

COMMITTEE ON ACADEMIC AND WORKFORCE SUCCESS

A G E N D A

9:30 A.M., Wednesday, April 26, 2023

*(or upon adjournment of the Committee on Innovation, Data, and Educational
Analytics meeting, whichever occurs later)*

Live broadcast available at: highered.texas.gov

**Barbara Jordan Building (Room 2.035)
1601 N. Congress Ave
Austin, TX**

*This meeting is conducted in person or via video conference, pursuant to Texas
Government Code, Section 551.127. A quorum of the Board may be present in the
Board Room, which is open to the public.*

Chair: Donna N. Williams

Vice Chair: R. Sam Torn

Members: Richard L. Clemmer; Fred Farias III, O.D.; Emma W. Schwartz; Daniel O. Wong

Student Representative: Georgia A. Hejny (Ex-Officio)

COMMITTEE ON ACADEMIC AND WORKFORCE SUCCESS

A G E N D A

Public Testimony: The 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 of the Texas Higher Education Coordinating Board (Board) after staff has presented the item, or any other time as determined by the chair. For procedures on testifying, please go to higher.ed.texas.gov/public-testimony.

- I. Welcome and committee chair's meeting overview
- II. Consideration and possible action to adopt the minutes for the January 25, 2023, committee meeting
- III. Public testimony on items relating to the Committee on Academic and Workforce Success
- IV. Consideration and possible action to adopt the consent calendar
- V. Matters relating to the Committee on Academic and Workforce Success
 - A. 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)
 - B. Consideration and possible action to adopt the Certification Advisory Council, and the Commissioner's, recommendation related to a request from Medisend College of Biomedical Engineering Technology for its fourth and final Certificate of Authority to grant degrees in Texas
 - C. Consideration and possible action to adopt the Certification Advisory Council, and the Commissioner's, recommendation related to a request from Texas School of Health Sciences for its first Certificate of Authority to grant degrees in Texas
 - D. Consideration and possible action to adopt the request to extend the current contract with The University of Texas at Austin for maintenance of the Apply Texas System
 - E. Consideration and possible action to adopt the "Report on the Fiscal Year 2023 Annual Review of Low-Producing Programs"
 - F. Consideration and possible action to appoint members to the ApplyTexas Advisory Committee

- G. Consideration and possible action to approve receipt of Fiscal Year 2023 Carl D. Perkins Community and Technical Colleges Consolidated Grant of \$41.57 million, which includes a midyear reallocation of \$8.28 million
- H. Consideration and possible action to approve receipt of Fiscal Year 2024 Carl D. Perkins Community and Technical Colleges Consolidated Grant funds not to exceed \$40 million and receipt of Fiscal Year 2024 Carl D. Perkins State Leadership Grant funds not to exceed \$5 million
- I. Consideration and possible action to adopt the report to the Legislature regarding reporting of sexual harassment at institutions of higher education, per Texas Education Code, Chapter 51, Subchapters E-2 and E-3
- J. Consideration and possible action to approve the following requests for new degree programs:

UNIVERSITY OF HOUSTON

- (1) Doctor of Philosophy (PhD) in Computer Engineering

THE UNIVERSITY OF TEXAS AT SAN ANTONIO

- (2) Doctor of Philosophy (PhD) in Chemical Engineering

- K. Lunch

- L. Proposed rules:

(1) Consideration and possible action to adopt proposed amendments to Board Rules 1.188 and 1.190, concerning the Learning Technology Advisory Committee

(2) Consideration and possible action to adopt proposed amendments to Board Rules 2.3 and 2.9, concerning revisions and modifications to an approved program

(3) Consideration and possible action to adopt new Board Rules 2.200-2.207, concerning approval of distance education for public institutions

(4) Consideration and possible action to adopt proposed amendments to Board Rule 3.19 to implement the penalty matrix for failure to meet substantial compliance under Texas Education Code, Chapter 51, Subchapters E-2 and E-3

(5) Consideration and possible action to adopt proposed amendments to Board Rule 4.279(b), concerning formula funding for out-of-state or out-of-country programs

- (6) Consideration and possible action to adopt new Board Rules 13.400-13.408, concerning the TRUE Grant Program
- (7) Consideration and possible action to adopt new Board Rules 13.450-13.454, concerning formula funding for distance education

VI. Adjournment

Executive Session: The Texas Higher Education Coordinating Board Committee on Academic and Workforce Success 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.

Note: Because the Board members who attend the committee meeting may create a quorum of the full Board, the meeting of the Committee on Academic and Workforce Success is also being posted as a meeting of the full Board. Only assigned committee members act upon any item before the Committee on Academic and Workforce Success at this meeting.

Weapons Prohibited: Pursuant to Texas Penal Code, Section 46.03(a)(14), a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon listed in Section 46.05 in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

Committee on Academic and Workforce Success

AGENDA ITEM I

Welcome and committee chair's meeting overview

Donna Williams, chair of the Committee on Academic and Workforce Success, will provide the committee an overview of the items on the agenda.

Committee on Academic and Workforce Success

AGENDA ITEM II

Consideration and possible action to adopt the minutes for the January 25, 2023, committee meeting

RECOMMENDATION: Approval

TEXAS HIGHER EDUCATION COORDINATING BOARD

DRAFT MINUTES

Committee on Academic and Workforce Success

Board Room, 5th Floor
Teachers Retirement System of Texas

1000 Red River Street, Austin

January 25, 2023, 10:08 am

The Texas Higher Education Coordinating Board's Committee on Academic and Workforce Success (CAWS) convened at 10:08 a.m. on January 25, 2023, with the following committee members present: Donna Williams, presiding; Richard Clemmer; Fred Farias; Emma Schwartz; Sam Torn; Daniel Wong; and Georgia Hejny, Ex-Officio.

Members absent: None

Other Board members present: S. Javaid Anwar, Robert Gauntt, and Welcome Wilson

AGENDA ITEM	ACTION
I. Welcome and committee chair's meeting overview	Ms. Williams called the meeting to order at 10:08 a.m. All members were present. A quorum was met for this committee meeting. Ms. Williams announced that agenda item 5-C had been withdrawn from today's agenda.
II. Consideration and possible action to adopt the minutes for the October 26, 2022, committee meeting	On motion by Mr. Torn, seconded by Dr. Wong, the committee approved the October 26, 2022, committee meeting minutes. The vote was unanimous.
III. Public testimony on agenda items relating to the Committee on Academic and Workforce Success	There was no public testimony.
IV. Consideration of approval of the consent calendar	On a motion by Ms. Schwartz, seconded by Mr. Clemmer, the committee approved the consent calendar. The vote was unanimous. Items approved on consent were: 5-A and 5-C.
V. Matters relating to the Committee on Academic and Workforce Success	
A. 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.

AGENDA ITEM	ACTION
<p>B. 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</p>	<p>This item was withdrawn.</p>
<p>C. Consideration and possible action to adopt the recommendation relating to the July 2022 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>A. Consideration and possible action to approve the issuance of a request for applications for the:</p> <p>(1) Carl D. Perkins Career and Technical Education Basic Grant Program</p> <p>(2) Carl D. Perkins Career and Technical Education State Leadership Grant Program</p> <p>(3) Carl D. Perkins Equitable Access and Opportunity Grant Program</p>	<p>On motion by Mr. Torn, seconded by Dr. Farias, the committee approved the issuance of a request for applications for the Carl D. Perkins Career and Technical Education Basic Grant Program. The vote was unanimous.</p> <p>Dr. Tina Jackson, Assistant Commissioner for Workforce Education, presented this item and was available to answer questions.</p> <p>On motion by Dr. Wong, seconded by Ms. Schwartz, the committee approved the issuance of a request for applications for the Carl D. Perkins Career and Technical Education State Leadership Grant Program. The vote was unanimous.</p> <p>Dr. Tina Jackson, Assistant Commissioner for Workforce Education, presented this item and was available to answer questions.</p> <p>On motion by Mr. Clemmer, seconded by Mr. Torn, the committee approved the issuance of a request for applications for the Carl D. Perkins Equitable Access and Opportunity Grant Program. The vote was unanimous.</p> <p>Dr. Tina Jackson, Assistant Commissioner for Workforce Education, presented this item and was available to answer questions.</p>

AGENDA ITEM	ACTION
E. Consideration of adopting the staff recommendation to the committee relating to requests for a new degree program	
ALAMO DISTRICT – ST. PHILLIP’S COLLEGE (1) Bachelor of Applied Technology (BAT) in cybersecurity	<p>On motion by Mr. Clemmer, seconded by Mr. Torn, the committee approved the new degree program. The vote was unanimous.</p> <p>Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available to answer questions.</p>
UNIVERSITY OF HOUSTON (2) Doctor of Business Administration (DBA) in business administration	<p>On motion by Ms. Schwartz, seconded by Dr. Wong, the committee approved the new degree program. The vote was unanimous.</p> <p>Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available to answer questions.</p>
F. Lunch	The committee did not break for lunch.
G. 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	<p>On motion by Ms. Schwartz, seconded by Mr. Torn, the committee adopted 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. The vote was unanimous.</p> <p>Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available to answer questions</p>
(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	<p>On motion by Dr. Wong, seconded by Mr. Torn, the committee adopted 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. The vote was unanimous.</p> <p>Ms. Molly Gully, Senior Director of Advising Strategy, presented this item and was available to answer questions.</p>

AGENDA ITEM	ACTION
(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	<p>On motion by Mr. Clemmer, seconded by Dr. Farias, the committee adopted proposed amendments to Chapter 4, Subchapter B, Section 4.32 of Board rules, concerning Fields of Study Curriculum. The vote was unanimous.</p> <p>Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, presented this item and was available to answer questions.</p>
(4) Consideration and possible action to adopt proposed amendments to Chapter 4, Subchapter C, Section 4.54(a)(1)(A) of Board rules, concerning the Texas Success Initiative Exemptions, Exceptions, and Waivers	<p>On motion by Ms. Schwartz, seconded by Dr. Wong, the committee adopted proposed amendments to Chapter 4, Subchapter C, Section 4.54(a)(1)(A) of Board rules, concerning the Texas Success Initiative Exemptions, Exceptions, and Waiver. The vote was unanimous.</p> <p>Mr. Jerel Booker, Assistant Deputy Commissioner for Academic Affairs, presented this item and was available to answer questions</p>
VI. Adjournment	<p>On a motion by Dr. Farias, seconded by Mr. Clemmer, the committee adjourned at 11:34 a.m. The vote was unanimous.</p>

Committee on Academic and Workforce Success

AGENDA ITEM III

Public testimony on items relating to the Committee on Academic and Workforce Success

RECOMMENDATION: No action required

Background Information:

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 committee, after staff has presented the item, or any other time.

Committee on Academic and Workforce Success

AGENDA ITEM IV

Consideration and possible action to adopt the consent calendar

RECOMMENDATION: Approval

Background Information:

To ensure meetings are efficient, and to save institutions time and travel costs to attend the Committee on Academic and Workforce Success 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 Board member.

Consent Calendar

- V. Matters relating to the Committee on Academic and Workforce Success
 - A. 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)
 - E. Consideration and possible action to adopt the “Report on the Fiscal Year 2023 Annual Review of Low-Producing Programs”
 - F. Consideration and possible action to appoint members to the Apply Texas Advisory Committee
 - L. Proposed Rules
 - (1) Consideration and possible action to adopt proposed amendments to Board Rules 1.188 and 1.190, concerning the Learning Technology Advisory Committee
 - (2) Consideration and possible action to adopt proposed amendments to Board Rules 2.3 and 2.9, concerning revisions and modifications to an approved program

Committee on Academic and Workforce Success

AGENDA ITEM V-A

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)

RECOMMENDATION: Approval

Background Information:

Pursuant to Coordinating Board Rules, Chapter 7, Subchapter A, Section 7.7(6), Closure of an Institution, the Texas Higher Education Coordinating Board (Coordinating Board) must be notified in writing at least 90 days before a planned closure date or immediately if an institution closes unexpectedly. If an institution closes or intends to close before all currently enrolled students have completed all requirements for graduation, a teach-out plan is required. The teach-out plan is subject to Board approval. The Board has given the Assistant Commissioner of Workforce Education the authority to oversee this approval process.

Quest College

On December 8, 2022, Coordinating Board staff became aware of the closure of Quest College, 5430 Fredericksburg Road, Ste. 301, San Antonio, TX 78229, through a news report. Quest College administration had notified the Texas Workforce Commission (TWC) on December 6, 2022, but had failed to notify the Coordinating Board. At the time of closure, Quest College had 183 enrolled students. TWC worked with students to transfer into other programs. Quest College had been authorized to offer a degree program, but Coordinating Board staff were notified that no degree-level faculty were employed at the time of closure. Quest College's Certificate of Authorization was revoked upon notice of the closure. Coordinating Board staff worked with Quest College's student records vendor to secure all Quest College student transcripts. The transcripts have been transferred to the Coordinating Board's closed school transcript repository.

Lipscomb University-Austin Center

On December 6, 2022, Lipscomb University notified the Coordinating Board that it would teach out its students located at its Austin Center, 7640 Guadalupe St., Austin, TX 78752. Lipscomb University had planned to restructure the Austin Graduate School of Theology, formerly located at this address. Upon review of the current business operations, the Lipscomb University Board of Trustees decided to close the Austin Center at the conclusion of the 2023 spring semester, on or about July 31, 2023. Admissions ended at the Austin Center as of December 31, 2022. Students will be taught out. Lipscomb University Master of Divinity students are already in an online format, which will continue. Three Master of Marriage and

AGENDA ITEM V-A

Family Therapy students who are studying in person will continue in their current format until May 2023 for coursework and through July 2023 for practicum work. Teach out plans and agreements for the remainder of their coursework are underway. Lipscomb has notified both its institutional accreditor, SACSCOC, and the US Department of Education regarding the Austin Center closure. Lipscomb University's Nashville campus will obtain, secure, and store all Austin Center student records.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, will present this item and be available to answer questions.

Committee on Academic and Workforce Success

AGENDA ITEM V-B

Consideration and possible action to adopt the Certification Advisory Council, and the Commissioner's, recommendation related to a request from Medisend College of Biomedical Engineering Technology for its fourth and final Certificate of Authority to grant degrees in Texas

RECOMMENDATION: Approval

Background Information:

Medisend College of Biomedical Engineering Technology (Medisend), Dallas, Texas, seeks approval for its fourth Certificate of Authority to award an Associate of Applied Science degree in biomedical engineering technology. Certificates of Authority are granted for two-year periods. Institutions may be granted successive Certificates of Authority for a total of eight years. After eight years, absent sufficient cause, the institution must have obtained accreditation from an accrediting agency recognized by the Texas Higher Education Coordinating Board (Coordinating Board).

Medisend has applied for its fourth Certificate of Authority as the institution works toward accreditation by the Accrediting Council for Continuing Education and Training (ACCET), an accrediting agency recognized by the Coordinating Board. The Certificate of Authority would be Medisend's fourth Certificate of Authority, valid from April 2023 to April 2025.

A site evaluation was conducted with Medisend December 5-7, 2022. The site evaluation team consisted of George A. Williams, Jr., PhD (Team Chair), Vice President for Student Affairs, Our Lady of the Lake University - San Antonio; Jessica Fisher, Assistant Vice President for Finance, Texas Tech University Health Sciences Center El Paso, and Michael Fino, PhD, Dean, Mathematics and Sciences, MiraCosta College. Paul Shuler, PhD, represented the Coordinating Board staff.

The site evaluation team report indicates that at the time of the site visit, Medisend was in compliance with all Coordinating Board required standards.

The Coordinating Board's six-member Certification Advisory Council (CAC) reviewed the evaluation team's report and Medisend's response to the evaluation report at its February 2, 2023, (virtual) meeting. One member was unable to attend. The CAC members voted 5-0 to recommend approval of Medisend College's application for its fourth Certificate of Authority.

Coordinating Board rules state the Commissioner of Higher Education shall make his recommendation regarding a Certificate of Authority application to the Board independent of the Certification Advisory Council's recommendation. The commissioner may make recommendations for additional conditions, restrictions, or reporting requirements for the time the institution is operating under a Certificate of Authority. On March 30, 2023, Commissioner Keller approved and concurred with the CAC's recommendation as stated.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, will present this item and be available to answer questions.

Committee on Academic and Workforce Success

AGENDA ITEM V-C

Consideration and possible action to adopt the Certification Advisory Council, and the Commissioner's, recommendation related to a request from Texas School of Health Sciences for its first Certificate of Authority to grant degrees in Texas

RECOMMENDATION: Approval

Background Information:

Texas School of Health Sciences (TSHS), Weslaco, Texas, seeks approval for its first Certificate of Authority to award an Associate of Applied Science degree in nursing. Certificates of Authority are granted for two-year periods. Institutions may be granted successive Certificates of Authority for a total of eight years. After eight years, absent sufficient cause, the institution must have obtained accreditation from an accrediting agency recognized by the Coordinating Board. The Certificate of Authority would be TSHS's first Certificate of Authority, valid from April 2023 to April 2025.

A site evaluation was conducted with TSHS November 7-9, 2022. The site evaluation team consisted of A.J. Randolph, MBA (Team Chair), Senior Vice President for Health Systems Finance and COO, University of North Texas Health Science Center, Fort Worth, TX; Nina Almasy, DNP, Dean of Health Sciences, Austin Community College, Austin, TX; and Amy Wilson, MSN, RN, Director of ADN Programs including the LVN to RN Program, Collin College, McKinney, TX; Paul Shuler, PhD, represented the Coordinating Board staff.

The site evaluation team report indicated that at the time of the site visit, TSHS was in compliance with 17 of the Coordinating Board required standards. TSHS' response to the site team report addressed the 7 standards not met.

The Coordinating Board's six-member Certification Advisory Council (CAC) reviewed the evaluation team's report and TSHS's response to the evaluation report at its February 2, 2023, (virtual) meeting. One member was unable to attend. The CAC members voted 5-0 to recommend approval of TSHS's application for its first Certificate of Authority with two conditions of providing additional information. TSHS has replied to the CAC conditions with the additional information requested.

Coordinating Board rules state the Commissioner of Higher Education shall make his recommendation regarding a Certificate of Authority application to the Board independent of the Certification Advisory Council's recommendation. The commissioner may make recommendations for additional conditions, restrictions, or reporting requirements for the time

AGENDA ITEM V-C

Page 2

the institution is operating under a Certificate of Authority. On March 30, 2023, Commissioner Keller approved and concurred with the CAC's recommendation as stated.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, will present this item and be available to answer questions.

Committee on Academic and Workforce Success

AGENDA ITEM V-D

Consideration and possible action to approve the request to extend the current contract with The University of Texas at Austin for maintenance of the ApplyTexas System

RECOMMENDATION: Approval

Background Information:

ApplyTexas is a centralized web portal for prospective students from Texas and other states to apply for admission to Texas higher education institutions. ApplyTexas was codified for university applicants in 1997 by the 75th Texas Legislature (Texas Education Code, Sections 51.762 and 51.763). The purpose of the program is to allow students to complete one application and submit it to multiple institutions of higher education. In 2005, the 79th Texas Legislature amended the statutes to include junior college districts, public state colleges, and public technical institutes. The Texas Higher Education Coordinating Board (Coordinating Board) administers the ApplyTexas System in consultation with an advisory committee comprised of representatives of higher education institutions.

In 1997, the Coordinating Board contracted with The University of Texas at Austin (UT-Austin) to create and maintain the electronic ApplyTexas System. Under the guidance of the Coordinating Board and advisory committee, UT-Austin also developed and maintains a scholarship application and the Counselor Suite, which allows high school counselors to track admission application status and Free Application for Federal Student Aid submission status for their students. From 1997 to 2003, the Coordinating Board's contract with UT-Austin was renewed annually. Beginning in 2004, the contract was renewed and extended to a three-year contract. In 2013 it was renewed and extended to a four-year contract, to be renewed in the third year of the contract.

On July 1, 2021, ApplyTexas migrated to cloud-based environment, Amazon Web Services. Due to the transition, it was not possible to accurately project costs for the entirety of a multiyear contract, and UT-Austin ApplyTexas staff would need a full year to determine cost optimization. Therefore, staff amended and extended the ApplyTexas maintenance and operational contract with UT-Austin for an additional year, expiring August 31, 2023.

On September 26, 2022, the Coordinating Board issued a Request for Offers and selected Deloitte Consulting LLP to improve the user experience for students, counselors, and institutions, to create more efficient ways to receive and process application data, and to increase applications.

The approval of this request will allow UT-Austin to continue support maintenance and continuity of the ApplyTexas System. The cost for an additional one-year extension is up to \$1,150,000, bringing the total six-year cost of the contract to \$5,465,591. The contract is of zero cost to the agency. The General Appropriations Act provides the Coordinating Board the authority to collect funds from participating institutions, each of which pays a portion of the cost based on its share of the previous fall term's certified enrollment. The Coordinating Board monitors the cost of the ApplyTexas System and notifies the institutions annually of their shares of the cost.

Molly Gully, Senior Director Advising Strategy, will present this item and be available to answer questions.

Committee on Academic and Workforce Success

AGENDA ITEM V-E

Consideration and possible action to adopt the “Report on the Fiscal Year 2023 Annual Review of Low-Producing Programs”

RECOMMENDATION: Approval

Background Information:

The Texas Higher Education Coordinating Board (THECB) is authorized to make recommendations to close or consolidate low-producing degree programs (Texas Education Code, Chapter 61, Subchapter C, Section 61.0512 (f)). Recommendations to close or consolidate are made for nonexempt degree programs that have been on the annual list of low-producing degree programs for three or more consecutive reviews (Texas Administrative Code, Rule 4.290). The [list of low-producing degree programs](#) is available on the agency’s website. The recommendations are made to the governing board of a public system of higher education or, where a system does not exist, to the governing board of a public institution of higher education.

If the governing board of the system or institution does not accept the THECB recommendation, the system (or, where a system does not exist, the institution) must identify the programs recommended for consolidation or closure on its next Legislative Appropriations Request (LAR). In those situations, a system or institution should develop a plan for the degree program to achieve the minimum standard for the degree program or, if the standard is not attainable, the institution should provide a rationale describing the merits of continuing the degree program.

The THECB makes recommendations to the governing boards of systems and institutions for closure or consolidation of low-producing degree programs in odd-numbered years. This allows systems and institutions time to decide on appropriate action in the year before the submission of their LAR, which is done in even-numbered years.

The board approved a list of programs recommended for closure based on the Fiscal Year (FY) 2021 low-producing programs review at the April 2021 Board meeting and updated the list last April to reflect actions on programs and to include new programs without making additional recommendations. This year's review is based on FY 2022 data and includes new recommendations to close or consolidate programs that are low producing for three consecutive reviews. The list includes a definition of low-producing programs.

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

Report on the 2023 Annual Review of Low-Producing Programs

In 2013, the Texas Higher Education Coordinating Board (THECB) began issuing recommendations for closure or consolidation to institutions' governing boards for degree programs that have consistently produced low numbers of graduates. The THECB posts a list of these degree programs on its website (www.highered.texas.gov/LPP). The list includes degree programs identified as low producing, based on the annual Low-Producing Degree Program (LPP) review. The THECB also publishes an annual report of degree programs that have been on the list of low-producing programs for three or more consecutive years.

The rules for the annual review of graduates of degree programs from Texas public institutions of higher education are in Texas Administrative Code (TAC), Title 19, Chapter 4, Subchapter R, Rules 4.285-4.290. The rules are based on Texas Education Code, Chapter 61, Subchapter C, Section 61.0512 (f), which authorizes the THECB to make recommendations for consolidation or closure of degree programs.

The TAC defines the process THECB staff follow to determine which programs are low producing. In order for a degree program to be identified as low producing, the number of its graduates is, over a cumulative five-year period:

- fewer than 25 graduates for undergraduate degree programs;
- fewer than 15 graduates for master's degree programs; and
- fewer than 10 graduates for doctoral degree programs.

New degree programs are exempt from the low-producing review for the first five years of operation. The first review to determine whether a program is low producing is done in year eleven, as the first five years are exempt, and the LPP review requires five consecutive years of data regarding the number of program graduates.

Academic associate degree programs are exempted from LPP review because they are intended to give students a pathway from two-year institutions into baccalaureate programs.

The number of graduates of applied associate degree programs and corresponding career technical certificate programs are combined by program CIP code for LPP purposes. Certificate programs are not affected by THECB recommendations based on the LPP review of applied associate degree programs.

Master's degree programs that lead directly to a doctoral degree are exempted from LPP review. These degrees are available to students who initially pursue a doctoral degree but are unable to meet doctoral degree requirements.

The 2023 Annual Review of Low-Producing Degree Programs

The 2023 report of the low-producing degree programs review includes graduates of programs from Academic Year (AY) 2016 through AY 2022. Approximately 5,500 degree programs were reviewed, and 203 degree programs were identified as low-producing.

Of the 203 programs identified as low-producing, 123 programs have been low producing for three or more consecutive reviews. The 2022 report identified about the same number of programs, 126 programs, as low producing for three or more consecutive reviews. Of those degree programs, 6 were closed or consolidated at the request of their institution during the following year, and 19 increased the number of graduates and were no longer low producing.

LPP Action	2019 Review	2020 Review	2021 Review	2022 Review	2023 Review
Review of three 5-year periods	AY 12-18	AY 13-19	AY 14-20	AY 15-21	AY 16-22
Total LPP	182	196	194	195	203
LPP three years in a row	99	113	121	126	123
Sufficient graduates the following year to not be LPP	16	10	16	19	NA*
Closed or consolidated the following year	7	12	8	6	NA*
Recommended for close-out #	97	76	120	97	123
Percent of Programs reported on LAR	51%		78%		

* NA, not available at this time: number of programs closing or consolidating in response to the AY 2023 review, programs with increased numbers of graduates the following year, and percentage of programs reported on LAR in response to the AY 2023 review.

New recommendations are made only in odd-numbered review years. Recommendations in even-numbered review years are carried forward from the previous year.

Actions Following the Low-Producing Degree Program Review

THECB staff alerts an institution's governing board each year when a degree program has not met the minimum standard of graduates for three consecutive years, i.e., when it was low producing for three consecutive years of review. Notification to governing boards is sent following the April board meeting of the THECB.

The THECB is authorized to make recommendations to close or consolidate low-producing degree programs. Recommendations to close or consolidate are made for non-exempt degree programs that have been on the annual list of low-producing degree programs for three or more consecutive reviews. The recommendations are made to the governing board of a public system of higher education, or to the governing board of a public institution of higher education where a system does not exist.

The THECB makes recommendations to systems' and institutions' governing boards for closure or consolidation of low-producing degree programs in **odd-numbered years**. This allows systems and institutions ample time to decide on appropriate action, in the year prior to the submission of their Legislative Appropriation Request (LAR), which is done in **even-numbered years**.

In response to the THECB's recommendation, the system (or the institution, where a system does not exist), may close a low-producing program, consolidated the program with one or more other programs, or may retain the program. Staff welcomes working with institution representatives on questions regarding graduate count, related issues regarding the history of program changes, and data reporting.

Recommendations to Close or Consolidate Low-Producing Degree Programs

The list of low-producing degree programs includes programs that had been recommended for closure or consolidation in AY 2019 and AY 2021 but have not been closed or consolidated and have not sufficiently increased the number of graduates. The list of low-producing programs on the 2019 report was approved by the Board of the THECB at its April 2019 meeting, and the list on the 2021 report was approved by the Board of the THECB at its April 2021 meeting. This year's 2023 report includes additional programs with new recommendations to close and consolidate.

The low-producing programs that were recommended to be closed or consolidated in the 2019 and 2021 reports and those that are newly recommended with this 2023 report are identified on the list for this report. If LPP programs are not closed or consolidated, institutions must list their identified programs in the LAR for the 2026-27 biennium, in calendar year 2022. Institutions listed 78% of programs that qualified to be reported on the 2022 LAR for the 2024-25 biennium. This low reporting may be partially attributed to the relative newness of the reporting requirement and because some programs that had been listed on the previous LAR were not re-listed, even though the programs are still active, low producing, and remain recommended for consolidation or closure.

Low-Producing Programs Identified for Three or More Consecutive Years			Review Year			Recommendation For Action	
Academic Year 2023 Review			AY 21	AY 22	AY 23		
Institution	Program		Graduates Over Five Year Periods			First Year	2024-25 LAR ¹
Non-System - Community and Technical Colleges							
Angelina College	Diagnostic Medical Sonography/Sonographer and Ultrasound Technician	AAS	21	18	21	2019	NR
Blinn College District	Surgical Technology/Technologist	AAS	12	16	19	2023	--
Central Texas College	Computer Engineering Technologies/Technicians	AAS	16	8	8	2023	--
Grayson College	Air Transportation	AAS	0	0	0	2023	--
Hill College	Heavy/Industrial Equipment Maintenance Technologies/Technicians	AAS	12	21	22	2017	NR
Kilgore College	Surgical Technology/Technologist	AAS	21	13	1	2023	--
Lee College	Criminal Justice and Corrections, General	AAS	17	12	11	2017	NR
Navarro College	Design and Applied Arts	AAS	22	14	6	2023	--
Northeast Texas Community College	Dental Support Services and Allied Professions	AAS	0	0	0	2023	--

¹ Biennium for which the low-producing program had to be identified on a system's or institution's Legislative Appropriation Request (LAR), accessed at <http://www.lbb.state.tx.us/>. "✓" means the program was reported on the LAR; "NR" means the program was not reported; "--" means that reporting was not required. If not closed, consolidated, or improved, all programs recommended for closure or consolidation must be identified on the next LAR, for the 2026-27 biennium.

Low-Producing Programs Identified for Three or More Consecutive Years			Review Year			Recommendation For Action	
Academic Year 2023 Review			AY 21	AY 22	AY 23		
Institution	Program		Graduates Over Five Year Periods			First Year	2024-25 LAR
Non-System - Community and Technical Colleges							
Paris Junior College	Electrical/Electronic Engineering Technologies/Technicians	AAS	22	10	1	2023	--
Paris Junior College	Business Administration, Management and Operations	AAS	19	19	18	2023	--
Paris Junior College	Business Operations Support and Assistant Services	AAS	19	11	10	2023	--
Tarrant County College District	Computer Engineering Technologies/Technicians	AAS	0	0	0	2023	--
Temple College	Computer and Information Sciences, General	AAS	23	16	16	2023	--
Temple College	Biology/Biotechnology Technologies/Technicians	AAS	5	3	2	2021	NR
Texarkana College	Marketing	AAS	0	0	0	2017	NR
Trinity Valley Community College	Fire Protection	AAS	24	24	20	2023	--
Alamo Community College District							
Alamo Community College District - Northwest Vista College	Health and Medical Administrative Services	AAS	16	16	23	2021	NR
Howard County Junior College District							
Howard College-Southwest Collegiate Institute for the Deaf	American Sign Language	AAS	18	13	10	2021	NR

Low-Producing Programs Identified for Three or More Consecutive Years				Review Year			Recommendation For Action	
Academic Year 2023 Review				AY 21	AY 22	AY 23		
Institution	Program		Graduates Over Five Year Periods			First Year	2024-25 LAR	
Non-System - Universities								
Stephen F. Austin State University	Forestry	PHD	6	3	5	2017	✓	
Stephen F. Austin State University	Art Education	MA	3	2	3	2023	--	
Stephen F. Austin State University	Philosophy	BA	9	9	8	2019	✓	
Stephen F. Austin State University	Public Administration	BA BS	16	16	18	2021	✓	
Stephen F. Austin State University	Economics	BA	7	7	6	2017	✓	
Texas Southern University	Spanish	BA	16	15	13	2017	NR	
Texas Southern University	Mathematics	MS	0	0	7	2021	NR	
Texas Southern University	Chemistry	MS	13	12	13	2023	--	
Texas Southern University	Nutritional Sciences and Dietetics	BS	10	4	2	2023	--	
Texas A&M University System								
Prairie View A&M University	Clinical Adolescent Psychology	PHD	5	5	9	2017	✓	
Tarleton State University	Performance	BM	13	16	17	2023	--	
Texas A&M University	Agricultural Economics	MAGR	0	0	0	2023	--	
Texas A&M University	Veterinary Public Health-Epidemiology	MS	11	13	13	2023	--	
Texas A&M University	Applied Physics	PHD	9	7	8	2023	--	
Texas A&M University-Central Texas	Political Science	MA	9	5	5	2023	--	
Texas A&M University-Commerce	Political Science	MA MS	14	12	7	2023	--	

Low-Producing Programs Identified for Three or More Consecutive Years					Review Year			Recommendation For Action	
Academic Year 2023 Review					AY 21	AY 22	AY 23		
Institution	Program				Graduates Over Five Year Periods			First Year	2024-25 LAR
Texas A&M University System									
Texas A&M University-Corpus Christi	Early Childhood Education	MS	10	10	8	2021	✓		
Texas A&M University-Kingsville	Spanish	BA	12	15	16	2021	✓		
Texas A&M University-Kingsville	Applied Arts and Sciences	BAAS	19	16	16	2023	--		
Texas A&M University-Kingsville	General Business Administration	BBA	17	15	15	2021	✓		
Texas A&M University-Texarkana	School Counseling	MS	9	5	6	2021	NR		
Texas A&M University-Texarkana	History	MS	10	10	12	2021	✓		
West Texas A&M University	Social Sciences	BA BS	10	5	6	2023	--		
West Texas A&M University	Art	BA BS	23	24	24	2017	✓		
West Texas A&M University	Studio Art	MFA	12	12	10	2017	✓		
Texas State University System									
Lamar State College-Orange	Physical Therapist Assistant	AAS	0	0	0	2023	--		
Lamar University	Environmental Studies	MS	5	4	5	2017	✓		
Lamar University	Advertising	BBA	10	11	7	2017	✓		
Lamar University	Biochemistry	BA	11	13	16	2019	✓		

Low-Producing Programs Identified for Three or More Consecutive Years				Review Year			Recommendation For Action	
Academic Year 2023 Review				AY 21	AY 22	AY 23		
Institution	Program			Graduates Over Five Year Periods			First Year	2024-25 LAR
Texas State University System								
Lamar University	Forensic Chemistry	BS	6	9	8	2019	✓	
Lamar University	Earth Science/Geology	BS	22	18	23	2023	--	
Lamar University	Music-Music Business	BA	0	0	0	2019	✓	
Lamar University	Retail Merchandising	BBA	3	2	3	2017	✓	
Lamar University	History	MA	14	13	11	2017	✓	
Sam Houston State University	Family and Consumer Sciences	MS	5	2	0	2017	NR	
Sam Houston State University	Food Service Management	BA BS	22	19	17	2023	--	
Sam Houston State University	Composite Science	BS	1	4	4	2017	✓	
Sul Ross State University	Industrial Technology	BS	7	13	14	2017	✓	
Sul Ross State University	Spanish	BA	4	5	5	2017	✓	
Sul Ross State University	English	BA	17	17	23	2021	✓	
Sul Ross State University	English	MA	10	5	5	2021	✓	
Sul Ross State University	Theatre	BFA	16	21	22	2017	✓	
Sul Ross State University	Liberal Arts	MA	11	11	8	2023	--	
Sul Ross State University	Mathematics	BS	10	9	9	2017	✓	
Sul Ross State University	Interdisciplinary Studies	BA	1	1	1	2023	--	

Low-Producing Programs Identified for Three or More Consecutive Years			Review Year			Recommendation For Action	
Academic Year 2023 Review			AY 21	AY 22	AY 23		
Institution	Program		Graduates Over Five Year Periods			First Year	2024-25 LAR
Texas State University System							
Sul Ross State University	Chemistry	BS	3	3	3	2017	✓
Sul Ross State University	Psychology	MA	0	0	0	2017	✓
Sul Ross State University	Social Science	BA	3	2	1	2017	✓
Sul Ross State University	Political Science	BA	7	6	7	2017	✓
Sul Ross State University	Political Science	MA	4	3	6	2017	✓
Sul Ross State University	Art	BFA	16	17	20	2017	✓
Sul Ross State University	Art	MA	3	2	3	2017	NR
Sul Ross State University	Music	BM	13	11	9	2017	✓
Sul Ross State University Rio Grande College	Reading	MED	7	8	8	2017	✓
Sul Ross State University Rio Grande College	Biology	BS	19	17	16	2019	✓
Sul Ross State University Rio Grande College	Mathematics	BS	14	17	20	2019	✓
Sul Ross State University Rio Grande College	Interdisciplinary Studies	BS	0	0	0	2023	--
Sul Ross State University Rio Grande College	Social Science	BA	11	13	9	2017	✓

Low-Producing Programs Identified for Three or More Consecutive Years					Review Year			Recommendation For Action	
Academic Year 2023 Review					AY 21	AY 22	AY 23		
Institution	Program		Graduates Over Five Year Periods			First Year	2024-25 LAR		
Texas Tech University System									
Angelo State University	Food Animal Science and Marketing	BS	13	12	13	2023	--		
Midwestern State University	Humanities	BA	10	8	7	2019	✓		
Midwestern State University	Global Studies	BA	20	18	19	2019	✓		
Texas Tech University	Land Use Planning, Management, and Design	PHD	5	3	4	2017	✓		
Texas Tech University	Instructional Technology	EDD	7	9	6	2023	--		
Texas Tech University	Language/Literacy Education	MED	0	0	1	2021	✓		
Texas Tech University	Multidisciplinary Science	BS	19	16	15	2021	✓		
Texas Tech University	Interdisciplinary Arts Studies	BA	5	10	14	2019	NR		
Texas Woman's University System									
Texas Woman's University	School Counseling	MED	0	0	0	2023	--		
Texas Woman's University	Political Science	MA	8	7	8	2023	--		
The University of Texas System									
The University of Texas at Arlington	Public Policy	MPP	10	9	7	2023	--		
The University of Texas at Arlington	Medical Technology	BS	24	23	24	2023	--		

Low-Producing Programs Identified for Three or More Consecutive Years					Review Year			Recommendation For Action	
Academic Year 2023 Review					AY 21	AY 22	AY 23		
Institution	Program				Graduates Over Five Year Periods			First Year	2024-25 LAR
The University of Texas System									
The University of Texas at Austin	Architectural History	MA	2	4	2	2017	✓		
The University of Texas at Austin	European Studies	BA	18	15	15	2021	✓		
The University of Texas at Austin	Italian Studies	BA	12	11	12	2017	✓		
The University of Texas at Austin	Italian Studies	PHD	8	7	5	2023	--		
The University of Texas at Austin	Portuguese	BA	8	4	2	2021	✓		
The University of Texas at Austin	Jewish Studies	BA	5	6	5	2017	✓		
The University of Texas at Austin	Dance	MFA	3	3	6	2017	✓		
The University of Texas at Austin	Composition	BM	9	11	10	2017	✓		
The University of Texas at Austin	Jazz	BM	22	22	23	2017	✓		
The University of Texas at Austin	International Business	BBA	0	0	0	2021	✓		
The University of Texas at Dallas	American Studies	BA	22	16	13	2023	--		
The University of Texas at Dallas	Latin American Studies	MA	4	3	3	2023	--		
The University of Texas at El Paso	Engineering	MS	9	10	7	2023	--		
The University of Texas at El Paso	French	BA	21	14	10	2023	--		
The University of Texas at El Paso	Interdisciplinary Studies	MAIS	13	14	12	2023	--		
The University of Texas at El Paso	Philosophy	MA	11	13	13	2023	--		
The University of Texas at El Paso	Geophysics	BS	1	0	2	2017	NR		

Low-Producing Programs Identified for Three or More Consecutive Years				Review Year			Recommendation For Action	
Academic Year 2023 Review				AY 21	AY 22	AY 23		
Institution	Program			Graduates Over Five Year Periods			First Year	2024-25 LAR
The University of Texas System								
The University of Texas at El Paso	Clinical Psychology	MA	12	11	13	2023	--	
The University of Texas at San Antonio	Mathematics Education	MS	13	12	11	2023	--	
The University of Texas at San Antonio	Art History	MA	9	7	5	2021	✓	
The University of Texas Health Science Center at San Antonio	Dental Hygiene	MS	11	10	10	2023	--	
The University of Texas Health Science Center at San Antonio	Medical Health Physics	MS	1	2	2	2019	✓	
The University of Texas M.D. Anderson Cancer Center	Cytotechnology	BS	10	10	19	2021	✓	
The University of Texas Medical Branch at Galveston	Clinical Science	PHD	3	3	3	2021	✓	
The University of Texas Medical Branch at Galveston	Population Health Sciences	MS	1	0	0	2021	NR	
The University of Texas Permian Basin	Information Systems	BS	22	23	19	2017	✓	

Low-Producing Programs Identified for Three or More Consecutive Years						Review Year			Recommendation For Action	
Academic Year 2023 Review						AY 21	AY 22	AY 23		
Institution	Program					Graduates Over Five Year Periods			First Year	2024-25 LAR
The University of Texas System										
The University of Texas Permian Basin	Spanish	MA	2	6	11	2021	✓			
The University of Texas Permian Basin	Biology	MS	7	7	11	2019	✓			
The University of Texas Permian Basin	Criminal Justice Administration	MS	7	7	13	2021	✓			
The University of Texas Permian Basin	Athletic Training	BS	16	18	17	2021	NR			
The University of Texas Permian Basin	History	MA	8	10	11	2021	✓			
University of Houston System										
University of Houston	Architectural Studies	MA	6	5	5	2023	--			
University of Houston	Engineering Management	MEMGMT	0	6	14	2017	NR			
University of North Texas System										
University of North Texas	English as a Second Language	MA	6	7	7	2023	--			

Committee on Academic Workforce and Success

AGENDA ITEM V-F

Consideration and possible action to appoint members to the ApplyTexas Advisory Committee

RECOMMENDATION: Approval

Background Information

Texas Higher Education Coordinating Board (THECB) staff request appointment of a new member to the ApplyTexas Advisory Committee (ATAC). In accordance with Texas Administrative Code, Title 19, Chapter 1, Subchapter F, Rule 1.128, the ATAC provides the board of the THECB with advice and recommendations regarding the common admission applications and the ApplyTexas System.

The ATAC is composed of individuals representing two- and four-year institutions, both public and private. The committee discusses and votes on changes that may be needed to the state common admission applications for the upcoming academic year. The committee also focuses on additional initiatives to strengthen student participation in and access to higher education. This committee may meet up to four times annually as needed to recommend appropriate changes to the common admission applications and the ApplyTexas System.

Members serve two-year staggered terms. Membership positions are selected from institutions' nominations, considering the type of institution, geographic location, as well as gender composition and college admission experience.

Nominee's current position and highest degree awarded:

Tammy Adams, Associate Vice President of Enrollment/University Registrar,
Texas A&M University-San Antonio
EdD in educational leadership, National American University

Molly Gully, Senior Director Advising Strategy, will be available to answer questions.

Committee on Academic and Workforce Success

AGENDA ITEM V-G

Consideration and possible action to approve receipt of Fiscal Year 2023 Carl D. Perkins Community and Technical Colleges Consolidated Grant of \$41.57 million, which includes a midyear reallocation of \$8.28 million

RECOMMENDATION: Approval

Background Information:

Texas Administrative Code 1.16(b) requires that the board of the Texas Higher Education Coordinating Board (THECB) approve any agreement over \$5 million, inclusive of all amendments.

The Texas Education Agency (TEA) is the designated eligible agency for the state of Texas for receipt of the annual federal allocation of Carl D. Perkins funding under the Strengthening Career and Technical Education for the 21st Century Act of 2019 (Perkins V). TEA is responsible for state administration of Perkins V funds as set forth in Title I, Part B, Section 121(a) of the act.

Title I, Part B, Sec. 121 requires TEA, as the eligible agency, to make in-state allocations of Perkins V funds. The State Board of Education allocates 30% of the state's annual Perkins V allocation to the THECB for administration of postsecondary career and technical funds as permitted under Title I, Part B, Sec. 121(b) of the act.

For state Fiscal Year 2022-2023 under the Carl D. Perkins Community and Technical Colleges Consolidated Grant program, TEA has allocated \$41.57 million to THECB. The amount includes an initial allocation of \$33.29 million and a mid-year reallocation of \$8.28 million of unused state Fiscal Year 2021-2022 Perkins V funds. TEA makes postsecondary funds available to THECB through a grant application process for the initial allocation and mid-year reallocation.

The initial allocation of \$33.29 million is allocated to THECB under into three categories;

Purpose	Amount
Formula (Basic) Grant for noncompetitive distribution to public, two-year colleges consistent with the formula set forth in Title I, Part C, Sec. 132(2) to support postsecondary career and technical education	\$31,401,950
Administration Grant for THECB's administration of postsecondary Perkins funds	\$1,847,173
Nontraditional Grant for activities supporting entry into fields for which individuals of one gender comprise less than 25% of the workforce consistent with Title I, Part B, Sec. 121(a)(1)	\$45,000
Total	\$33,294,123

The \$8.28 million midyear reallocation adds to the \$31.4 million made available for formula distribution to public, two-year colleges for a total Fiscal Year 2022-2023 Perkins V Consolidated allocation of \$41.57 million. Redistribution of the previous year's Perkins funds is required under Title I, Part C, Sec. 133(b)(2) of the act.

Formula funds distributed to colleges must:

1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study;

2) provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals;

3) provide, within career and technical education, the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations;

4) support integration of academic skills into career and technical education programs and programs of study;

5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance established under section 113 of the act; and

6) develop and implement evaluations of the activities carried out with funds awarded, including evaluations necessary to complete the comprehensive needs assessment required under section 134 of the act and the local report required under section 113 of the act.

Additionally, Basic Grants funding must address the goals of the approved Perkins State Plan and the requirements of Public Law 115-224, Title I, Career and Technical Education Assistance to the States.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, will present this item and be available to answer questions.

The Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act of 2019 (Perkins V), requires the U.S. Secretary of Education to allocate Perkins V funds to each state's eligible agency (Title 1, Part A, Section 111.)

The Texas Education Agency (TEA) is the designated eligible agency for the state of Texas. Title 1, Part B, Sec. 121(a) of the act states that TEA is responsible for state administration of Perkins V funds, including:

1. coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for non-traditional fields;
2. consultation with the Governor and appropriate agencies, groups, and individuals including teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, representatives of business (including small businesses), labor organizations, eligible recipients, local program administrators, State and local officials, Indian Tribes or Tribal organizations present in the State, parents, students, and community organizations;
3. convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than 4 times annually; and
4. the adoption of such procedures as the eligible agency considers necessary to--
 - a. implement State level coordination with the activities undertaken by the State boards under section 101 of the Workforce Innovation and Opportunity Act; and
 - b. make available to the one-stop delivery system under section 121 of the Workforce Innovation and Opportunity Act within the State a listing of all school dropout, postsecondary education, and adult programs assisted under this title.

Title I, Part B, Sec. 121(b) provides that TEA may delegate other responsibilities that involve the administration, operation, or supervision of Title I activities to one or more appropriate state agencies. Under this provision, the State Board of Education allocates 30% of the state's annual Perkins V allocation to the Texas Higher Education Coordinating Board (THECB) for administration of postsecondary career and technical funds.

Title I, Part B, Sec. 121 requires TEA, as the eligible agency, to make in-state allocations of Perkins V funds. For state Fiscal Year 2022-2023 under the Carl D. Perkins Community and Technical Colleges Consolidated Grant program, TEA has allocated \$41.57 million to THECB. The amount includes an initial allocation of \$33.29 million and a midyear reallocation of \$8.28 million of unused state Fiscal Year 2021-2022 Perkins V funds. TEA makes postsecondary funds available to THECB through a grant application process for the initial allocation and a requested amendment for the midyear reallocation.

The initial allocation of \$33.29 million is allocated under into three categories;

Purpose	Amount
Formula (Basic) Grant for noncompetitive distribution to public, two-year colleges consistent with the formula set forth in Title I, Part C, Sec. 132(2) to support postsecondary career and technical education	\$31,401,950
Administration Grant for THECB's administration of postsecondary Perkins funds	\$1,847,173
Nontraditional Grant for activities supporting entry into fields for which individuals of one gender comprise less than 25% of the workforce consistent with Title I, Part B, Sec. 121(a)(1)	\$45,000
Total	\$33,294,123

The \$8.28 million midyear reallocation adds to the \$31.4 million made available for formula distributions for a total award of \$41.57 million. Redistribution of the previous year's Perkins funds is required under Title I, Part C, Sec. 133(b)(2) of the act.

Committee on Academic and Workforce Success

AGENDA ITEM V-H

Consideration and possible action to approve receipt of Fiscal Year 2024 Carl D. Perkins Community and Technical Colleges Consolidated Grant funds not to exceed \$40 million and receipt of Fiscal Year 2024 Carl D. Perkins State Leadership Grant funds not to exceed \$5 million

RECOMMENDATION: Approval

Background Information:

Texas Administrative Code 1.16(b) requires the board of the Texas Higher Education Board (THECB) to approve any agreement over \$5 million, inclusive of all amendments.

The Texas Education Agency (TEA) is the designated eligible agency for the state of Texas for receipt of the annual federal allocation of Carl D. Perkins under the Strengthening Career and Technical Education for the 21st Century Act of 2019 (Perkins V). TEA is responsible for state administration of Perkins V funds as set forth in Title I, Part B, Section 121(a) of the act.

The State Board of Education allocates 30% of the state's annual federal Perkins V allocation to the THECB for administration of postsecondary career and technical funds as permitted under Title I, Part B, Sec. 121(b) of the act. The state Perkins V allocation is administered by the Texas Education Agency (TEA).

It is anticipated the TEA will make state Fiscal Year 2023-2024 funds available to the THECB through TEA's annual Carl D. Perkins Community and Technical Colleges Consolidated Grant program and Carl D. Perkins Community and Technical Colleges Leadership Grant. Staff anticipate that TEA will make state Fiscal Year 2023-2024 Consolidated Grant funds available in an amount up to but not exceeding \$40 million and Leadership Grant funds in an amount up to but not exceeding \$5 million.

TEA allocates the Carl D. Perkins Community and Technical Colleges Consolidated Grant program for one year under three categories:

- 1) The Formula (Basic) Grant for noncompetitive distribution to public, two-year colleges consistent with the formula set forth in Title I, Part C, Sec. 132(2) to support postsecondary career and technical education
- 2) The Administration Grant for THECB's administration of postsecondary Perkins funds

AGENDA ITEM V-H

Page 2

- 3) The Nontraditional Grant for activities supporting entry into fields for which individuals of one gender comprise less than 25% of the workforce consistent with Title I, Part B, Sec. 121(a)(1)

The annual Carl D. Perkins Community and Technical Colleges Leadership Grant is allocated for two years.

Title I, Part B, Sec. 112(a) sets forth allowable percentage caps for each allocation category:

Not more than	Allocation Breakout
85%	Formula (Basic) Grant for noncompetitive distribution to public, two-year colleges consistent with the formula set forth in Title I, Part C, Sec. 132(2) to support postsecondary career and technical education
5%	Administration Grant for THECB's administration of postsecondary Perkins funds
10%	Leadership Grant for state leadership activities to improve career and technical education
	Nontraditional Grant for activities supporting entry into fields for which individuals of one gender comprise less than 25% of the workforce consistent with Title I, Part B, Sec. 121(a)(1)

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, will present this item and be available to answer questions.

The Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act of 2019 (Perkins V), requires the U.S. Secretary of Education to allocate Perkins V funds to each state's eligible agency (Title 1, Part A, Section 111 of the act).

The Texas Education Agency (TEA) is the designated eligible agency for the state of Texas. Title 1, Part B, Sec. 121(a) of the act states that TEA is responsible for state administration of Perkins V funds, including:

1. coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for non-traditional fields;
2. consultation with the Governor and appropriate agencies, groups, and individuals including teachers, faculty, specialized instructional support personnel, paraprofessionals, school leaders, authorized public chartering agencies and charter school leaders (consistent with State law), employers, representatives of business (including small businesses), labor organizations, eligible recipients, local program administrators, State and local officials, Indian Tribes or Tribal organizations present in the State, parents, students, and community organizations;
3. convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency's responsibilities under this title, but not less than 4 times annually; and
4. the adoption of such procedures as the eligible agency considers necessary to--
 - a. implement State level coordination with the activities undertaken by the State boards under section 101 of the Workforce Innovation and Opportunity Act; and
 - b. make available to the one-stop delivery system under section 121 of the Workforce Innovation and Opportunity Act within the State a listing of all school dropout, postsecondary education, and adult programs assisted under this title.

Title I, Part B, Sec. 121(b) provides that TEA may delegate other responsibilities that involve the administration, operation, or supervision of Title I activities to one or more appropriate state agencies. Under this provision, the State Board of Education allocates 30% of the state's annual Perkins V allocation to the Texas Higher Education Coordinating Board (THECB) for administration of postsecondary career and technical funds.

TEA makes postsecondary funds available annually to THECB through the Carl D. Perkins Community and Technical Colleges Consolidated Grant program and the Carl D. Perkins Community and Technical Colleges Leadership Grant program. Staff anticipate that TEA will make state Fiscal Year 2023-2024 Consolidated Grant funds available in an amount up to but not exceeding \$40 million and Leadership Grant funds in an amount up to but not exceeding \$5 million.

The Consolidated Grant is allocated for one year under three categories:

- 1) The Formula (Basic) Grant for noncompetitive distribution to public, two-year colleges consistent with the formula set forth in Title I, Part C, Sec. 132(2) to support postsecondary career and technical education
- 2) The Administration Grant for THECB's administration of postsecondary Perkins funds
- 3) The Nontraditional Grant for activities supporting entry into fields for which individuals of one gender comprise less than 25% of the workforce consistent with Title I, Part B, Sec. 121(a)(1)

The annual Leadership Grant is allocated for two years.

Title I, Part B, Sec. 112(a) sets forth allowable percentage caps for each allocation category:

Not more than	Allocation Breakout
85%	Formula (Basic) Grant for noncompetitive distribution to public, two-year colleges consistent with the formula set forth in Title I, Part C, Sec. 132(2) to support postsecondary career and technical education
5%	Administration Grant for THECB's administration of postsecondary Perkins funds
10%	Leadership Grant for state leadership activities to improve career and technical education
	Nontraditional Grant for activities supporting entry into fields for which individuals of one gender comprise less than 25% of the workforce consistent with Title I, Part B, Sec. 121(a)(1)

THECB distributes postsecondary noncompetitive formula funds to colleges for the following required uses:

- 1) Provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study
- 2) Provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals
- 3) Provide within career and technical education the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations
- 4) Support integration of academic skills into career and technical education programs and programs of study

5) Plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance

6) Plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance

THECB adds the state requirement that colleges demonstrate in their local applications how they support Goal 1 of the *Building a Talent Strong Texas* plan, supporting attainment of postsecondary credentials.

Administration funds are deployed for the following purposes as they support THECB's workforce education activities:

- 1) Salaries
- 2) Fringe benefits
- 3) Professional fees and services
- 4) Supplies
- 5) In-state and out-of-state travel
- 6) Other operating expenses

Postsecondary Leadership funds support two competitive grant programs:

- 1) General Perkins State Leadership Grant Program, supporting projects awarded under three competition categories:
 - a. Advancing Building a Talent Strong Texas through Postsecondary Credentials of Value
 - b. Field-Based Innovation, including the Nontraditional Grant
 - c. Funding for one-year continuation of existing Perkins Leadership Grants
- 2) Carl D. Perkins Equitable Access and Opportunity Program (PEAOP), addressing the Perkins V emphasis on the success of career and technical education students who belong to Perkins V's nine special populations categories:
 1. Individuals with disabilities
 2. Individuals from economically disadvantaged families, including low-income youth and adults
 3. Individuals preparing for nontraditional fields
 4. Single parents, including single pregnant women
 5. Out-of-workforce individuals
 6. English learners
 7. Homeless individuals described in Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11434a)
 8. Youth who are in, or have aged out of, the foster care system
 9. Youth with a parent who:

- i. is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and
- ii. is on active duty (as such term is defined in section 101(d)(1) of such title)

The PEAOP competition follows the Texas Evidence-Based Grant-Making Model, developed through participation in the Results for America State and Local Workforce Fellowship, a project led by the Texas Workforce Innovation Council.

Committee on Academic and Workforce Success

AGENDA ITEM V-I

Consideration and possible action to adopt the report to the Legislature regarding reporting of sexual harassment at institutions of higher education, per Texas Education Code, Chapter 51, Subchapters E-2 and E-3

RECOMMENDATION: Approval

Background Information:

The 86th Texas Legislature recognized the need for accurate reporting of certain incidents of sexual harassment, sexual assault, dating violence, or stalking at public and private or independent institutions of higher education through its passage of Senate Bill 212 and House Bill 1735, codified as Texas Education Code, Chapter 51, Subchapters E-2 and E-3. The two subchapters require institutions to submit reports and certify information to the Texas Higher Education Coordinating Board (THECB).

Senate Bill 212, codified as TEC, Chapter 51, Subchapter E-2, requires an employee of a public or private/independent institution of higher education who witnesses or is told about an incident involving sexual harassment, sexual assault, dating violence, or stalking alleged to have been committed by or against a person who was a student enrolled at or an employee of the institution at the time of the incident to report such incidents to the institution's Title IX coordinator. Subchapter E-2 requires the chief executive officers of postsecondary educational institutions to annually certify to the THECB that their institution is in substantial compliance with the subchapter.

House Bill 1735, codified as TEC, Chapter 51, Subchapter E-3, requires institutions to develop a policy on sexual harassment, sexual assault, dating violence, and stalking; allows for electronic reporting of sexual misconduct; provides amnesty for good faith reports; allows victims to request no investigation; provides a disciplinary process for sexual misconduct; addresses student withdrawal or graduation pending disciplinary charges and requests for information from another postsecondary educational institution; requires trauma-informed investigation training; requires at least one memorandum of understanding with local law enforcement, a sexual misconduct advocacy group, or a hospital or medical provider; provides for designation of confidential employees and student advocates; sets confidentiality protections; allows the THECB to assess an administrative penalty for institutional noncompliance; and requires equal access to persons with disabilities.

Subchapters E-2 and E-3 also require the THECB to annually submit to the governor, the lieutenant governor, the speaker of the House of Representatives, and the standing legislative committees with primary jurisdiction over legislation concerning sexual assault at postsecondary educational institutions a report regarding compliance with both subchapters, including a summary of the postsecondary educational institutions found not to be in substantial compliance and any penalties assessed during the calendar year preceding the date of the report.

The report on compliance with Subchapters E-2 and E-3 includes the summary results of compliance monitoring for Academic Year 2021-2022.

Jerel Booker, Assistant Deputy Commissioner for Academic Affairs, will present this item and be available for questions. Mark Poehl, Assistant Commissioner for Internal Audit and Compliance, will also be available for questions.

Committee on Academic and Workforce Success

AGENDA ITEM V-J (1)

Consideration and possible action to approve the request from the University of Houston for a Doctor of Philosophy (PhD) with a major in computer engineering

RECOMMENDATION: Approval, beginning fall 2023

Background Information:

The University of Houston (UH) is seeking approval to offer a Doctor of Philosophy (PhD) in computer engineering. The proposed program would be primarily face-to-face in Houston, Texas. The proposed PhD would require 72 semester credit hours (SCHs) for students entering with a bachelor's degree, and 54 SCHs for students entering with a master's degree.

The categories of computer hardware engineer and computer software engineer were used to evaluate the job outlook for the computer engineering profession. In May 2021, the Bureau of Labor Statistics ranked Texas as the state with the 4th highest employment rate of computer engineers. The Texas Workforce Commission anticipates the state demand for computer hardware engineers to grow 14% from 2020-2030, while the demand for computer software engineers is predicted to grow 36%. Currently, there are four institutions (private and public) in Texas that offer PhD programs in computer engineering with the CIP code 14.0901.00.

The proposed program is a fast-growing discipline that encompasses all areas of computer systems research, development, design, and operation, including both hardware and software components. The curriculum is designed to provide students with an opportunity to obtain rigorous training comparable to other high-quality programs by providing core courses in the computer engineering curriculum and rigorous research experiences.

UH does not anticipate any new hires in the first five years of the proposed program. There is no formal ABET accreditation for graduate engineering programs in the U.S. UH participates in the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) accreditation, and UH anticipates that the proposed program will comply with SACSCOC accreditation standards. The related/supporting Bachelor of Science in computer engineering program at UH is accredited by ABET.

University of Houston (Accountability Peer Group: *Emerging Research*)

<i>Completion Measures</i>		<i>Institution</i>	<i>State</i>
<i>Graduate</i>	Master's 5-Year Graduation Rate	89.8%	77.7%
	Doctoral 10-Year Graduation Rate	77.2%	66.1%
<i>Status of Recently Approved Doctoral Programs</i>	The institution has met its projected enrollments for all new doctoral program(s) approved in the last five years:	Yes	<u>No</u> N/A
	Recently Approved Doctoral Programs:		
	<ul style="list-style-type: none"> • Medicine (MD, 2018) • Communication Disorders and Sciences (PhD, 2018) • Nursing Practice (DNP, 2021) • Business Administration (DBA, 2023) 		
	The institution has met its resource commitments for new doctoral program(s) approved in the last five years:	<u>Yes</u>	No N/A

Proposed Program:

The proposed PhD program would be primarily face-to-face in Houston, TX. The proposed program would require 72 semester credit hours (SCHs) for students entering with a bachelor's degree, and 54 SCHs for students entering with a master's degree. Full-time enrollment is the aim, although UH states they would accommodate part-time students on a case-by-case basis.

The number of required courses in the MS to PhD program can be reduced to two (selected from the core and prescribed electives) for those PhD students who meet the following criteria: 1) earned an MS in electrical engineering (MSEE) non-thesis degree, 2) earned at least two years of relevant industrial experience post master's degree, and 3) the MSEE specialization area is in the same area intended for their PhD research.

The proposed program would prepare graduates for addressing the challenges of the world's technology needs through practices that are environmentally sensitive, socially responsible, ethical, and exceed the evolving expectations of employers in computer-related industries.

The institution has sufficient faculty and support staff in place to begin the proposed program. UH does not anticipate new hires within the first five years of the program.

Existing Programs:

There are three public universities and one independent university offering the Doctor of Philosophy in computer engineering degree program in Texas. **Public Institutions:**

Texas A&M University
The University of Texas at Arlington
The University of Texas at Dallas

Independent Colleges and Universities:

Southern Methodist University

There is no existing program within a 60-minute drive of the proposed program.

<i>Start-Up Projections:</i>	<i>Yr. 1</i>	<i>Yr. 2</i>	<i>Yr. 3</i>	<i>Yr. 4</i>	<i>Yr. 5</i>
<i>Students Enrolled</i>	8	20	34	52	64
<i>Graduates</i>	0	0	0	6	6
<i>Avg. Financial Assistance</i>	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
<i>Students Assisted</i>	8	20	34	52	64
<i>Core Faculty (FTE)</i>	2.0	2.0	2.0	2.0	2.0
<i>Total Costs</i>	\$368,569	\$397,879	\$414,647	\$480,408	\$495,976
<i>Total Funding</i>	\$58,547	\$146,367	\$390,166	\$981,261	\$1,069,081
<i>% From Formula Funding</i>	0	0	36%	61%	51%

Costs and Funding:

Major costs associated with the proposed program would include faculty salaries. The faculty costs would be reallocated from existing resources.

Estimated Five-Year Costs		Estimated Five-Year Funding	
Personnel		Formula Funding (Years 3-5 Only)	\$ 1,342,760
Faculty (New)	\$ 0	Other State Funding	\$ 0
Faculty (Reallocated)	\$ 1,257,347	Reallocated Funds	\$ 0
Program Administration (New)	\$ 278,677	Federal Funding (In-hand only)	\$ 0
Program Administration (Reallocated)	\$ 0	Tuition and Fees	\$ 1,302,663
Graduate Assistants (New)	\$ 0	Other Funding	\$ 0
Graduate Assistants (Reallocated)	\$ 260,202		
Clerical/Staff (New)	\$ 0		
Clerical/Staff (Reallocated)	\$ 146,253		
Student Support (Scholarships)	\$ 0		
Supplies & Materials	\$ 50,000		
Library & IT Resources	\$ 25,000		
Equipment	\$ 40,000		
Facilities	\$ 50,000		
Other (advertising)	\$ 50,000		
Total	\$ 2,157,478	Total	\$ 2,645,422

Major Commitments:

UH does not anticipate any new hires in the first five years of the program. The institution will submit reports in Years 1, 3, and 5 confirming institutional commitments and assessing the progress of program implementation.

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

Online Resume for Legislators and Other Policymakers

UNIVERSITY OF HOUSTON

Location: Houston, Gulf Coast Region

Emerging Research Accountability Peer Group: Texas State Univ, Texas Tech Univ, UT Arlington, UT Dallas, UT El Paso, UT San Antonio, Univ of North Texas

Out-Of-State Peers: University Of Cincinnati-Main Campus, University Of Illinois At Chicago, University Of New Mexico-Main Campus, University Of Oklahoma-Norman Campus, University Of South Carolina-Columbia

Degrees Offered: Bachelor's, Master's, Doctoral, Professional

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment						
Race/Ethnicity	Fall 2016		Fall 2020		Fall 2021	
	Number	Percent	Number	Percent	Number	Percent
White	11,730	26.8%	10,827	23.0%	10,171	21.7%
Hispanic	12,760	29.1%	15,628	33.2%	15,638	33.3%
African American	4,700	10.7%	5,366	11.4%	5,590	11.9%
Asian	9,076	20.7%	10,151	21.6%	10,370	22.1%
International	3,995	9.1%	3,273	7.0%	3,619	7.7%
Other & Unknown	1,513	3.5%	1,815	3.9%	1,583	3.4%
Total	43,774	100.0%	47,060	100.0%	46,971	100.0%
TX First Time Transfers	Number	% of UG	Number	% of UG	Number	% of UG
	3,991	11.5%	3,550	9.3%	3,468	9.2%
Two-Year Institutions	808	2.3%	675	1.8%	661	1.7%
Other Institutions						

Costs				
Average Annual Total Academic Costs for Resident Undergraduate Student Taking 30 SCH				
Fiscal Year	Texas Rates			
	Institution Average	Percent Increase	Peer Group Average	Percent Increase
2017	\$11,078	.0%	\$10,201	.0%
2018	\$11,078	.0%	\$10,443	2.4%
2019	\$10,890	-1.7%	\$10,712	2.6%
2020	\$11,276	3.5%	\$11,011	2.8%
2021	\$11,569	2.6%	\$11,455	4.0%
2022	\$11,870	2.6%	\$11,762	2.7%

Financial Aid						
Fiscal Year	Institution		Peer Group		OOS Peer Group	
	Percent	Avg Amt	Percent	Avg Amt	Percent	Avg Amt
Federal Student Loans						
2019	37%	\$6,582	43%	\$6,780	0%	\$0
2020	0%	\$0	0%	\$0	0%	\$0
Federal, State, Institutional or Other Grants Known by Institutions						
2019	62%	\$7,621	61%	\$8,004	0%	\$0
2020	0%	\$0	0%	\$0	0%	\$0
Federal (Pell) Grants						
2019	41%	\$4,729	38%	\$4,638	0%	\$0
2020	0%	\$0	0%	\$0	0%	\$0

Student Success						
One-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Graduation Rates		
Enter Fall 2015		Enter Fall 2019	Enter Fall 2020	Cohort	Institution Rate	Peer Group Rate
Cohort	4,010	5,382	4,715	Fall 2012 4-year	32.2%	31.4%
Total	90.6%	90.4%	90.0%	Fall 2016 4-year	41.2%	40.7%
Same	84.6%	85.2%	84.4%	Fall 2017 4-year	45.9%	43.2%
Other	6.0%	5.3%	5.6%	Fall 2011 5-year	50.7%	52.1%
Two-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Fall 2015 5-year	61.0%	59.8%
Enter Fall 2014		Enter Fall 2018	Enter Fall 2019	Fall 2016 5-year	61.7%	60.5%
Institution Persistence				Fall 2010 6-year	58.3%	59.4%
Cohort	3,901	4,904	5,356	Fall 2014 6-year	68.2%	65.3%
Total	86.0%	84.6%	84.4%	Fall 2015 6-year	68.9%	66.7%
Same	75.6%	75.3%	76.1%	National Comparison (IPEDS Definition)		
Other	10.5%	9.2%	8.3%			
Peer Group Persistence				Cohort	Institution Rate	OOS Peers Rate
Cohort	3,964	4,534	4,707	Fall 2011 4-year	20.0%	34.0%
Total	82.3%	82.8%	81.6%	Fall 2015 4-year	33.0%	41.0%
Same	67.3%	70.5%	70.6%	Fall 2010 5-year	42.0%	56.8%
Other	15.0%	12.3%	10.9%	Fall 2014 5-year	54.0%	62.4%
				Fall 2009 6-year	51.0%	62.0%
				Fall 2013 6-year	61.0%	66.2%

Average Number of Fall & Spring Semesters and SCH Attempted for Bachelor's Degree						
Year	Institution Grads	Sem	SCH	Peer Group Average Grads	Sem	SCH
FY 2017	4,793	11.00	142.00	3,929	10.72	139.00
FY 2020	5,951	10.80	139.00	4,658	10.37	135.75
FY 2021	6,491	10.20	138.00	4,850	9.82	134.25

Six-year Graduation & Persistence Rate, Fall 2015		
Student Group	Cohort	Rate
For Students Needing Dev Ed		
Institution	181	64.1%
Peer Group	456	57.2%
For Students NOT Needing Dev Ed		
Institution	3,829	78.6%
Peer Group	3,565	76.9%

*Peer Group data is average for peer group.

Funding						
Source	FY 2016 Amount	Pct of Total	FY 2020 Amount	Pct of Total	FY 2021 Amount	Pct of Total
Appropriated Funds	\$282,553,563	29.1%	\$354,369,242	28.6%	\$303,577,526	23.6%
Federal Funds	\$126,803,264	13.1%	\$192,295,605	15.5%	\$263,368,751	20.4%
Tuition & Fees	\$337,284,686	34.7%	\$367,253,363	29.7%	\$379,222,889	29.4%
Total Revenue	\$970,855,528	100.0%	\$1,238,475,258	100.0%	\$1,288,692,425	100.0%

Online Resume for Prospective Students, Parents and the Public

UNIVERSITY OF HOUSTON

Location: Houston, Gulf Coast Region

Emerging Research Accountability Peer Group: Texas State Univ, Texas Tech Univ, UT Arlington, UT Dallas, UT El Paso, UT San Antonio, Univ of North Texas

Out-Of-State Peers: University Of Cincinnati-Main Campus, University Of Illinois At Chicago, University Of New Mexico-Main Campus, University Of Oklahoma-Norman Campus, University Of South Carolina-Columbia

Degrees Offered: Bachelor's, Master's, Doctoral, Professional

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment		
Race/Ethnicity	Fall 2021	
	Number	Percent
White	10,171	21.7%
Hispanic	15,638	33.3%
African American	5,590	11.9%
Asian	10,370	22.1%
International	3,619	7.7%
Other & Unknown	1,583	3.4%
Total	46,971	100.0%
TX First Time Transfers		
Number	% of UG	
Two-Year Institutions	3,468	9.2%
Other Institutions	661	1.7%

Baccalaureate Success			
Graduation Rate of First-time, Full-time Degree-seeking Students			
Measure	Entering		Rate
	Fall		
4-year Rate Total	2017		45.9%
Same Institution			43.9%
Other Institutions			2.0%
5-year Rate Total	2016		61.7%
Same Institution			56.7%
Other Institutions			5.0%
6-year Rate Total	2015		68.9%
Same Institution			61.8%
Other Institutions			7.1%

[Grad Rates by Ethnicity](#)

1-Year Persistence, Fall 2020	
Total	90.0%
Same	84.4%
Other	5.6%

2-Year Persistence, Fall 2019	
Total	84.4%
Same	76.1%
Other	8.3%

Avg Number SCH for Bachelor's Degree		
FY 2021 Average		
Sem	SCH	
All	10.20	138.00

Degrees Awarded	
Type	FY 2021
Bachelor's	8,840
Master's	1,796
Doctoral	430
Professional	456
Total	11,522

[Degrees by Ethnicity](#)

First-time Licensure or Certification Examination Pass Rate	
FY 2021	
Field	Rate
Law	86.5%
Pharmacy	96.3%
Nursing	%
Engineering	80.2%

*Data for FY 2020

Admissions		
Middle 50% of Test Scores, for First-Time Undergraduates, Fall 2021		
Test Section	ACT	SAT
Composite		
Math	https://nces.ed.gov/	
English		
Critical Reading		

Application for First-time Undergraduate Admission			
Fall 2021			
Race/Ethnicity	Applicants	Accepted	Enrolled
White	4,360	82.8%	24.4%
African American	5,224	58.6%	26.9%
Hispanic	10,360	69.7%	26.3%
Asian	4,879	87.9%	37.5%
International	902	78.2%	14.2%
Other	691	85.2%	27.7%
Total	26,416	73.7%	28.1%

Costs					
Average Annual Academic Costs for Resident Undergraduate Student Taking 30 SCH					Annual Costs for Resident Undergraduate Student Taking 30 SCH, FY 2022
Fiscal Year	Institution Average	Percent Increase	Peer Group Average	Percent Increase	
2017	\$11,078	.0%	\$10,076	.0%	Type of Cost
2018	\$11,078	.0%	\$10,352	2.7%	
2019	\$10,890	-1.7%	\$10,687	3.1%	Total Academic Cost
2020	\$11,276	3.4%	\$10,974	2.6%	On-campus Room & Board
2021	\$11,569	2.5%	\$11,439	4.1%	Books & Supplies
2022	\$11,870	2.5%	\$11,747	2.6%	Off-Campus Transportation & Personal Expenses
					Total Cost
					\$27,249

[Rates of Tuition per SCH](#)

[Mandatory Fees](#)

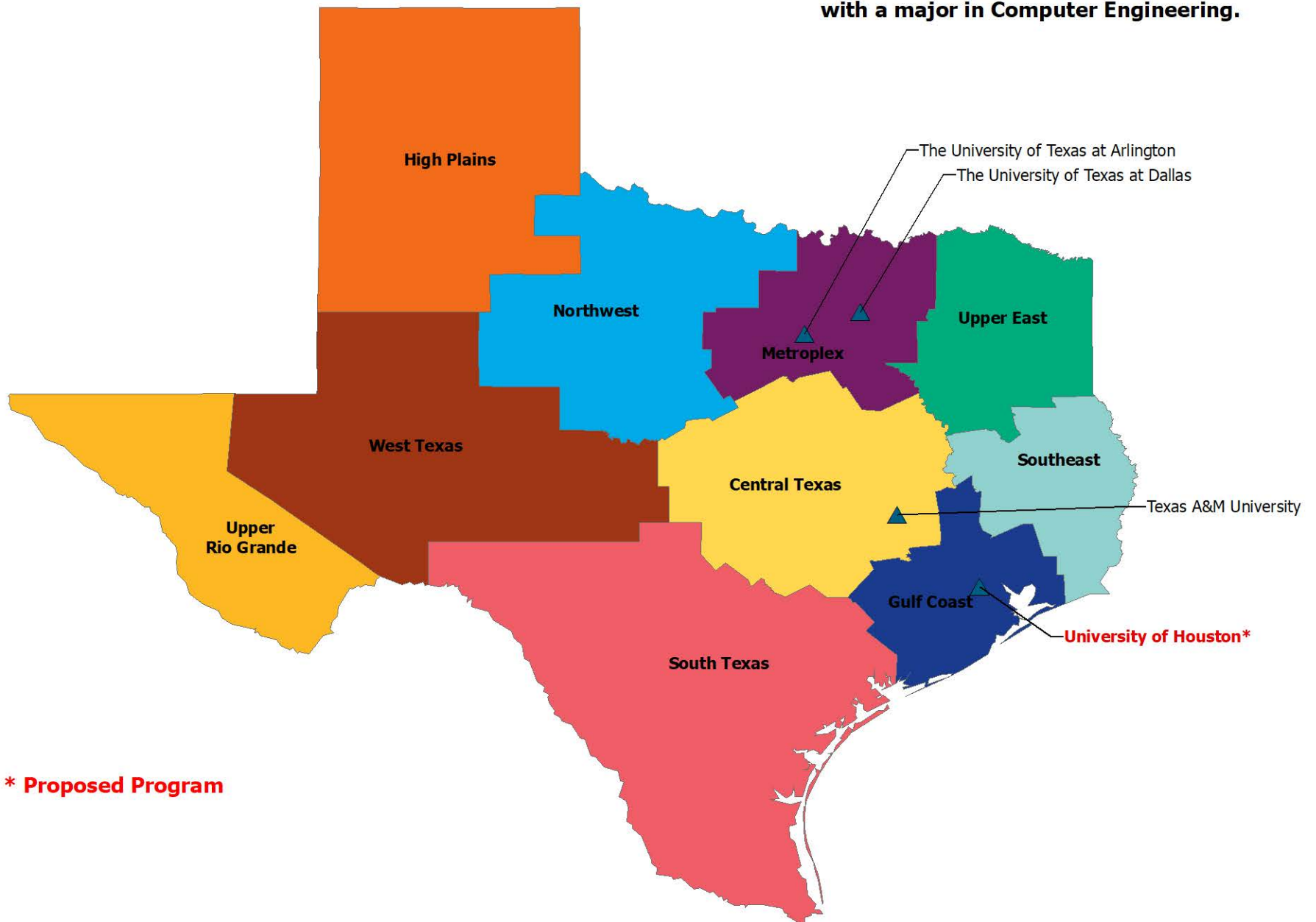
Instruction		
Measure of Excellence	Fall 2021	
Undergraduate Classes with < 20 Students	23.7%	
Undergraduate Classes with > 50 Students	23.8%	
% of Teaching Faculty Tenured/Tenure-track *	59.9%	
Student/Faculty Ratio *	24:1	

Financial Aid		
Enrolled in FY 2020		
Type of Aid	% of UGs Receiving	Average Amount
Grants or Scholarships	0%	\$0
Federal (Pell) Grants	0%	\$0
Federal Student Loans	0%	\$0

Funding		
Source	FY 2021 Amount	Pct of Total
Appropriated Funds	\$303,577,526	23.6%
Federal Funds	\$263,368,751	20.4%
Tuition & Fees	\$379,222,889	29.4%
Total Revenue	\$1,288,692,425	100.0%

* Fall 2020 Data

**Proposal for a Doctor of Philosophy (PhD) degree
with a major in Computer Engineering.**



*** Proposed Program**

Committee on Academic and Workforce Success

AGENDA ITEM V-J (2)

Consideration and possible action to approve the request from The University of Texas at San Antonio for a Doctor of Philosophy (PhD) with a major in chemical engineering

RECOMMENDATION: Approval, beginning fall 2023

Background Information:

The University of Texas at San Antonio (UTSA) is seeking approval to offer a Doctor of Philosophy (PhD) in chemical engineering. The proposed program would be face-to-face in San Antonio, Texas. Students would be allowed to enter the program upon completion of a bachelor's degree. These students would be required to take 72 semester credits hours to graduate. The UTSA Graduate School would allow 30 credit hours to be transferred from an accredited master's program. Based on these requirements, students entering with a master's degree would be required to complete a minimum of 42 credit hours.

The Texas Workforce Commission (TWC) indicates chemical engineering positions will experience a 25.22% increase for the decade 2020-2030, creating around 504 jobs each year due to growth and replacement. In the Alamo region, where UTSA is located, there is a projected increase of 20.65% with 12 jobs. Currently, there are six institutions (private and public) in Texas that offer PhD programs in chemical engineering with the CIP code 14.0701.00.

The proposed program would allow graduates of this research-intensive program to develop skills in chemical engineering and other disciplines that would enable them to apply innovative engineering research to solve problems across traditional scientific boundaries and lead careers in industry, academia, or governmental research laboratories. The curriculum proposed is multidisciplinary with courses identified across science and engineering to support the programs. The structure enables a flexible curriculum that is consistent with current best practices in the field.

In accordance with the institution's proposed hiring schedule, UTSA would hire two additional core faculty members. One additional core faculty member would be hired in the first year, and one in the second year of the program. The proposed chemical engineering program will not seek ABET accreditation since ABET accreditation is primarily for undergraduate programs.

The University of Texas at San Antonio (Accountability Peer Group: *Emerging Research*)

<i>Completion Measures</i>		<i>Institution</i>	<i>State</i>
<i>Graduate</i>	Master's 5-Year Graduation Rate	100%	77.7%
	Doctoral 10-Year Graduation Rate	100%	66.1%
<i>Status of Recently Approved Doctoral Programs</i>	The institution has met its projected enrollments for all new doctoral program(s) approved in the last five years: Yes <u>No</u> N/A		
	Recently Approved Doctoral Programs: <ul style="list-style-type: none"> • Civil Engineering (PhD, 2018) • Molecular Biology and Immunology (PhD, 2022) • School Psychology (PhD, 2022) 		
	The institution has met its resource commitments for new doctoral program(s) approved in the last five years: <u>Yes</u> No N/A		

Proposed Program:

The proposed program would be face-to-face in San Antonio, Texas. Students would be allowed to enter the program upon completion of a bachelor's degree. These students would be required to take 72 semester credits hours to graduate. The UTSA Graduate School would allow 30 credit hours to be transferred from an accredited master's program. Based on these requirements, students entering with a master's degree would be required to complete a minimum of 42 credit hours. The proposed face-to-face program would prepare students 1) to be leaders in chemical engineering industries and academia through strong academic preparation and 2) to solve current engineering grand challenges through performance of independent and interdisciplinary state-of-the-art research in the areas of health, energy, materials, and the environment.

The institution has sufficient faculty and support staff in place to begin the proposed program. UTSA would hire two additional core faculty for year one and two of the program.

Existing Programs:

There are five public universities and one independent university offering Doctor of Philosophy in chemical engineering degree programs in Texas.

Public Institutions:

Lamar University
 Texas A&M University
 Texas Tech University
 The University of Texas at Austin
 University of Houston

Independent Colleges and Universities:

Rice University

There is no existing program within a 60-minute drive of the proposed program.

<i>Start-Up Projections:</i>	<i>Yr. 1</i>	<i>Yr. 2</i>	<i>Yr. 3</i>	<i>Yr. 4</i>	<i>Yr. 5</i>
<i>Students Enrolled</i>	7	13	19	23	24
<i>Graduates</i>	0	0	2	5	5
<i>Avg. Financial Assistance</i>	\$480,000	\$760,000	\$1,040,000	\$1,160,000	\$1,160,000
<i>Students Assisted</i>	7	11	19	21	21
<i>Core Faculty (FTE)</i>	10	11	11	11	11
<i>Total Costs</i>	\$1,120,779	\$1,373,951	\$1,454,123	\$1,254,123	\$1,254,123
<i>Total Funding</i>	\$1,080,656	\$1,390,009	\$1,543,066	\$1,380,784	\$1,382,586
<i>% From Formula Funding</i>	0%	0%	0%	0%	0%

Costs and Funding:

Major costs associated with the proposed program would include faculty and staff salaries. The faculty costs would be reallocated from existing resources.

Estimated Five-Year Costs		Estimated Five-Year Funding	
Personnel		Formula Funding (Years 3-5 Only)	\$ 167,005
Faculty (New)	\$ 0	Other State Funding	\$ 400,000
Faculty (Reallocated)	\$ 4,470,099	Reallocated Funds	\$ 5,082,099
Program Administration (New)	\$ 0	Federal Funding (In-hand only)	\$ 0
Program Administration (Reallocated)	\$ 60,750	Tuition and Fees	\$ 617,997
Graduate Assistants (New)	\$ 950,000	Other Funding (Institutional Enhancement)	\$ 510,000
Graduate Assistants (Reallocated)	\$ 450,000		
Clerical/Staff (New)	\$ 0		
Clerical/Staff (Reallocated)	\$ 101,250		
Student Support (Scholarships)	\$ 0		
Supplies & Materials	\$ 25,000		
Library & IT Resources	\$ 0		
Equipment	\$ 0		
Facilities	\$ 0		
Other	\$ 400,000		
Total	\$ 6,457,099	Total	\$ 6,777,101

Major Commitments:

In accordance with the institution's proposed hiring schedule, UTSA would hire two additional core faculty members. One additional core faculty member would be hired in the first year, and one in the second year of the program.

The institution will submit reports in Years 1, 3, and 5 confirming institutional commitments and assessing the progress of program implementation.

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

Online Resume for Legislators and Other Policymakers

THE UNIVERSITY OF TEXAS AT SAN ANTONIO

Location: San Antonio, South Texas Region

Emerging Research Accountability Peer Group: Texas State Univ, Texas Tech Univ, UT Arlington, UT Dallas, UT El Paso, Univ of Houston, Univ of North Texas

Out-Of-State Peers: Florida Atlantic University-Boca Raton, Georgia State University, University Of Central Florida, University Of New Mexico-Main Campus, University Of Oklahoma-Norman Campus

Degrees Offered: Bachelor's, Master's, Doctoral

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment						
Race/Ethnicity	Fall 2016		Fall 2020		Fall 2021	
	Number	Percent	Number	Percent	Number	Percent
White	7,447	25.7%	7,638	22.2%	7,381	21.6%
Hispanic	14,896	51.4%	19,635	57.1%	19,693	57.6%
African American	2,886	10.0%	3,326	9.7%	3,325	9.7%
Asian	1,573	5.4%	1,941	5.6%	1,924	5.6%
International	1,166	4.0%	926	2.7%	955	2.8%
Other & Unknown	991	3.4%	936	2.7%	899	2.6%
Total	28,959	100.0%	34,402	100.0%	34,177	100.0%
TX First Time Transfers	Number	% of UG	Number	% of UG	Number	% of UG
	1,847	7.6%	2,312	7.9%	2,147	7.4%
Two-Year Institutions	493	2.0%	561	1.9%	556	1.9%
Other Institutions						

Costs				
Average Annual Total Academic Costs for Resident Undergraduate Student Taking 30 SCH				
Fiscal Year	Texas Rates			
	Institution Average	Percent Increase	Peer Group Average	Percent Increase
2017	\$9,677	.0%	\$10,201	.0%
2018	\$10,013	3.5%	\$10,443	2.4%
2019	\$9,978	-3%	\$10,712	2.6%
2020	\$9,724	-2.5%	\$11,011	2.8%
2021	\$10,600	9.0%	\$11,455	4.0%
2022	\$10,966	3.5%	\$11,762	2.7%

Financial Aid						
Fiscal Year	Institution		Peer Group		OOS Peer Group	
	Percent	Avg Amt	Percent	Avg Amt	Percent	Avg Amt
Federal Student Loans						
2019	49%	\$6,331	43%	\$6,780	0%	\$0
2020	0%	\$0	0%	\$0	0%	\$0
Federal, State, Institutional or Other Grants Known by Institutions						
2019	78%	\$6,658	61%	\$8,004	0%	\$0
2020	0%	\$0	0%	\$0	0%	\$0
Federal (Pell) Grants						
2019	44%	\$4,428	38%	\$4,638	0%	\$0
2020	0%	\$0	0%	\$0	0%	\$0

Student Success						
One-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Graduation Rates		
		Enter Fall 2015	Enter Fall 2019	Enter Fall 2020	Cohort	Peer Group
Cohort		4,898	4,342	4,498	Fall 2012 4-year	31.4%
Total		87.9%	89.6%	85.0%	Fall 2016 4-year	40.7%
Same		70.7%	77.4%	77.6%	Fall 2017 4-year	43.2%
Other		17.3%	12.2%	7.4%	Fall 2011 5-year	52.1%
Two-Year Persistence of First-time, Full-time, Degree Seeking Undergraduates				Fall 2015 5-year	59.8%	
		Enter Fall 2014	Enter Fall 2018	Enter Fall 2019	Fall 2016 5-year	60.5%
Institution Persistence				Fall 2010 6-year	59.4%	
Cohort				Fall 2014 6-year	65.3%	
Total				Fall 2015 6-year	66.7%	
Same				National Comparison (IPEDS Definition)		
Other				Cohort	Institution Rate	OOS Peers Rate
Peer Group Persistence				Fall 2011 4-year	11.0%	27.4%
Cohort				Fall 2015 4-year	22.0%	34.4%
Total				Fall 2010 5-year	26.0%	49.8%
Same				Fall 2014 5-year	37.0%	54.6%
Other				Fall 2009 6-year	31.0%	57.2%
Peer Group Persistence				Fall 2013 6-year	42.0%	60.0%
Cohort						
Total						
Same						
Other						

Average Number of Fall & Spring Semesters and SCH Attempted for Bachelor's Degree						
Year	Institution			Peer Group Average		
	Grads	Sem	SCH	Grads	Sem	SCH
FY 2017	3,466	10.40	139.00	3,929	10.72	139.00
FY 2020	4,536	10.00	133.00	4,658	10.37	135.75
FY 2021	4,868	9.80	132.00	4,850	9.82	134.25

Six-year Graduation & Persistence Rate, Fall 2015		
Student Group	Cohort	Rate
<i>For Students Needing Dev Ed</i>		
Institution	413	53.5%
Peer Group	456	57.2%
<i>For Students NOT Needing Dev Ed</i>		
Institution	4,485	76.1%
Peer Group	3,565	76.9%

*Peer Group data is average for peer group.

Funding						
Source	FY 2016 Amount	Pct of Total	FY 2020 Amount	Pct of Total	FY 2021 Amount	Pct of Total
Appropriated Funds	\$143,038,740	33.6%	\$171,517,169	30.4%	\$162,176,413	22.3%
Federal Funds	\$85,787,936	20.1%	\$131,831,406	23.4%	\$200,914,830	27.7%
Tuition & Fees	\$161,739,981	37.9%	\$203,601,417	36.1%	\$228,192,154	31.4%
Total Revenue	\$426,304,861	100.0%	\$564,371,844	100.0%	\$725,771,430	100.0%

Online Resume for Prospective Students, Parents and the Public

THE UNIVERSITY OF TEXAS AT SAN ANTONIO

Location: San Antonio, South Texas Region

Emerging Research Accountability Peer Group: Texas State Univ, Texas Tech Univ, UT Arlington, UT Dallas, UT El Paso, Univ of Houston, Univ of North Texas

Out-Of-State Peers: Florida Atlantic University-Boca Raton, Georgia State University, University Of Central Florida, University Of New Mexico-Main Campus, University Of Oklahoma-Norman Campus

Degrees Offered: Bachelor's, Master's, Doctoral

[Institutional Resumes](#)

[Accountability System](#)

[Definitions](#)

[Institution Home Page](#)

Enrollment		
Race/Ethnicity	Fall 2021	
	Number	Percent
White	7,381	21.6%
Hispanic	19,693	57.6%
African American	3,325	9.7%
Asian	1,924	5.6%
International	955	2.8%
Other & Unknown	899	2.6%
Total	34,177	100.0%
TX First Time Transfers		
Number	% of UG	
Two-Year Institutions	2,147	7.4%
Other Institutions	556	1.9%

Baccalaureate Success			
Graduation Rate of First-time, Full-time Degree-seeking Students			
Measure	Entering		Rate
	Fall		
4-year Rate Total	2017		39.2%
Same Institution			31.9%
Other Institutions			7.3%
5-year Rate Total	2016		60.2%
Same Institution			48.7%
Other Institutions			11.6%
6-year Rate Total	2015		66.4%
Same Institution			50.8%
Other Institutions			15.6%

[Grad Rates by Ethnicity](#)

1-Year Persistence, Fall 2020	
Total	85.0%
Same	77.6%
Other	7.4%
2-Year Persistence, Fall 2019	
Total	80.1%
Same	64.5%
Other	15.7%

Avg Number SCH for Bachelor's Degree		
FY 2021 Average		
Sem	SCH	
All	9.80	132.00

Degrees Awarded	
Type	FY 2021
Bachelor's	6,308
Master's	1,320
Doctoral	109
Professional	0
Total	7,737

[Degrees by Ethnicity](#)

First-time Licensure or Certification Examination Pass Rate	
Field	FY 2021 Rate
Law	%
Pharmacy	%
Nursing	%
Engineering	69.3%

*Data for FY 2020

Admissions		
Middle 50% of Test Scores, for First-Time Undergraduates, Fall 2021		
Test Section	ACT	SAT
Composite		
Math		
English		
Critical Reading		

<https://nces.ed.gov/>

Application for First-time Undergraduate Admission Fall 2021			
Race/Ethnicity	Applicants	Accepted	Enrolled
White	3,661	91.5%	31.7%
African American	2,427	84.4%	26.9%
Hispanic	13,285	90.8%	27.0%
Asian	1,640	94.5%	27.6%
International	244	93.9%	26.2%
Other	542	92.1%	29.5%
Total	21,799	90.5%	27.9%

Costs					
Average Annual Academic Costs for Resident Undergraduate Student Taking 30 SCH					Annual Costs for Resident Undergraduate Student Taking 30 SCH, FY 2022
Fiscal Year	Institution Average	Percent Increase	Peer Group Average	Percent Increase	
2017	\$9,677	.0%	\$10,276	.0%	Type of Cost
2018	\$10,013	3.4%	\$10,504	2.2%	
2019	\$9,978	-.4%	\$10,817	2.9%	Total Academic Cost
2020	\$9,724	-2.6%	\$11,195	3.4%	On-campus Room & Board
2021	\$10,600	8.3%	\$11,578	3.3%	Books & Supplies
2022	\$10,966	3.3%	\$11,876	2.5%	Off-Campus Transportation & Personal Expenses
					Total Cost
					\$27,684

[Rates of Tuition per SCH](#)
[Mandatory Fees](#)

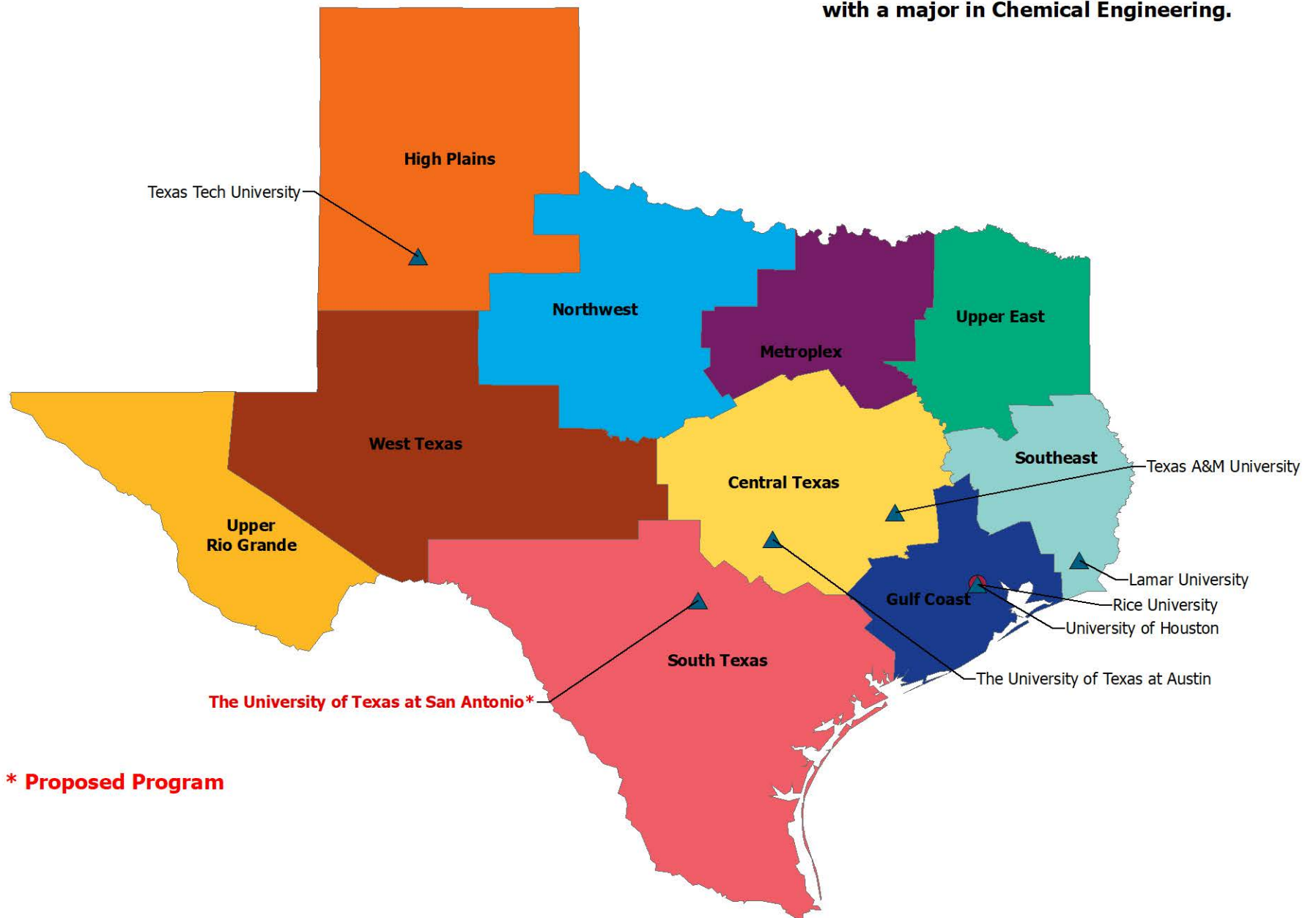
Instruction		
Measure of Excellence	Fall 2021	
Undergraduate Classes with < 20 Students	22.4%	
Undergraduate Classes with > 50 Students	29.6%	
% of Teaching Faculty Tenured/Tenure-track *	57.3%	
Student/Faculty Ratio *	26:1	

Financial Aid		
Enrolled in FY 2020		
Type of Aid	% of UGs Receiving	Average Amount
Grants or Scholarships	0%	\$0
Federal (Pell) Grants	0%	\$0
Federal Student Loans	0%	\$0

Funding		
Source	FY 2021 Amount	Pct of Total
Appropriated Funds	\$162,176,413	22.3%
Federal Funds	\$200,914,830	27.7%
Tuition & Fees	\$228,192,154	31.4%
Total Revenue	\$725,771,430	100.0%

* Fall 2020 Data

**Proposal for a Doctor of Philosophy (PhD) degree
with a major in Chemical Engineering.**



*** Proposed Program**

Committee on Academic and Workforce Success

AGENDA ITEM V-L (1)

Consideration and possible action to adopt proposed amendments to Board Rules 1.188 and 1.190, concerning the Learning Technology Advisory Committee

RECOMMENDATION: Adoption

Background Information:

The Texas Higher Education Coordinating Board (THECB) proposes amendments to Texas Administrative Code (TAC), Title 19, Part 1, Chapter 1, Subchapter O, Rules 1.188 and 1.190, concerning the Learning Technology Advisory Committee (LTAC). Specifically, the amendments extend the abolishment date of LTAC for four more years and amend the charge of LTAC to be in line with proposed new rules in TAC, Title 19, Chapter 2, Subchapter J, Sections 2.200-2.207, concerning approval of distance education for public institutions.

Texas Education Code 61.026 authorizes THECB to appoint advisory committees as considered necessary. The amendments are proposed under the Texas Government Code, Chapter 2110, Section 2110.008, which requires THECB by rule to provide for a new abolishment date for advisory committees to continue in existence. Texas Education Code 61.0512(g) provides THECB with the authority to approve distance learning courses at institutions of higher education.

LTAC is charged with engaging in substantive policy research regarding the role that learning technology plays in Texas higher education and providing advice and recommendations to the board of the THECB. The proposed amendment to Ch. 1, Subchapter O will extend the abolishment date of the LTAC from April 27, 2023, to April 27, 2028, and bring the charge of LTAC in line with proposed new rules in Subchapter J, Sections 2.200-2.207.

Dr. Michelle Singh, Assistant Commissioner for the Division of Digital Learning, will present this item and be available to answer questions.

Date published in the *Texas Register*: January 27, 2023

The 30-day comment period with the *Texas Register* ended on February 26, 2023.

Summary of comments received: No comments were received regarding this rule.

CHAPTER 1 – AGENCY ADMINISTRATION

SUBCHAPTER O – LEARNING TECHNOLOGY ADVISORY COMMITTEE

1.185. – 1.187. No change.

1.188. Duration

The committee shall be abolished no later than April 27, 2028 ~~[October 31, 2025]~~ in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

1.189. No change.

1.190. Tasks Assigned to the Committee

Tasks assigned to the committee include:

(1) Analysis of the current state of distance education in Texas higher education including the use of various distance education modalities, the cost of distance education, the availability of high need and high demand degree programs through distance education, institutional fee structures associated with distance education, the role of technology in instructional cost effectiveness ~~[-, duplication of distance education programs]~~, and public/private distance education collaborations;

(2) Development of policy recommendations to the Board on critical issues such as:

(A) The development of distance education institutional collaboratives;

(B) The development of affordable ~~[shared]~~ electronic course resources and learning materials, including open educational resources, textbooks and other digital learning objects;

(C) Best practices in the evaluation of distance education, including review and update of the Principles of Good Practice for Distance Education;

(D) The role of online and hybrid education in offering accessible and affordable degree programs;

(E) Partnerships between community colleges and universities that leverage technology to increase the number of degree completion options available to students;

(F) Ways to creatively and innovatively use technology to change the way in which higher education is offered; and

(G) Ways to creatively and innovatively use technology to increase student retention and success through programs such as just-in-time, on-demand academic support services.

(3) Review and provide recommendations on Institutional Plans for Distance Education ~~[of all distance education doctoral proposals]~~ to promote ~~[ensure]~~ the development and delivery of high-quality ~~[high-quality]~~ programs.

1.191. No change.

Committee on Academic and Workforce Success

AGENDA ITEM V-L (2)

Consideration and possible action to adopt proposed amendments to Board Rules 2.3 and 2.9, concerning revisions and modifications to an approved program

RECOMMENDATION: Adoption

Background Information:

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code (TAC), Title 19, Part 1, Chapter 2, Subchapter A, Rule 2.3, concerning definitions necessary for establishing a revised approval process for associate degrees; and rule 2.9, concerning modifications/revisions of a degree program.

This rulemaking amends the definitions necessary for establishing a revised approval process for associate degrees and clarifies how institutions report changes in a program's modality of delivery, specifically stating that institutions should notify the Texas Higher Education Coordinating Board of intent to offer a program through the distance education modality.

The Learning Technology Advisory Committee (LTAC) is charged with engaging in substantive policy research regarding the role that learning technology plays in Texas higher education and providing advice and recommendations to the Board. LTAC recommends the proposed amendments.

Ms. Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, and Dr. Michelle Singh, Assistant Commissioner for Digital Learning, will present this item and are available to answer questions.

Rule 2.3 published in the Texas Register: December 16th, 2022

The 30-day comment period with the Texas Register ended on February 15th, 2023.

Rule 2.9 published in the Texas Register: January 27th, 2023

The 30-day comment period with the Texas Register ended on February 26th, 2023.

No comments were received regarding these rules.

CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER A. GENERAL PROVISIONS

- 2.3. Definitions
- 2.9. Revisions and Modifications to an Approved Program

2.3. Definitions

The following words and terms, when used in this subchapter, shall have the following meanings:

(1) 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 (A.A.), Associate of Science (A.S.), or Associate of Arts in Teaching (A.A.T.) degrees. ~~[Administrative Unit--A department, college, school, or other unit at an institution of higher education, which has administrative authority over degree or certificate programs.]~~

(2) Academic Course Guide Manual (ACGM)--The manual that provides the official list of approved courses for general academic transfer to public universities offered for funding by public community, state, and technical colleges in Texas.

(3) Academic Program or Programs--A type of credential primarily consisting of course content intended to prepare students for study at the bachelor's degree or higher.

(4) Administrative Unit--A department, college, school, or other unit at an institution of higher education, which has administrative authority over degree or certificate programs.

(5) 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 (A.A.A.) or Associate of Applied Science (A.A.S.).

(6)~~(4)~~ Applied Baccalaureate Degree Program--Builds on an Associate of Applied Science (A.A.S.) degree, combined with enough additional core curriculum courses and upper-level college courses to meet the minimum semester credit hour requirements for a bachelor's degree. The degree program is designed to grow professional management skills of the learner and meet the demand for leadership of highly technical professionals in the workplace. May be called a Bachelor of Applied Arts and Science (B.A.A.S.), Bachelor of Applied Technology (B.A.T.) or Bachelor of Applied Science (B.A.S.).

(7)~~(5)~~ Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(8)~~(6)~~ Board Staff--Staff of the Texas Higher Education Coordinating Board who perform the Texas Higher Education Coordinating Board's administrative functions and services.

(9)~~(7)~~ Career Technical/Workforce Program--An applied associate degree program or a certificate program for which semester credit hours, quarter credit hours, or continuing education units are awarded, and which is intended to prepare students for immediate employment or a job upgrade in a specific occupation.

(10)~~(8)~~ Certificate program--Unless otherwise specified in these rules for the purpose of this chapter, certificate means a grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle the student to a certificate or documentary evidence, other than a degree, of completion of a course of study at the postsecondary level. Under this chapter, certificate includes a post-baccalaureate certificate, and excludes an associate degree unless otherwise provided.

(11)~~(9)~~ CIP Codes--See "Texas Classification of Instructional Programs (CIP) Coding System."

(12)~~(10)~~ Commissioner--The Commissioner of Higher Education.

(13)~~(11)~~ Contact hour--A time unit of instruction used by community, technical, and state colleges consisting of 60 minutes, of which 50 minutes must be direct instruction.

(14)~~(12)~~ Continuing Education Unit (CEU)--Basic unit for continuing education courses. One continuing education unit (CEU) is 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

(15)~~(13)~~ Credential--A grouping of subject matter courses or demonstrated mastery of specified content which entitle a student to documentary evidence of completion. This term encompasses certificate programs, degree programs, and other kinds of formal recognitions such as short-term workforce credentials or a combination thereof.

(16)~~(14)~~ Degree Program--Any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle that student to an associate's, bachelor's, master's, doctoral, or professional degree.

(17)~~(15)~~ Degree Title--Name of the degree and discipline under which one or more degree programs may be offered. A degree title usually consists of the degree designation (e.g., Bachelor of Science, Master of Arts) and the discipline specialty (e.g., History, Psychology).

(18)~~(16)~~ Doctoral Degree--An academic degree beyond the level of a master's degree that typically represents the highest level of formal study or research in a given field.

(19)~~(17)~~ Embedded Credential--A course of study enabling a student to earn a credential that is wholly embedded within a degree program.

(20)~~(18)~~ Field of Study Curriculum--A set of courses that will satisfy lower-division requirements for an academic major at a general academic teaching institution, as defined in chapter 4, subchapter B, §4.23(7) of this title (relating to Definitions).

(21)~~(19)~~ Master's Degree Program--The first graduate level degree, intermediate between a Baccalaureate degree program and Doctoral degree program.

(22)~~(20)~~ New Content--As determined by the institution, content that the institution does not currently offer at the same instructional level as the proposed program. A program with sufficient new content to constitute a 'significant departure' from existing offerings under 34 CFR §602.22(a)(1)(ii)(C) meets the 50% new content threshold.

(23)~~(21)~~ Pilot Institution--Public junior colleges initially authorized to offer baccalaureate degrees through the pilot initiative established by SB 286 (78R - 2003). Specifically, the four pilot institutions are Midland College, South Texas College, Brazosport College, and Tyler Junior College.

(24)~~(22)~~ Planning Notification--Formal notification that an institution intends to develop a plan and submit a degree program proposal or otherwise notify the Board of intent to offer a new degree program.

(25)~~(23)~~ Professional Degree--Certain degree programs that prepare students for a career as a practitioner in a particular profession, including certain credential types that are required for professional licensure. For the purpose of this chapter, the term refers specifically to the following degrees: Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Podiatric Medicine (D.P.M.), Doctor of Veterinary Medicine (D.V.M.) and Juris Doctor (J.D.).

(26)~~(24)~~ Program Inventory--The official list of all degree and certificate programs offered by a public community college, university, or health-related institution, as maintained by Board Staff.

(27)~~(25)~~ Public Health-Related Institution--Public health-related institutions that are supported by state funds.

(28)~~(26)~~ Public Junior College--A public institution of higher education as defined in Tex. Educ. Code §61.003(2).

(29)~~(27)~~ Public Two-year College--Any public junior college, public community college, public technical institute, or public state college as defined in Tex. Educ. Code §61.003(16).

(30)~~(28)~~ Public University--A general academic teaching institution as defined by Tex. Educ. Code §61.003(3).

(31)~~[(29)]~~ Semester Credit Hour, or Credit Hour--A unit of measure of instruction consisting of 60 minutes, of which 50 minutes must be direct instruction, over a 15-week period in a semester system or a 10-week period in a quarter system.

(32)~~[(30)]~~ Texas Classification of Instructional Programs (CIP) Coding System--The Texas adaptation of the federal Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics and used nationally to classify instructional programs and report educational data. The 8-digit CIP codes define the authorized teaching field of the specified program, based upon the occupation(s) for which the program is designed to prepare its graduates.

(33)~~[(31)]~~ Texas Core Curriculum--Curriculum required at each institution of higher education students are required to complete as required by 19 TAC §4.23(3).

(34)~~[(32)]~~ Texas Success Initiative (TSI)--A comprehensive program of assessment, advising, developmental education, and other strategies to ensure college readiness. The TSI Assessment that shall be the sole assessment instrument as specified in 19 TAC §4.56. The passing standards for the authorized TSI Assessment are established in 19 TAC §4.57.

(35)~~[(33)]~~ Tracks of Study--Specialized areas of study within a single degree program.

(36)~~[(34)]~~ Transcriptable Minor--A transcriptable minor is a group of courses around a specific subject matter marked on the student's transcript. The student must declare a minor for the minor to be included on the student's transcript. The student cannot declare a minor without also being enrolled in a major course of study as part of a baccalaureate degree program.

(37)~~[(35)]~~ Workforce Education Course Guide Manual (WECM)--An online database composed of the Board's official statewide inventory of career technical/workforce education courses available for two-year public colleges to use in certificate and associate degree programs.

<Rule>

2.1.-2.8. No change.

2.9. Revisions and Modifications to an Approved Program.

(a) Substantive revisions and modifications that materially alter the nature of the program, physical location, or modality of delivery, as determined by the Assistant Commissioner, include, but are not limited to:

(1) Closing the program in one location and moving it to a second location~~Changing the location of the program~~; and

(2) Changing the funding from self-supported to formula-funded or vice versa.

(b) For a program that initially required Board Approval beginning as of September 1, 2023, and doctoral and professional programs approved by the Board on or before September 1, 2023, any substantive revision or modification to that program will require Board Approval under §2.4 of this subchapter. For all other programs, including programs that initially required Board Approval prior to September 1, 2023, any substantive revision or modification will require Assistant Commissioner Approval under §2.4(a)(2) of this subchapter.

(c) Non-substantive revisions and modifications that do not materially alter the nature of the program, location, or modality of delivery, as determined by the Assistant Commissioner, include, but are not limited to:

(1) Increasing the number of semester credit hours of a program for reasons other than a change in programmatic accreditation requirements;

(2) Consolidating a program with one or more existing programs;

(3) Offering a program in an off-campus face-to-face format~~[Changing the modality of the program]~~;

(4) Altering any condition listed in the program approval notification;

(5) Changing the CIP Code of the program;

(6) Increasing the number of semester credit hours if the increase is due to a change in programmatic accreditation requirements;

(7) Reducing the number of semester credit hours, so long as the reduction does not reduce the number of required hours below the minimum requirements of the institutional accreditor, program accreditors, and licensing bodies, if applicable;

(8) Changing the Degree Title or Designation; and

(9) Other non-substantive revisions that do not materially alter the nature of the program, location, or modality of delivery, as determined by the Assistant Commissioner.

(d) The non-substantive revisions and modifications in subsection (c)(1) - (5) of this section are subject to Assistant Commissioner Approval Regular Review under §2.4 of this subchapter. All other non-substantive revisions and modifications are subject to Assistant Commissioner Approval Expedited Review under §2.4(a)(2)(B) of this subchapter.

(e) The following program revisions or modifications require Notification Only under §2.4(1) of this subchapter:

(1)~~(e)~~ Public universities and public health-related institutions must notify the Coordinating Board of changes to administrative units, including creation, consolidation, or closure of an administrative unit. Coordinating Board Staff will update the institution's Program Inventory pursuant to this notification.

(2) All institutions must notify the Coordinating Board of the intent to offer an approved program through distance education following the procedures in §2.206 of this chapter (relating to Distant Education Degree or Certificate Program Notification).

2.10.-2.11. No change.

Committee on Academic and Workforce Success

AGENDA ITEM V-L (3)

Consideration and possible action to adopt new Board Rules 2.200-2.207, concerning approval of distance education for public institutions

RECOMMENDATION: Adoption

Background Information:

The Learning Technology Advisory Committee (LTAC) is charged with engaging in substantive policy research regarding the role that learning technology plays in Texas higher education and providing advice and recommendations to the board of the Texas Higher Education Coordinating Board (THECB). LTAC recommends the adoption of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 2, Subchapter J, Sections 2.200-2.207, which applies to the approval of distance education for public institutions. Adoption of this new section will amend definitions of distance education courses and programs and revise the approval process for public institutions seeking to offer distance education.

Texas Education Code, Section 61.0512(g), provides the THECB with the authority to approve distance learning courses at institutions of higher education.

Dr. Michelle Singh, Assistant Commissioner for the Division of Digital Learning, will present this item and be available to answer questions.

Date published in the *Texas Register*: January 27, 2023

The 30-day comment period with the *Texas Register* ended on February 26, 2023.

Summary of comments received: No comments were received regarding this rule.

CHAPTER 2 – ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER J – APPROVAL OF DISTANCE EDUCATION FOR PUBLIC INSTITUTIONS

2.200. Purpose.

This subchapter establishes rules for all public institutions of higher education in Texas regarding the delivery of distance education. The rules are designed to provide Texas residents with access to courses and programs that meet their needs and to promote course and program quality.

2.201. Authority.

Authority for this subchapter is provided by Texas Education Code §61.0512(g), which provides the Board with the authority to approve distance education offered for credit.

2.202. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. The definitions in 19 TAC, Chapter 2, Subchapter A, §2.3, apply for this subchapter unless a more specific definition for the same term is indicated in this rule.

(1) Credit course--A college-level course that, if successfully completed, can be applied toward the number of courses required for achieving an academic or workforce degree, diploma, certificate, or other formal award.

(2) Distance Education--The formal educational process that occurs when students and instructors are in separate physical locations for the majority (more than 50 percent) of instruction.

(3) Distance Education Course--A course in which a majority (more than 50 percent) of the instruction occurs when the student(s) and instructor(s) are in separate physical locations. The definition of distance education course does not include courses with 50 percent or less instruction when the student(s) and instructor(s) are in separate physical locations. Two categories of distance education courses are defined:

(A) 100-Percent Online Course--A distance education course in which 100 percent of instructional activity takes place when the student(s) and instructor(s) are in separate physical locations. Requirements for on-campus or in-person orientation, testing, academic support services, internships/fieldwork, or other non-instructional activities do not exclude a course from this category.

(B) Hybrid Course--A distance education course in which more than 50 percent but less than 100 percent of instructional activity takes place when the student(s) and instructor(s) are in separate physical locations.

(4) Distance Education Degree or Certificate Program--A program in which a student may complete a majority (more than 50 percent) of the credit hours required for the program through distance education courses. The definition of a Distance Education Degree or Certificate Program does not include programs in which 50 percent or less of the required credit hours are offered through distance education. Two categories of distance education programs are defined:

(A) 100-Percent Online Program--A degree program in which students complete 100 percent of the credit hours required for the program through 100-Percent Online Courses. Requirements for on-campus or in-person orientation, testing, academic support services, internships/fieldwork, or other non-instructional activities do not exclude a program from this category.

(B) Hybrid Program--A degree program in which students complete 50 percent or more and less than 100 percent of the credit hours required for the program through Distance Education Courses.

(5) Institutional Accreditor--A federally recognized institutional accreditor approved by the Department of Education under 20 U.S.C. §1099b.

(6) Institutional Plan for Distance Education ("Plan" or "IPDE")--A plan that an institution must submit for Coordinating Board approval prior to offering a distance education program for the first time. Each institution shall periodically update its plan on a schedule as specified in §2.205 of this subchapter.

(7) Principles of Good Practice for Distance Education--Standards and criteria for distance education delivered by Texas public institutions. This document is reviewed and adopted by the Board every three years in accordance with §2.204 of this subchapter. This document is also known as "Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered at a Distance."

2.203. Applicability of Subchapter

(a) This subchapter applies to an institution that seeks to offer one or more Credit Courses as defined in §2.202(1) of this subchapter via distance education.

(b) This subchapter does not apply to an institution that seeks to offer non-credit courses, including non-credit continuing education, via distance education. An institution offering only non-credit course(s) via distance education is not required to obtain approval under this subchapter regardless whether the course is otherwise eligible for funding.

(c) This subchapter applies only to determination of whether an institution is authorized to offer course(s) via distance education and does not govern the course eligibility for

funding. The agency shall determine whether a course is eligible for funding based on the applicable statutes and rules in the Texas Administrative Code.

2.204. Distance Education Standards and Criteria; the Principles of Good Practice for Distance Education.

The following provisions apply to all institutions covered under this subchapter, unless otherwise specified:

(1) Principles of Good Practice for Distance Education. The Coordinating Board will adopt standards and criteria for Distance Education in the Principles of Good Practice for Distance Education. An institution's Institutional Plan for Distance Education ("Plan" or "IPDE") shall conform to the Principles of Good Practice for Distance Education in effect at the time the institution submits the Plan, as described in §2.205 of this subchapter.

(A) Content of the Principles of Good Practice for Distance Education. The Principles of Good Practice for Education will contain a list of criteria necessary for the institution to demonstrate provision of high-quality distance education. These criteria may include provisions relating to:

(i) Institutional Context and Commitment;

(ii) Curriculum and Instruction;

(iii) Faculty;

(iv) Evaluation and Assessment;

(v) Facilities and Finances; and

(vi) Adherence to Federal Requirements.

(B) Process to Adopt the Principles of Good Practice for Distance Education. Board Staff will present the Principles of Good Practice for Distance Education to the Board for adoption no less than every three years. In revising the Principles of Good Practice, Board Staff may consider input from the Learning Technology Advisory Committee and best practice standards developed by external bodies, including institutional accreditors.

(2) Institutions offering or seeking to offer distance education programs shall comply with:

(A) Principles and policies of their institutional accreditor.

(B) Procedures governing the approval of distance education programs.

(C) Standards outlined in Principles of Good Practice for Distance Education.

(D) Data reporting associated with distance education offerings as required by the Commissioner.

2.205. Institutional Plan for Distance Education.

(a) Each institution shall submit an Institutional Plan for Distance Education ("IPDE") containing evidence of the institution's compliance with the mandatory Principles of Good Practice for Distance Education to the Coordinating Board prior to delivering any distance education programs for the first time. Board Staff will develop the IPDE form based on the standards and criteria contained in the Principles of Good Practice.

(b) The Coordinating Board authorizes an institution to offer distance education courses under Texas Education Code §61.0512(g) upon approving an institution's IPDE in good standing or if the institution is on provisional status pending final approval of their IPDE. An institution may receive formula funding for distance education courses under Chapter 13, Subchapter O, of this title. An institution shall notify the Coordinating Board of intent to offer new Distance Education Degree or Certificate Programs under §2.206 of this subchapter.

(c) Institutional academic and administrative policies shall reflect a commitment to maintain the quality of distance education courses and programs in accordance with the provisions of this subchapter. An IPDE shall conform to the Principles of Good Practice for Distance Education in effect at the time the institution submits the Plan.

(d) Process to Review and Approve IPDEs.

(1) IPDE Due Dates.

(A) Initial Approval. Each institution of higher education shall assess its distance education in accordance with the Principles of Good Practice for Distance Education. Institutions must report results of that assessment in an IPDE to Board Staff prior to seeking approval to offer distance education programs or certificates.

(B) Renewal. Each public institution of higher education shall assess its distance education on an ongoing basis in accordance with the Principles of Good Practice for Distance Education. Institutions must report results of that assessment in an updated IPDE to Board Staff by the earlier of the following deadlines:

(i) no later than one year after receiving final disposition of the institution's comprehensive renewal of accreditation report from their institutional accreditor as required by 34 CFR §602.19, or

(ii) no later than ten years after the approval of their last IPDE to the Coordinating Board.

(C) An institution may submit a request to the Commissioner for an extension of this due date of no more than two years. The Commissioner may approve this request only if the institution demonstrates good cause, e.g., the institutional accreditor has postponed the institution's renewal of accreditation cycle beyond the ten-year period.

(2) Initial Board Staff Review. Board Staff must review IPDEs for completeness and may request additional information from the institution upon determining the submitted IPDE is incomplete. Upon receipt of a completed IPDE, Board Staff must review the submission and make the following determination:

(A) Institutions Accredited by the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC"). Board Staff must determine whether the institution's IPDE has met SACSCOC policy and procedure standards related to the delivery of distance education during the prior renewal of accreditation cycle. Board Staff must forward the IPDE for Learning Technology Advisory Committee ("LTAC") review of the IPDE's adherence to the Principles of Good Practice for Distance Education under subsection (d)(3) of this section.

(B) Institutions Accredited by an Institutional Accreditor Other Than SACSCOC. Board Staff must forward the IPDE for LTAC review of the IPDE's adherence to the Principles of Good Standards for Distance Education under subsection (d)(3) of this section.

(C) Resubmitted IPDEs. If the IPDE is a resubmission that was previously denied by the Commissioner under subsection (d)(4)(B) of this section or by the Board under subsection (d)(4)(B)(ii)(II) of this section Board Staff must forward the resubmitted IPDE to LTAC review of the IPDE's adherence to the Principles of Good Standards for Distance Education under subsection (d)(3) of this section.

(3) Learning Technology Advisory Committee Review. LTAC must review and issue a recommendation as to the adherence of an IPDE to the Principles of Good Practice for Distance Education for the Board. LTAC may conduct this review using the following process:

(A) LTAC may assign each IPDE to a subcommittee chaired by LTAC members and comprised of other LTAC members and/or distance education experts who volunteer to serve in this capacity.

(B) The LTAC subcommittee assigned to review updated Institutional Plans shall review those Plans for alignment with the Principles of Good Practice. The LTAC subcommittee may ask questions and consult with the submitting institution to make this determination.

(i) If the LTAC subcommittee reviews and finds an IPDE in alignment with the PGP, the subcommittee shall issue a recommendation to LTAC that the institution be approved to offer distance education.

(ii) If the LTAC subcommittee finds an Institutional Plan is not aligned with the PGP, the subcommittee will identify areas of misalignment, provide feedback for improvement, make suggestions for the content of a remediation letter, and submit these recommendations to LTAC.

(C) LTAC may review and approve the recommendations of the LTAC subcommittee and submit these recommendations to Board Staff. Board Staff will submit these recommendations to the Commissioner for Commissioner Review under subsection (d)(4) of this section.

(4) Commissioner Review and Approval. The Commissioner has discretion to approve or deny an IPDE.

(A) Approval. If the Commissioner approves the IPDE, the institution's IPDE will be filed in good standing with the Coordinating Board. The Commissioner will send a notification to the institution of this decision.

(B) Denial. If the Commissioner denies the IPDE, the Commissioner will send an institution a remediation letter containing a notification of this decision. The remediation letter may contain the recommendations for improvement compiled by the LTAC subcommittee under subsection (d)(3)(B)(ii) of this section. The institution may then take one of two actions:

(i) Resubmission. The institution must resubmit the revised IPDE to Board Staff under subsection (d)(2) of this section no earlier than one year after the date of the letter containing Commissioner's notification of denial. The institution will remain on provisional status until final approval of the IPDE.

(ii) Appeal. The institution may appeal the Commissioner's decision to the Board. The Commissioner may issue a recommendation for approval or denial to the Board. The Board has final authority to appeal or deny the institution's IPDE.

(I) Approval. If the Board approves the IPDE, the institution's IPDE will be filed in good standing with the Coordinating Board.

(II) Denial and Resubmission. If the Board denies the institution's IPDE, the institution must resubmit the revised IPDE to Board Staff under subsection (d)(2) of this section no earlier than one year after the Board's decision. The institution will remain on provisional status until final approval of the IPDE.

2.206. Distance Education Degree or Certificate Program Notification.

The following provisions apply to all programs covered under this subchapter, unless otherwise specified:

(1) Board Staff must maintain an accurate inventory of Distance Education Degree or Certificate Programs in the Distance Education Program Inventory.

(2) To offer an existing certificate or degree through the Distance Education modality, an institution must notify Board Staff of intent to offer an approved degree or certificate program through the Distance Education modality. To submit this notification, the institution must certify that it has an Institutional Plan for Distance Education in good standing and compliance with §2.204(b) of this subchapter. Board Staff will update the institution's Distance Education Program Inventory.

(3) To offer a new certificate or degree, an institution should follow the program approval request rules laid out in the appropriate subchapter of this chapter and indicate its intent to deliver the new program through Distance Education on the program request form. To offer a new certificate or degree through Distance Education, the institution must certify that it has an Institutional Plan for Distance Education in good standing and compliance with §2.204(b) of this subchapter. Board Staff will update the institution's Distance Education Program Inventory upon the program's final approval.

(4) If an institution intends to cease offering an approved program via Distance Education modality, the institution must notify Board Staff. If an institution intends to phase out an approved degree or certificate program completely, the institution must follow the process in Chapter 2, Subchapter H of this title (relating to Phasing Out Degree and Certificate Programs). Board Staff will update the institutions Distance Education Program Inventory.

2.207. Effective Date of Rules.

The effective date of this subchapter is December 1, 2023. Each institution must submit an Institutional Plan for Distance Education ("IPDE") in accordance with this subchapter on or after that date by the due dates set out in §2.205(d)(1) of this subchapter. IPDEs currently on file as of December 1, 2023, will remain filed in good standing until the first due date under §2.205(d)(1). Learning Technology Advisory Committee shall cease conducting reviews and make recommendations regarding distance education doctoral program proposals under 19 TAC §1.190(3) upon final adoption of this subchapter. An institution is not required to submit a request for review under 19 TAC §1.190(3) upon final adoption of this subchapter.

Committee on Academic and Workforce Success

AGENDA ITEM V-L (4)

Consideration and possible action to adopt proposed amendments to Board Rule 3.19 to implement the penalty matrix for failure to meet substantial compliance under Texas Education Code, Chapter 51, Subchapters E-2 and E-3

RECOMMENDATION: Adoption

Background Information:

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to the Texas Administrative Code, Title 19, Part 1, Chapter 3, Subchapter A, Rule 3.19, concerning compliance with requirements for certain incidents of sexual harassment, sexual assault, dating violence, or stalking reporting. Specifically, this amendment will add a matrix to determine the amount of the administrative penalty, with mitigating and aggravating facts; set the due date for compliance certification; set a schedule for risk-based compliance monitoring; and provide for appeal of assessed penalties.

The current rule only specifies the statutory maximum for an administrative penalty. Adding a matrix provides clarity and guidance to Coordinating Board staff and affected institutions. Texas Education Code (TEC), Chapter 51, Sections 51.259 and 51.295, allow the Coordinating Board to adopt rules as necessary to implement and enforce TEC Chapter 51, Subchapters E-2 and E-3. The Coordinating Board used negotiated rulemaking procedures in developing the revisions. Rule 3.19(a), Compliance, adds the specific due date for each postsecondary educational institution to annually certify in writing to the Coordinating Board that it is in substantial compliance with TEC, Chapter 51, Subchapter E-2. This revision adds clarity to the reporting requirement. The statutory requirement only specified annual certification. The rules initially specified a month. To ensure all postsecondary educational institutions have the same understanding of the due date, a specific date was added. This date was chosen for the Coordinating Board to fulfill its obligation to report on substantial compliance of postsecondary educational institutions during the preceding calendar year.

Jerel Booker, Assistant Deputy Commissioner for Academic Affairs, will present this item and be available to answer questions.

Date published in the *Texas Register*: February 3, 2023

The 30-day comment period with the *Texas Register* ended on: March 5, 2023.

No comments were received regarding this rule.

CHAPTER 3:
 RULES APPLYING TO ALL PUBLIC AND PRIVATE OR INDEPENDENT INSTITUTIONS OF
 HIGHER EDUCATION IN TEXAS REGARDING ELECTRONIC REPORTING OPTION FOR CERTAIN
 OFFENSES; AMNESTY

SUBCHAPTER A:
 REQUIREMENTS FOR CERTAIN INCIDENTS OF SEXUAL HARASSMENT, SEXUAL ASSAULT,
 DATING VIOLENCE, OR STALKING AT CERTAIN PUBLIC AND PRIVATE INSTITUTIONS OF
 HIGHER EDUCATION; AUTHORIZING ADMINISTRATIVE PENALTIES

Section 3.19 Compliance.

(a) The chief executive officer of each postsecondary educational institution shall annually certify in writing to the Coordinating Board, not later than [in] October 31 of each year, that the institution is in substantial compliance with Texas Education Code, Chapter 51, Subchapter E-2. The Coordinating Board shall make available to institutions a required template for the certification which satisfies the requirements of this section.

(b) In addition to annually reviewing the reporting under Texas Education Code §51.258 and §3.19, the Coordinating Board shall conduct risk-based compliance monitoring of Texas Education Code, Chapter 51, Subchapters E-2 and E-3. The Coordinating Board will determine the basis for reviews based on risk factors such as time since last review, stakeholder feedback, prior findings or complaints, and other factors. The Coordinating Board shall make available to the institutions a report template which satisfies the requirements of this section.

(c) [(b)] If the Coordinating Board determines that a postsecondary educational institution is not in substantial compliance with Texas Education Code, Chapter 51, Subchapters E-2 effective [on or after] January 1, 2020, [and] or Subchapter E-3 effective [on or after] August 1, 2020, the Coordinating Board may assess an administrative penalty against the institution in an amount not to exceed \$2 million annually. Compliance errors committed by an institution or system that are in substantial compliance with Subchapters E-2 and E-3 will not result in a penalty. The Coordinating Board will not find an institution is out of substantial compliance with the provisions in Subchapter E-2 and Subchapter E-3 based on a determination that the Coordinating Board would have taken different action after an independent evaluation of evidence.

(d) In evaluating whether an institution or system is in substantial compliance in accordance with §3.3 of this title (relating to Definitions), the Coordinating Board will determine the institution's or system's good faith effort by evaluating the following factors:

- (1) The nature and seriousness of the compliance error;
- (2) The extent to which the institution complied with the statutory requirements and to what extent it did not;

- (3) The number of any institutional compliance errors;
- (4) Whether the institution had actual notice of the error;
- (5) Whether the institution made any effort to rectify any compliance errors or agrees to rectify any violations going forward;
- (6) The extent to which the institution has relevant policies and/or practices;
- (7) The institution's intent;
- (8) Severity of the error's effect;
- (9) Any previous compliance errors of a similar kind and the time lapse since those error(s);
- (10) Institutional efforts to prevent compliance errors, including the extent to which the institution provided training to employees and/or acted after learning about the error;
- (11) The explanation for the cause of the compliance error, including a good-faith mistake; a differing, reasonable interpretation of the law; a conflict between two provisions, or a conflict with another legal or governmental requirement (such as Title IX regulations or a mandatory report to the National Institutes of Health);
- (12) Any prevention and/or response efforts of the institution, made in good faith, to address a possible compliance error;
- (13) The degree of cooperation of the institution with the Coordinating Board in remedying a potential compliance error; and
- (14) Any other fact or circumstance as justice may require.

(e) [(c)] A postsecondary educational Institution's failure to timely and accurately file the certification of substantial compliance with Texas Education Code §51.258 and Subsection (a) not later than October 31 of each year shall result in a penalty of \$2,000 per day of violation. [If the Coordinating Board assesses an administrative penalty against a postsecondary educational institution under Subsection (b), the Coordinating Board shall provide to the institution written notice of the Coordinating Board's reasons for assessing the penalty.]

(1) A postsecondary educational institution may cure a violation under this subsection by filing its report not later than November 30 of the year the report was due.

(2) If the postsecondary educational institution cures the violation as provided in this subsection, the Coordinating Board shall not assess a penalty.

(3) If the postsecondary educational Institution fails to cure the violation as provided in this subsection, the Coordinating Board shall assess the full penalty owed under this subsection beginning in November of the year the report was due.

(4) If a postsecondary educational institution files good faith correction to a previously filed certification of substantial compliance within a reasonable time of discovering an unintentional error, not later than February 1 following the due date of the report, the Coordinating Board shall not assess a penalty.

(f) The Coordinating Board may assess an administrative penalty, up to a total of \$2 million annually, if a postsecondary educational Institution has failed to maintain substantial compliance with Texas Education Code, Chapter 51, Subchapter E-2 or E-3.

(1) In determining the total penalty to assess, the Coordinating Board shall consider the number of students at the institution, the penalty matrix in this section, apply mitigating and aggravating factors, and any other factor justice may require. Mitigating factors may result in a reduction of the administrative penalty. Aggravating factors may result in an increased administrative penalty, up to \$2 million annually.

(2) Penalty Matrix. Potential annual penalty amounts are shown in Figure 1

(Attached Graphic)

Figure 19 TAC §3.19(f)(2)

Potential Annual Penalties under TEC Chapter 51, Subchapter E-2		
<u>Statute and Rule Violations</u>	<u>Institutional Failure to Maintain Substantial Compliance Related to</u>	<u>Potential Annual Penalty</u>
<u>Tex. Educ. Code §51.252; §3.5</u>	<u>Reporting Required for Certain Incidents</u>	<u>\$60,000</u>
<u>Tex. Educ. Code §51.253; §3.6</u>	<u>Administrative Reporting Requirements</u>	<u>\$2,000 per day</u>
<u>Tex. Educ. Code §51.255(c); §3.8</u>	<u>Failure to Report or False Report (Termination)</u>	<u>\$30,000</u>
<u>Tex. Educ. Code §51.256; §3.17</u>	<u>Confidentiality</u>	<u>\$60,000</u>
<u>Tex. Educ. Code §51.257(a); §3.18</u>	<u>Retaliation Prohibited</u>	<u>\$30,000</u>

Potential Annual Penalties under TEC Chapter 51, Subchapter E-3		
<u>Statute and Rule Violations</u>	<u>Institutional Failure to Maintain Substantial Compliance Related to</u>	<u>Potential Annual Penalty</u>
<u>Tex. Educ. Code §51.282; §3.4</u>	<u>Policy Requirements</u>	<u>\$5,000</u>
<u>Tex. Educ. Code §51.282; §3.4</u>	<u>Policy Accessibility</u>	<u>\$5,000</u>

<u>Tex. Educ. Code §51.282; §3.4</u>	<u>Policy Orientation for Students</u>	<u>\$5,000</u>
<u>Tex. Educ. Code §51.282; §3.4</u>	<u>Outreach Program for Students and Employees</u>	<u>\$5,000</u>
<u>Tex. Educ. Code §51.282; §3.4</u>	<u>Policy Review</u>	<u>\$5,000</u>
<u>Tex. Educ. Code §51.283; §3.7</u>	<u>Electronic Reporting Option</u>	<u>\$5,000</u>
<u>Tex. Educ. Code §51.284; §3.5(e)</u>	<u>Amnesty for Students Reporting Certain Incidents</u>	<u>\$30,000</u>
<u>Tex. Educ. Code §51.285; §3.19</u>	<u>Victim Request Not to Investigate</u>	<u>\$5,000</u>
<u>Tex. Educ. Code §51.286; §3.10</u>	<u>Disciplinary Process for Certain Violations</u>	<u>\$30,000</u>
<u>Tex. Educ. Code §51.287; §§3.11, 3.30</u>	<u>Student Withdrawal or Graduation Pending Disciplinary Charges</u>	<u>\$30,000</u>
<u>Tex. Educ. Code §51.288; §3.12</u>	<u>Trauma Informed Investigation Training</u>	<u>\$5,000</u>
<u>Tex. Educ. Code §51.289; §3.13</u>	<u>Memoranda of Understanding Required</u>	<u>\$5,000</u>
<u>Tex. Educ. Code §51.290; §§3.14, 3.15</u>	<u>Responsible and Confidential Employee; Student Advocate</u>	<u>\$30,000</u>
<u>Tex. Educ. Code §51.291; §3.17</u>	<u>Confidentiality</u>	<u>\$60,000</u>
<u>Tex. Educ. Code §51.293; §3.16</u>	<u>Equal Access</u>	<u>\$5,000</u>

(3) Mitigating factors may include:

(A) The inability of the postsecondary educational institution to meet the requirement of law due to:

(i) a disaster declared under Texas Government Code chapter 418;

(ii) a technology failure rendering compliance impossible; or

(iii) a severe medical impairment of a person responsible for compliance with a requirement under Texas Education Code Chapter 51, Subchapters E-2 or E-3; or

(B) Evidence that the postsecondary educational institution properly reported an incident to another state or federal agency with law enforcement or regulatory authority.

(C) Any actual notice to the institution of the compliance error;

(D) Institutional efforts to prevent compliance errors, including the extent to which the institution provided training to employees and/or acted after learning about the error;

(E) The explanation for the cause of the compliance error, including a good-faith mistake; a differing, reasonable interpretation of the law; a conflict between two provisions, or a conflict with another legal or governmental requirement (such as Title IX regulations or a mandatory report to the National Institutes of Health);

(F) The lack of harm to any individual; and

(G) The extent to which the institution or system complied with Subchapters E-2 and E-3.

(4) Aggravating factors shall include:

(A) Harm to an individual caused by, or directly related to, the postsecondary educational institution's violation of law;

(B) Any evidence of a postsecondary educational institution's failure to act on a prior substantially similar complaint;

(C) Any evidence of multiple incidents of similar failures or length of time of failure by the postsecondary institution;

(D) Any evidence that the postsecondary educational institution or its chief executive officer knowingly provided a false certification under Texas Education Code § 51.258(a);

(E) That the postsecondary educational institution attempted to conceal or cause others to conceal information relevant to a determination of violation under Chapter 51, Subchapters E-2 and E-3; and

(F) The extent to which the institution or system failed to comply with Subchapters E-2 and E-3.

[(d) A postsecondary educational institution assessed an administrative penalty under Subsection (b) may appeal the penalty in the manner provided by Chapter 2001, Government Code.]

[(g) [(e)] If the Coordinating Board assesses an administrative penalty against a postsecondary educational institution under Subsection (f) of this section, the Coordinating Board shall provide to the institution written notice of the Coordinating Board's reason for assessing the penalty. [A

postsecondary educational institution may not pay an administrative penalty assessed under Subsection (b) using state or federal money.]

(h) [(f)] A postsecondary educational institution assessed an administrative penalty under Subsection (f) may appeal the penalty in the manner provided by Chapter 2001, Texas Government Code. The Coordinating Board shall enter a final decision and order as to any penalty assessed after a contested case proceeding. [The Coordinating Board shall deposit an administrative penalty collected under this section to the credit of the sexual assault program fund established under Section 420.008, Texas Government Code.]

(i) [(g)] A postsecondary educational institution may not pay an administrative penalty assessed under Subsection (f) using state-appropriated or federal money. [The Coordinating Board shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over legislation concerning sexual assault at postsecondary educational institutions a report regarding compliance with this subchapter, including a summary of the postsecondary educational institutions found not to be in substantial compliance as provided by this section and any penalties assessed under this section during the calendar year preceding the date of the report.]

(j) The Coordinating Board shall deposit an administrative penalty collected under this section to the credit of the sexual assault program fund established under Section 420.008, Texas Government Code.

(k) The Coordinating Board shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislature committees with primary jurisdiction over legislation concerning sexual assault at postsecondary educational institutions a report regarding compliance with this subchapter, including a summary of the postsecondary education institutions found not to be in substantial compliance as provided by this section and any penalties assessed under the section during the calendar year preceding the date of the report.

Committee on Academic and Workforce Success

AGENDA ITEM V-L (5)

Consideration and possible action to adopt proposed amendments to Board Rule 4.279(b), concerning formula funding for out-of-state or out-of-country programs

RECOMMENDATION: Adoption

Background Information:

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter Q, Rule 4.279(b), concerning formula funding for out-of-state or out-of-country programs. Specifically, this amendment will create an exception to allow formula funding for courses that are part of a Texas public community college program located in the same metropolitan area as the college but across a state line dividing the metropolitan area, and at a regional airport that serves Texas residents.

Current Board Rule 4.279(b) prescribes formula funding for courses taught in out-of-state or out-of-country programs. Such programs are presumed to provide no service or benefit to the state or its residents and are generally located in a municipality that is wholly separate from that of the college offering the program. This amendment will provide an exception for courses taught as part of a Texas public community college program offered at a regional airport located no more than five miles across a state line, provided the regional airport is located in the same metropolitan area as the Texas college offering the program, serves Texas residents, and supports the Texas region's economy.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, will present this item and be available to answer questions.

Date published in the *Texas Register*: January 27, 2023

The 30-day comment period with the *Texas Register* ended on: February 26, 2023.

The following comment was received regarding the adoption of the amendment.

Comment: An institution requested that the requirement for institutions to charge fees that are “equal to or greater than Texas resident tuition and fees” be stricken from Section §4.279(f) to allow an institution that is able to cover the total cost of instruction and fees for less than the applicable resident tuition and fee rates may do so in order to compete in the national online marketplace.

AGENDA ITEM V-L (5)

Response: This comment pertains to charges for certain courses not submitted for formula funding, such as self-supporting programs. The rules pertaining to self-supporting programs will be addressed in a future revision of the program approval rules.

CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN
TEXAS
SUBCHAPTER Q. APPROVAL OF OFF-CAMPUS AND SELF-SUPPORTING COURSES AND
PROGRAMS FOR PUBLIC INSTITUTIONS
19 TAC §4.279

§4.279. Formula Funding General Provisions.

- (a) Institutions shall report off-campus courses submitted for formula funding in accordance with the Board's uniform reporting system and the provisions of this subchapter.
- (b) Institutions shall not submit for formula funding courses in out-of-state or out-of-country programs[-], except that a Texas public community college may submit for formula funding courses taught in an approved program offered at a regional airport located no more than five miles across a state line, provided the regional airport:
 - (1) is located in the same Metropolitan Area or Nonmetropolitan Area as promulgated by the United States Office of Management and Budget as the Texas college offering the program;
 - (2) serves Texas residents; and
 - (3) supports the Texas region's economy.
- (c) Institutions shall not submit self-supporting courses for formula funding.
- (d) Institutions shall not submit non-state funded lower-division credit courses to Regional Councils.
- (e) Institutions shall not jeopardize or diminish the status of formula-funded on-campus courses and programs in order to offer self-supporting courses. Self-supporting courses shall not be a substitute for offering a sufficient number of formula-funded on-campus courses.
- (f) For courses not submitted for formula funding, institutions shall charge fees that are equal to or greater than Texas resident tuition and applicable fees, and that are sufficient to cover the total cost of instruction and overhead, including administrative costs, benefits, computers and equipment, and other related costs. Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.

Committee on Academic and Workforce Success

AGENDA ITEM V-L (6)

Consideration and possible action to adopt new Board Rules 13.400-13.408, concerning the TRUE Grant Program

RECOMMENDATION: Approval

Background Information:

The Texas Higher Education Coordinating Board (THECB) proposes adoption of a new subchapter with new rules in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter N, Rules 13.400-13.408, concerning the Texas Reskilling and Upskilling Through Education (TRUE) Grant Program. The new rules implement Senate Bill 1102 (87th Texas Legislature) requirements for the operation of the TRUE Grant Program.

Rule 13.400, Authority, identifies the section of the Texas Education Code that grants the THECB authority over the TRUE Grant Program.

Rule 13.401, Purpose, sets out the purpose of the chapter as a whole, to establish processes for the TRUE Grant Program's organization and implementation.

Rule 13.402, Definitions, lists definitions broadly applicable to all sections of Subchapter N. The definitions establish a common understanding of the meaning of key terms used in the rules.

Rule 13.403, Eligibility, identifies eligible entities that may apply for the TRUE grant as specified by statute. The TRUE Grant Program has three categories of eligible entities: (1) a lower-division institution of higher education; (2) consortium of lower-division institutions of higher education; or (3) local chamber of commerce, trade association, or economic development corporation that partners with a lower-division institution of higher education or a consortium of lower-division institutions of higher education.

Rule 13.404, Application Procedures, identifies TRUE grant application procedures so grant applicants understand high-level requirements and refer to the TRUE Grant Program RFA for specifics. Grant application procedures described include the number of applications eligible entities may submit, the process of submitting applications to the THECB, the importance of adhering to grant program requirements, and the requirement for proper authorization and timely submission of applications.

Rule 13.405, Awards, identifies the size and provision of TRUE grant awards. TRUE Grant Program available funding is dependent on the legislative appropriation for the program for each biennial state budget. Consequently, award levels and estimated number of awards will be specified in the program's RFA. This section also provides reference on the establishment of processes for application approval and award sizes.

Rule 13.406, Review Criteria, provides TRUE grant application review procedures. This section describes how the THECB will utilize specific requirements and award criteria described in a TRUE Grant Program RFA to review applications. Award criteria will include, but may not be limited to, consideration of key factors and preferred application attributes described in the RFA.

Rule 13.407, Reporting Criteria, describes TRUE grant reporting requirements. THECB will request data on TRUE Grant Program funded credential programs as well as data on students enrolled in those programs. Student-level data will enable THECB to track student enrollment, credential completion, and employment data through state education and workforce databases.

Rule 13.408, General Information, indicates general information concerning the cancellation or suspension of TRUE grant solicitations and the use of the Notice of Grant Award (NOGA).

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, will present this item and be available to answer questions.

Date published in the *Texas Register*: January 27, 2023

The 30-day comment period with the *Texas Register* ended on: February 27, 2023.

Summary of comments received:

Comment: One comment received from an institution asked for clarification of Review Criteria (a)(4) concerning representation of institutions from multiple regions of the state.

Response: The Coordinating Board provides criteria (a)(4) as one of the considerations that the Coordinating Board will take into account in reviewing and making grant awards. The rule states that the board will take into consideration projects from eligible entities located in each region of the state to the extent practicable. This means that THECB will take into account the geographic spread of projects across the state when determining grant awards. It does not mean that THECB is requiring applicants to take geography into consideration or that THECB will select an applicant in each region.

Comment: One set of comments received from an institution asked for clarifications and details regarding student aid eligibility, the end date of the funding cycle, actions institutions

might take if students receiving funding do not spend down those funds and deadlines for return of funds to THECB.

Response: This level of specificity regarding program guidelines is incorporated in Requests for Proposals (RFAs). Most of these topics are standard content in an RFA. The Coordinating Board will take into account these specific details in the composition of future RFAs, based on the timing and size of future rounds of the TRUE Grant Program.

CHAPTER 13. FINANCIAL PLANNING
SUBCHAPTER N. TEXAS RESKILLING AND UPSKILLING THROUGH EDUCATION (TRUE)
GRANT PROGRAM
19 TAC §§13.400 - 13.408

§13.400.Purpose.

The purpose of this subchapter is to establish the Texas Reskilling and Upskilling through Education (TRUE) Program to strengthen the Texas workforce and build a stronger Texas economy. Awards will be made to eligible entities for creating, redesigning, or expanding workforce training programs and delivering education and workforce training.

§13.401.Authority.

The authority for this subchapter is found in Texas Education Code, Chapter 61, Subchapter T-2, §§61.882(b)1-886, which provides the board with the authority to administer the TRUE Program in accordance with the subchapter and rules adopted under the subchapter.

§13.402.Definitions.

The following words and terms when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Board or THECB--The Texas Higher Education Coordinating Board.

(2) Commissioner--The Commissioner of Higher Education.

(3) Eligible entity--A lower-division institution of higher education; a consortium of lower-division institutions or higher education; or a local chamber of commerce, trade association, or economic development corporation that partners with a lower-division institution of higher education or a consortium of lower-division institutions of higher education per Texas Education Code §61.881(1).

(4) Lower-Division Institution of Higher Education--A public junior college, public state college, or public technical institute per Texas Education Code §61.881(1).

(5) Necessary information--Data and reporting on student enrollment, credential completion, and employment outcomes for students in TRUE funded programs per Texas Education Code §61.883(a)(6).

(6) Program--The TRUE Grant Program.

(7) Request for Applications (RFA)--A type of solicitation notice in which the THECB announces available grant funding, sets forth the guidelines governing the program, provides evaluation criteria for submitted applications, and provides instructions for eligible entities to submit applications for such funding. The guidelines governing the program may include a Letter of Intent, eligibility requirements, performance expectations, budget guidelines, reporting requirements, and other standards of accountability for this program.

§13.403.Eligibility.

Eligible entities may apply for a grant under the TRUE Grant Program.

§13.404.Grant Application Procedures.

(a) Unless otherwise specified in the RFA, eligible entities may submit a maximum of two applications: one as a single recipient and the other as a member of a consortium.

(b) To qualify for funding consideration, an eligible entity must submit an application to the THECB and each application must:

(1) Be submitted electronically in a format and location specified in the RFA;

(2) Adhere to the grant program requirements contained in the RFA; and

(3) Be submitted with proper authorization on or before the day and time specified by the RFA.

§13.405.Awards.

(a) The amount of funding available to the program is dependent on the legislative appropriation for the program for each biennial state budget. Award levels and estimated number of awards will be specified in the RFA.

(b) TRUE Grant Program awards shall be subject to approval pursuant to 19 Texas Administrative Code §1.16.

(c) The size of award may be adjusted by the Commissioner to best fulfill the purpose of the RFA.

§13.406.Review Criteria.

(a) Applicants shall be selected for funding based on requirements and award criteria provided in the RFA. Award criteria shall at a minimum include consideration of the following key factors:

(1) Projects that lead to postsecondary industry certifications or other workforce credentials required for high-demand occupations;

(2) Projects that are developed and provided in consultation with employers who are hiring in high-demand occupations;

(3) Projects that create pathways to employment for students and learners;

(4) Projects with at least one eligible entity located in each region of the state to the extent practicable;

(5) Projects that ensure that each training program matches regional workforce needs, are supported by a labor market analysis of job postings and employers hiring roles with the skills developed by the program; and do not duplicate existing program offerings except as necessary to accommodate regional demand; and

(6) The evaluation of the application by three or more selected reviewers as determined by THECB staff.

(b) Projects may be given preference that:

(1) Represent a consortium of lower-division institutions of higher education;

(2) Prioritize training to displaced workers;

(3) Offer affordable training programs to students; or

(4) Partner with local chambers of commerce, trade associations, economic development corporations, and local workforce boards to analyze job postings and identify employers hiring roles with the skills developed by the training programs.

§13.407.Reporting Criteria.

(a) Interim and Final Reporting for the TRUE Grant Program. Grantees must file program and expenditure reports and student reports if applicable with THECB during the grant period and at its conclusion as required by the RFA. Grantees shall provide information that includes, but is not limited to, the following:

(1) Characteristics of the credential programs that are being worked on by the project;

(2) Status of the grant project activities;

(3) Budget expenditures by budget category;

(4) Student level data for students receiving financial aid funded by the grant as applicable;

(5) Student enrollment data as applicable; and

(6) Any other information required by the RFA.

(b) Ongoing Data Collection and Reporting for the TRUE Grant Program. Grantees shall submit necessary information concerning student enrollment, credential completion, and employment outcomes for students in TRUE funded programs per Texas Education Code §61.883(a)(6).

(c) THECB will request an updated list of TRUE developed and funded credential programs with required data points from grant holders annually at the end of June of each year following the end of the grant period.

(d) THECB will request a roster with required data points for all students enrolled in the listed credential program or programs funded through TRUE from grant holders annually at the end of June of each year following the end of the grant period.

§13.408.General Information.

(a) Cancellation or Suspension of Grant Solicitations. The Board and Commissioner retain the right to reject all applications and cancel a grant solicitation at any point.

(b) Notice of Grant Award (NOGA). Before release of funds, the successful applicants must sign a NOGA issued by the Board.

Committee on Academic and Workforce Success

AGENDA ITEM V-L (7)

Consideration and possible action to adopt new Board Rules 13.450-13.454, concerning formula funding for distance education

RECOMMENDATION: Adoption

Background Information:

The proposed new rules will move existing distance education rules regarding distance education formula funding from Texas Administrative Code (TAC) , Title 19, Part 1, Chapter 4, Subchapter P to Chapter 13, Subchapter O. The rules are reorganized and recodified without substantive revisions modifying any existing funding policy. The agency is working on moving all funding rules into Chapter 13, Financial Planning, as this chapter of the TAC contains the agency's rules related to formula funding. This change will improve the agency's rule readability and help institutions navigate Title 19, Part 1, of the TAC.

Staff proposes one change to the proposed version of this rule published in the *Texas Register*: striking a duplicative provision in Rule 13.453(7), as it contains wording already included in Rule 13.453(6).

Dr. Michelle Singh, Assistant Commissioner for the Division of Digital Learning, will present this item and be available to answer questions.

Date published in the *Texas Register*: January 27, 2023

The 30-day comment period with the *Texas Register* ended on February 26, 2023.

Summary of comments received: No comments were received regarding this rule.

CHAPTER 13 – FINANCIAL PLANNING

SUBCHAPTER O – FORMULA FUNDING FOR DISTANCE EDUCATION

13.450.Purpose and Scope.

The purpose of this subchapter is to establish the methods for issuing formula funding for instruction delivered via distance education.

13.451.Authority.

Authority for this subchapter is provided by Texas Education Code §61.0512(g), which provides the authority for the Coordinating Board to approve courses for credit and distance education programs, as well as Texas Education Code §61.059, which provides the Coordinating Board the authority to devise formulas to submit as recommendations to the Legislature and the Governor for all institutions of higher education.

13.452.Definitions.

The definitions in this subchapter are contained in Chapter 2, Subchapter J, §2.202 of this title (relating to Definitions).

13.453.Formula Funding for Distance Education - General Provisions.

The following provisions apply to distance education courses and programs offered with authorization under Chapter 2, Subchapter J, of this title (relating to Approval of Distance Education for Public Institutions).

(1) Institutions shall report distance education courses submitted for formula funding in accordance with the Board's uniform reporting system and the provisions of this subchapter.

(2) Institutions may submit for formula funding academic credit courses delivered by distance education to any student located in Texas or to Texas residents located out-of-state or out-of-country.

(3) Institutions, with the exception of those outlined in paragraph (5) of this section, shall not submit for formula funding 100-percent online courses taken by non-resident students who are located out-of-state or out-of-country, courses in out-of-state or out-of-country programs taken by any student, or self-supporting courses.

(4) For courses not submitted for formula funding, institutions shall charge fees that are equal to or greater than Texas resident tuition and applicable fees and that are sufficient to cover the total cost of instruction and overhead, including administrative costs, benefits, computers and equipment, and other related costs. Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.

(5) Pursuant to Texas Education Code §54.231(a) and (f) and §61.059(n), Texas A&M University-Texarkana may submit distance education courses for formula funding that are taken by students enrolled in the university that reside in a county contiguous to the county in which Texas A&M University-Texarkana is located and who, under Texas Education Code §54.060(a), are eligible to pay resident tuition.

(6) If a non-Texas resident student enrolls in regular, on-campus courses for at least one-half of the normal full-time course load as determined by the institution, the institution may report that student's fully distance education or hybrid/blended courses for formula funding enrollments.

~~[(7) If a non-Texas resident student enrolls in regular, on-campus courses for at least one-half of the normal full-time course load as determined by the institution, the institution may report that student's fully distance education or hybrid/blended courses for formula funding enrollments.]~~

13.454.Effective Date.

Each rule under this subchapter applies to distance education delivered on or after December 1, 2023.