment in a specific career. The applied associate degree program includes, but is not limited to, the Associate of Applied Arts (AAA) or Associate of Applied Science (AAS).

**Next Steps:** The Coordinating Board intends to address *applied* associate degrees, which prepare students for direct entry into the workforce, in a future rulemaking. The Coordinating Board will also repeal current rules relating to academic associate degrees in TAC, Title 19, Part 1, Chapter 9 in a future rulemaking.

Date published in the *Texas Register*: November 11, 2022

The 30-day comment period with the *Texas Register* ended on December 16, 2022

Summary of comments received:

The agency received comments from five entities including a public university and university system, two community colleges, and the Texas Association of Community Colleges. Comments received focused almost exclusively on the approval process and criteria for awarding embedded associate degrees.

**Comment:** One comment was received recommending that embedded associate degrees require Assistant Commissioner approval instead of notification only approval.

**Response:** Given the concerns raised during the comment period, the Coordinating Board agrees that a higher level of approval (Assistant Commissioner – Expedited) is appropriate in order to thoroughly evaluate whether requests for embedded associate degrees are truly embedded in bachelor degree programs.

**Proposed Amendments:**

§2.54(b) Embedded--an institution of higher education may offer an associate degree as an embedded credential to a student enrolled in an approved baccalaureate degree program. Approval of a proposed embedded associate degree program is subject to the Assistant Commissioner Expedited Review Notification Only approval process under 19 TAC §2.4(12)(b) (B) (ii).

§2.58(b) may request the embedded associate degree program subject to Assistant Commissioner Expedited Review Notification Only under subchapter A, §2.4 (2) (B) (ii), of this chapter, ~~if the institution already offers an approved bachelor's degree in the same CIP Code.~~

**Comment:** Two comments received requested a formal definition of an embedded associate degree.

**Response:** The new rules recently adopted by the Board define an embedded credential in §2.3(19) as "A course of study enabling a student to earn a credential that is wholly embedded within a degree program." This requires that any embedded credential, including an embedded associate degree, be comprised of coursework/content that exists within a proposed or existing degree program. The Coordinating Board commits to providing additional guidance during the rule implementation.

**Comment:** One comment received asked for clarity regarding the definition of "same, related, or supporting CIP code" of embedded associate degrees.

**Response:** Based on the definition of an embedded credential, institutions will have the flexibility to determine the appropriate CIP code for each embedded associate, as long as the coursework and content for the degree is wholly embedded in an existing bachelor's degree program. While no amendments are proposed to this section, given the requirements to align with the embedded credential definition, the Coordinating Board proposes removing the requirement in §2.58 that the institutions have an existing bachelor's degree in the same CIP code as the proposed degree.

**Proposed Amendment:**

§2.58(b) may request the embedded associate degree program subject to Assistant Commissioner Expedited Review Notification Only under subchapter A, §2.4 (2) (B) (ii), of this chapter, ~~if the institution already offers an approved bachelor's degree in the same CIP Code.~~

**Comment:** One comment received requested clarification or a definition of students who are "unconditionally currently enrolled".

**Response:** Given the feedback received and the intent of an embedded associate degree to be primarily an offramp for students who have or need to stop out, the Coordinating Board proposes removing this language and modifying it for clarity and transparency. Institutions should follow their existing policies on issues like academic probation and conditional enrollment when deciding whether to award an embedded associate degree to a student.

**Proposed Amendment:****§2.58. Embedded Credential: Academic Associate Degrees.**

A public two-year institution, a public university, or a public health-related institution may offer an academic associate degree as an embedded credential in the same, a related, or supporting field as the bachelor's degree in which a student is currently or has been unconditionally currently enrolled.

**Comment:** Three comments were received from different institutions recommending the creation of additional limitations to institutional and student eligibility for awarding embedded associate degrees.

**Response:** In the development of the proposed rules for the embedded associate degrees, the Coordinating Board took a student-centric approach by focusing on increasing the number of students who are eligible to receive a higher education credential. While the Coordinating Board acknowledges concerns expressed about which institution is eligible to award the degree, given the existing limitations on the embedded associate degree and proposed higher level of approval, no additional criteria for awarding are proposed. Institutions, especially those with existing partnerships, are still able to collaboratively develop policies for determining whether students are awarded an associate degree through the embedded model, reverse transfer, or another mechanism. The Coordinating Board commits to providing guidance and transparent approval processes for embedded associate degree requests during the implementation phase.

**Comment:** One comment received noted that four-year degree curricula often have the Core Curriculum distributed over four years instead of primarily in the first two years and inquired whether students would need to be core complete to be awarded an embedded associate degree.

**Response:** The Coordinating Board proposes the addition of an exception to the core completion requirement for an embedded associate degree. However, institutions must follow their accreditation requirements for required core curriculum credit hours in an associate degree. This exception does not include an embedded associate degree in the Multidisciplinary CIP code since multidisciplinary degrees are required by statute to include the full core curriculum.

**Proposed Amendment - Addition to §2.53(b):**

(4) An institution may offer an embedded associate degree as outlined in §2.58 that does not include the full 42 SCH required core curriculum except for a Multidisciplinary studies degree as required by §2.57(b).

**Comment:** Two institutions commented that the embedded associate degree needs to allow flexibility in the course requirements beyond the core curriculum.

**Response:** Institutions will have flexibility to determine which disciplines are appropriate to offer embedded associate degrees. There is no expectation from the agency that institutions create an embedded associate for all disciplines and all bachelor's degrees. However, the embedded associate must meet the requirement of being *wholly embedded* as is indicated in the definition of an embedded credential. The Coordinating Board commits to providing additional guidance during the rule implementation.

**Comment:** Two comments received from an institution inquired whether the embedded associate degrees would need to be evaluated as stand-alone degree programs, and whether they would apply to the low-producing programs policies.

**Response:** The Coordinating Board does not intend to require separate evaluation of embedded associate degrees or include them in the low-producing programs audits. The Coordinating Board encourages institutions to conduct their own qualitative and quantitative assessments to support the development and management of embedded associate degrees.

**Comment:** One institution and the Texas Association of Community Colleges commented that allowing universities to award an embedded associate degree may lead to the universities offering terminal associate degrees that would have otherwise been awarded by a Texas public junior college either prior to transferring to the university or awarded through reverse transfer. The comments also recommended that there be additional resources and incentives to support reverse transfer.

**Response:** The Coordinating Board agrees that there is value in reverse transfer and that allowing universities to award an embedded associate degree is intended to be another mechanism to support student success. The Coordinating Board is committed to exploring how to further support reverse transfer since this is not currently widely utilized by institutions. The agency will review possible options to further the data sharing necessary to allow for more reverse transfer opportunities for students. Both of these efforts, reverse transfer and embedded associates at universities, are intended to support more students completing a credential of value and the agency will continue to work with our institutional partners to achieve that goal.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, will present this item and be available to answer questions.

CHAPTER 2:  
ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER D  
APPROVAL PROCESS FOR NEW ASSOCIATE DEGREES.

Section 2.50. Purpose

The purpose of this subchapter is to establish the process for institutions to request new associate degree programs from the Board.

Section 2.51. Authority

The authority for this subchapter is Texas Education Code §§61.051 and 61.0512, which provide that no new degree or certificate program may be added at any public institution of higher education except with specific prior approval of the Board. Tex. Educ. Code §130.001 grants the Board the responsibility to adopt policies and establish general rules necessary to carry out statutory duties with respect to public junior colleges. Tex. Educ. Code §130.0104 requires each public junior college district to establish a multidisciplinary studies associate degree, and authorizes the Board to adopt rules as necessary. Tex. Educ. Code §61.05151 requires that the number of semester credit hours required for the associate degree not exceed the minimum number required by the institution's accreditor, in the absence of a compelling academic reason provided by the institution.

Section 2.52. Submission of Planning Notification.

An institution of higher education seeking approval to offer a degree program under this subchapter must submit a Planning Notification to Board Staff in accordance with subchapter C of this chapter prior to submitting an administratively complete request for a new associate degree proposal. This requirement does not apply to a proposed associate degree submitted pursuant to §2.57 and §2.58.

Section 2.53. Academic Associate Degree Titles, Length, and Program Content

(a) An academic associate degree may be called an associate of arts (AA), an associate of science (AS), or an associate of arts in teaching (AAT) degree.

(1) The AA is the default title for an academic associate degree program if the college offers only one type of academic degree program.

(2) If a college offers both AA and AS degrees, the degree programs may be differentiated in one of two ways, including:

(A) The AA program may have additional requirements in the liberal arts and/or the AS may have additional requirements in disciplines such as science, mathematics, or computer science; or

(B) The AA program may serve as a foundation for the Bachelor of Arts (BA) degree and the AS for the Bachelor of Science (BS) degree.

(C) Each academic associate degree must provide a clearly articulated curriculum that can be associated with a discipline or field of study leading to a baccalaureate degree, and must be identified as such in the institution's Program Inventory.

(3) The AAT is a specialized academic associate degree program designed to transfer in its entirety to a baccalaureate program that leads to initial Texas teacher certification. This title should only be used for an associate degree program that consists of a Board-approved AAT curriculum; or an Education Field of Study curriculum as defined in §4.32.

(b) Except as provided in paragraphs (1), (2), ~~and (3) and (4)~~ of this subsection, academic associate degree programs must incorporate the institution's approved core curriculum as prescribed by §4.28 of this title (relating to Core Curriculum) and §4.29 of this title (relating to Core Curricula Larger than 42 SCH).

(1) An institution may offer a specialized academic associate degree that incorporates a Board-approved field of study curriculum as prescribed by §4.32 of this title (relating to Field of Study Curricula) and a portion of the college's approved core curriculum if the coursework for both would total more than 60 SCH.

(2) An institution may offer a specialized academic associate degree that incorporates a voluntary statewide transfer compact and a portion of the college's approved core curriculum if the coursework for both would total more than 60 SCH.

(3) An institution that has a signed articulation agreement with a Public University to transfer a specified curriculum may offer a specialized AA or AS (but not AAT) degree program that incorporates that curriculum.

(4) An institution may offer an embedded associate degree as outlined in §2.58 that does not include the full 42 SCH required core curriculum except for a Multidisciplinary studies degree as required by §2.57(b).

#### Section 2.54. Approval Required for Academic Associate Degrees.

(a) This rule outlines how public junior colleges, Texas State Technical College – Harlingen, and Lamar State Colleges may request approval for a new academic associate degree. Proposed programs are subject to Assistant Commissioner approval under subchapter A, §2.4(2), and in accordance with the applicable provisions under subchapter A and this subchapter, except as specifically provided by this rule.

(1) General--A proposed academic associate degree is subject to Assistant Commissioner approval under 19 TAC §2.4(2), and in accordance with the applicable provisions under subchapter A and this subchapter.

(2) TSTC Harlingen may offer the associate of science degree in accordance with the provisions of Texas Education Code §135.51(b)(1-2).

(A) Such program is subject to Assistant Commissioner approval under subsection 2.4(2), and in accordance with the applicable provisions under subchapter A and this subchapter.

(B) An associate of science degree program offered by TSTC-Harlingen shall not unnecessarily duplicate existing programs offered in the service areas of Del Mar College, South Texas College, or Texas Southmost College.

(b) Embedded--an institution of higher education may offer an associate degree as an embedded credential to a student enrolled in an approved baccalaureate degree program. Approval of a proposed embedded associate degree program is subject to the Assistant Commissioner Expedited Review ~~Notification Only~~ approval process under 19 TAC §2.4(2)(b)(B)(ii). The institution may request approval for the academic associate degree:

(A) as part of the application for the baccalaureate program; or

(B) under the provisions of this section.

Section 2.55. Presentation of Requests and Steps for Implementation for Academic Associate Degrees.

(a) Except as provided by §2.54(b) of this subchapter, a requesting institution must submit a Planning Notification in accordance with subchapter C of this chapter.

(b) A requesting institution must submit an application to offer a new academic associate degree using the forms available on the Board's website.

(c) Except for programs submitted under §2.54(b) of this subchapter, not ~~Not~~ later than the sixtieth day after an institution submits an administratively complete application for approval, Board Staff shall provide informal notice and opportunity for comment to other institutions of higher education in the local community in accordance with 19 TAC §2.7, relating to Informal Notice and Comment on Proposed Local Programs.

(d) The institution must demonstrate that the proposed program obtained institution and governing board approval prior to submission.

(e) Board Staff will make the determination of administrative completeness in accordance with subchapter A, §2.6 of this chapter.



(f) The Assistant Commissioner, Commissioner, or Board, as applicable, shall approve or deny the proposed program within the timelines specified in subchapter A, §2.4, of this chapter, after receipt of the complete program proposal. If the Assistant Commissioner, Commissioner, or Board does not act to approve or deny the proposal within one year of administrative completeness, the program is considered approved.

(g) Upon approval, Board Staff will add the new degree program to the institution's official Program Inventory. The Program Inventory contains the list of degrees and certificates with official Board approval.

#### Section 2.56. Criteria for Academic Associate Degrees.

(a) All proposed associate degree programs must meet the criteria set out in this subchapter, in addition to the general criteria in subchapter A, §2.5 of this chapter.

(b) Board staff shall ensure that each institution certifies and provides required evidence that a proposed academic associate degree meets the criteria in subchapter A, §2.5, of this chapter and the following criteria in its proposal request. ~~To demonstrate that a program meets the criteria under subchapter A, §2.5, the program shall submit the following:~~

~~(1) Evidence of Need—The institution shall demonstrate there is recent evidence of both short-term and long-term student demand for the program. Such evidence shall include:~~

~~(A) Academic Need;~~

~~(B) Potential Student Demand; and~~

~~(C) Enrollment Projections, including evidence that reflect student demand estimates to ensure the financial self-sufficiency of the program.~~

~~(2) Financing and costs—The Institution shall demonstrate that adequate funding is available to cover all new costs to the institution over the first five years after implementation of the program.~~

~~(3) Quality—The program is designed to be consistent with the standards of the institutional accreditor or other applicable accrediting agencies, and is in compliance with applicable licensing authority requirements.~~

~~(c) The institution shall also demonstrate:~~

~~(1) An enrollment management plan for the program.;~~

~~(2)~~(1) If the program does not follow a Board-approved field of study curriculum or a Board-approved statewide articulation transfer curriculum, the institution has or will initiate a process

to establish transfer of credit articulation agreements for the program with senior-level institutions.

(d) The institution shall certify that the proposed program complies with all applicable provisions contained in divisions of this subchapter and subchapter A.

Section 2.57. Multidisciplinary Studies Associate Degree.

(a) Tex. Educ. Code §130.0104 requires the governing boards of each public junior college district to establish a multidisciplinary studies associate degree. This statute allows the Coordinating Board to adopt rules putting this provision into effect.

(b) A multidisciplinary studies associate degree program is a Coordinating Board-approved associate of arts or associate of science degree composed of the college's core curriculum and enough additional courses to equal 60 semester credit hours (SCH). The SCH beyond the core curriculum must be selected by the student, in consultation with an academic advisor, and transfer to a specific field of study or major at a university of the student's choice.

(c) A multidisciplinary studies associate degree program established at a public junior college under this section must require a student to successfully complete:

(1) The public junior college's core curriculum adopted under Tex. Educ. Code §61.822, as defined by 19 TAC §4.28, relating to Transfer of Credit, Core Curriculum, and Field of Study Curricula; and

(2) The completion of courses selected by the student in the student's completed degree plan, accounting for all remaining credit hours required for the completion of the degree program.

(d) The multidisciplinary studies associate degree program must emphasize the student's transition to a particular four-year college or university that the student chooses and prepare the student for the intended field of study or major at the four-year college or university.

(e) A student enrolled in a multidisciplinary studies associate degree program shall file a degree plan as prescribed by 19 TAC Ch. 4, Subch. T. The student must meet with an academic advisor to complete a degree plan as required by Tex. Educ. Code §51.9685(a)(1) that:

(1) Accounts for all remaining credit hours required for the completion of the degree program;

(2) Emphasizes the student's transition to a particular four-year college or university that the student chooses; and

(3) Prepares for the student's intended field of study or major at the four-year college or university.

Section 2.58. Embedded Credential: Academic Associate Degrees.

A public two-year institution, a public university, or a public health-related institution may offer an academic associate degree as an embedded credential in the same, a related, or supporting field as the bachelor's degree in which a student is currently or has been unconditionally currently enrolled. The institution may request approval for the associate degree:

(a) in the application for the bachelor's degree program; or

(b) may request the embedded associate degree program subject to Assistant Commissioner Expedited Review Notification Only under subchapter A, §2.4 (2) (B) (ii), of this chapter.; if the institution already offers an approved bachelor's degree in the same CIP Code.

Sections 2.59-2.69. Reserved.Section 2.70. Approval and Semester Credit Hours.

An associate degree is limited to 60 SCH unless the institution determines that there is a compelling academic reason for requiring completion of additional semester credit hours for the degree (Tex. Educ. Code §61.05151). If the minimum number of semester credit hours required to complete a proposed associate program exceeds 60, the institution must provide detailed documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 60-semester credit hour limit. Board Staff will review the documentation provided and make a determination to approve or deny a request to exceed the 60-semester credit hour limit.

Section 2.71. Post-Approval Program Reviews.

Board Staff shall conduct post-approval reviews in accordance with subchapter I of this chapter.

Section 2.72. Revisions to Approved Associate Degree Programs.

An institution may request a revision or modification to an approved associate degree under subchapter A, §2.7 of this chapter.

Section 2.73. Phasing Out an Associate Degree Program.

An institution may request to phase out an associate degree program under subchapter H of this chapter.

Section 2.74. Effective Date of Rules.

Rules §§2.50-2.57 and 2.70-2.73 under this subchapter applies to each program for which an institution has submitted a required Planning Notification on or after June 1, 2023. For a proposed program not required to submit a Planning Notification, these rules apply to a program

submitted for notification or approval on or after September 1, 2023. Rule §2.58 takes immediate effect.