

**COMMITTEE ON  
INNOVATION, DATA,  
AND EDUCATIONAL  
ANALYTICS**

**A G E N D A**

1200 East Anderson Lane, Room 1.170  
Austin, Texas

Live broadcast available at: [highered.texas.gov](https://highered.texas.gov)

9:00 A.M., Wednesday, April 27, 2022

*Chair: S. Javaid Anwar*

*Vice Chair: Welcome W. Wilson, Jr.*

*Members: Richard L. Clemmer; Robert P. Gauntt; Fred Farias III, O.D.; R. Sam Torn; Daniel O. Wong*

*Student Representative: Matthew B. Smith (Ex-Officio)*

# COMMITTEE ON INNOVATION, DATA, AND EDUCATIONAL ANALYTICS

## 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 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](https://higher.ed.texas.gov/public-testimony).*

- I. Welcome and committee chair's meeting overview
- II. Consideration and possible action to approve the minutes from the January 26, 2022, meeting of the Committee on Innovation, Data, and Educational Analytics
- III. Public testimony on agenda items relating to the Committee on Innovation, Data, and Educational Analytics
- IV. Consideration and possible action to approve the consent calendar
- V. Matters relating to the Committee on Innovation, Data, and Educational Analytics
  - A. Update on Data Modernization Initiative
  - B. Consideration and possible action to approve the formula advisory committees' recommendations relating to funding formulas for use by the governor and the Legislative Budget Board in making appropriations recommendations to the appropriate legislative committees
  - C. Consideration and possible action to adopt the commissioner's recommendation relating to the annual report about the financial condition of the state's community college districts (SB 1, 87th Texas Legislature, Regular Session, Rider 12, III-226)
  - D. Consideration and possible action to approve the Energy Savings Performance Contract for University of Houston-Clear Lake
  - E. Consideration and possible action to appoint a student representative to the Financial Aid Advisory Committee

F. Consideration and possible action to approve amending the staff augmentation and technology service contracts pursuant to Government Code, Chapter 2155, with Daman Consulting Incorporated from June 30, 2022, to September 30, 2022, for:

- (1) contractors working directly on the data modernization initiative project;
- (2) backfill positions for the data modernization staff augmentation project.

G. Proposed Rules

- (1) Consideration and possible action to adopt proposed amendments to Chapter 22, Subchapter A, Sections 22.3, 22.6, and 22.11 of Board rules, concerning the Student Financial Aid Programs General Provisions

VI. Adjournment

*Executive Session: The Texas Higher Education Coordinating Board Agency Operations Committee 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 Agency Operations Committee is also being posted as a meeting of the full Board. Only assigned committee members act upon any item before the Agency Operations Committee 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 Innovation, Data, and Educational Analytics**

## **AGENDA ITEM I**

### **Welcome and committee chair's meeting overview**

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

## **Committee on Innovation, Data, and Educational Analytics**

### **AGENDA ITEM II**

Consideration and possible action to approve the minutes from the January 26, 2022, meeting of the Committee on Innovation, Data, and Educational Analytics

RECOMMENDATION: Approval

TEXAS HIGHER EDUCATION COORDINATING BOARD

MINUTES

Committee on Innovation, Data, and Educational Analytics

Via Live Broadcast

January 26, 2022, 9:00 a.m.

DRAFT Minutes

The Texas Higher Education Coordinating Board Committee on Innovation, Data, and Educational Analytics convened via Zoom at 9:00 a.m. on *October 20, 2021*, with the following members present: Welcome W. Wilson, Jr., Vice Chair; Fred Farias, III, O.D.; R. Sam Torn; Robert P. Gauntt; Richard L. Clemmer; and Daniel P. Wong.

S. Javaid Anwar, Chair, and Matthew B. Smith, Student Representative, Ex-Officio, were not in attendance.

Other Board members present: Emma W. Schwartz and Donna N. Williams

*The meeting is available at the following link:* <http://www.thecb.state.tx.us/apps/Events/>.

AGENDA ITEM	ACTION
I. Welcome and committee chair's meeting overview	<p>Chair Dr. Fred Farias called the committee meetings to order at 9:03 a.m. and made announcements. He announced Dr. Daniel O. Wong was appointed by Governor Greg Abbott on October 19, 2021, to the Texas Higher Education Coordinating Board. Dr. Farias stated that he has appointed Dr. Wong to the Committee on Innovation, Data, and Educational Analytics and stated that he would formally introduce him at the meeting of the full board scheduled for the next day, January 27, 2022. He then turned the meeting over to Mr. Welcome W. Wilson, Jr., vice chair. Mr. S. Javaid Anwar, chair, was not in attendance.</p> <p>Mr. Wilson, vice chair, called the meeting of the Committee on Innovation, Data, and Educational Analytics to order at 9:04 a.m. and announced the meeting was being held via live broadcast. Mr. Wilson established that a quorum was met.</p>
II. Consideration of approval of the minutes from the October 20, 2021, meeting of the Committee on Innovation, Data, and Educational Analytics	<p>On motion by Mr. Sam Torn, seconded by Mr. Richard Clemmer, the committee approved this item with all members voting in favor.</p>



AGENDA ITEM	ACTION
	<p>Mr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, was available to answer questions.</p> <p>This item was for information only.</p>
VII    Adjournment	<p>On motion by Mr. Sam Torn, seconded by Dr. Fred Farias, this item was approved. Meeting adjourned at 10:46 a.m.</p>



## **Committee on Innovation, Data, and Educational Analytics**

### **AGENDA ITEM III**

Public testimony on agenda items relating to the Committee on Innovation, Data, and Educational Analytics

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 Board after staff has presented the item, or at any other time as determined by the presiding chair.

## **Committee on Innovation, Data, and Educational Analytics**

### **AGENDA ITEM IV**

#### **Consideration and possible action to approve the consent calendar**

RECOMMENDATION: Approval

#### **Background Information:**

To save institutions time and travel costs to attend the Committee on Innovation, Data, and Educational Analytics meetings in Austin, the committee has a consent calendar for items that are noncontroversial. Any item can be removed from the consent calendar by a committee member.

Consent Calendar

V. Matters relating to the Committee on Innovation, Data, and Educational Analytics

- D. Consideration and possible action to approve the Energy Savings Performance Contract for University of Houston-Clear Lake
- E. Consideration and possible action to appoint a student representative to the Financial Aid Advisory Committee
- G. Proposed Rules
  - (1) Consideration and possible action to adopt proposed amendments to Chapter 22, Subchapter A, Sections 22.3, 22.6, and 22.11 of Board rules, concerning the Student Financial Aid Programs General Provisions

# **Committee on Innovation, Data, and Educational Analytics**

## **AGENDA ITEM V-A**

### **Update on Data Modernization Initiative**

RECOMMENDATION: No action required

#### **Background Information:**

At the January 2022 board meeting, Texas Higher Education Coordinating Board (THECB) staff reviewed the status of the Data Modernization Initiative, an effort to inform the design of a modern data infrastructure for the agency to improve insight and actionable data for THECB stakeholders. The Data Modernization Initiative includes three related and interdependent work streams, each of which is supported by consulting experts as noted below:

- Technical and data architecture and implementation – multiple vendors
- Data governance – Nancy Smith, PhD
- Website organization and upgrades – Mighty Citizen

Ms. Lori Fey, Deputy Commissioner for Data Analytics and Innovation, will provide a brief update presentation and be available to answer questions.

# Committee on Innovation, Data, and Educational Analytics

## AGENDA ITEM V-B

Consideration and possible action to approve the formula advisory committees' recommendations relating to funding formulas for use by the governor and the Legislative Budget Board in making appropriations recommendations to the appropriate legislative committees

RECOMMENDATION: Approval

### Background Information:

Every two years, the Texas Higher Education Coordinating Board is required to make recommendations to the governor and Legislative Budget Board regarding formula funding appropriations for public higher education institutions in Texas. These recommendations must be provided by June 1, 2022.

Ms. Emily Cormier, Assistant Commissioner for Funding, will provide a brief presentation on the formula funding advisory committees for:

- two-year community colleges, state colleges, and technical colleges;
- general academic institutions (including the study and report as required by Senate Bill 1295, 87th Legislature, Regular Session); and
- health-related institutions.

The committee chairs for each of these sectors will present their recommendations and consideration of the recommendations will follow.

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

# **Committee on Innovation, Data, and Educational Analytics**

## **AGENDA ITEM V-C**

Consideration and possible action to adopt the commissioner's recommendation relating to the annual report about the financial condition of the state's community college districts (SB 1, 87th Texas Legislature, Regular Session, Rider 12, III-226)

RECOMMENDATION: Approval

### Background Information:

An annual report from the Texas Higher Education Coordinating Board (THECB) about the financial condition of the state's community colleges is required by the General Appropriations Act, Senate Bill 1, 87th Texas Legislature, Regular Session, Rider 12 (page III-226). The rider states:

"Each community college shall provide to the Texas Higher Education Coordinating Board financial data related to the operation of each community college using the specific content and format prescribed by the Coordinating Board. Each community college shall provide the report no later than January 1st of each year. The Coordinating Board shall provide an annual report due on May 1 to the Legislative Budget Board and Governor's Office about the financial condition of the state's community college districts."

The objective of this report is to provide an assessment of the overall financial health of the state's 50 public community colleges and to identify institutions under financial stress using common financial ratios. This analysis is intended to be a broad financial evaluation. Other key performance indicators must be considered to gain a complete understanding of an institution's financial strength. This analysis is not intended for peer group comparisons or for benchmarking purposes.

The THECB provided a draft report to the state's community colleges for comment. Their comments will be appended to the version of the report approved by the board.

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

## **Committee on Innovation, Data, and Educational Analytics**

### **AGENDA ITEM V-D**

#### **Consideration and possible action to approve the Energy Savings Performance Contract for University of Houston-Clear Lake**

RECOMMENDATION: Approval

#### Background Information:

University of Houston–Clear Lake requests approval for an Energy Savings Performance Contract with a total project cost of \$3,346,186 and a contract term of 16 years. This project meets all standards pertaining to Energy Savings Performance Contracts.

The Texas Higher Education Coordinating Board is responsible for approving Energy Savings Performance Contracts. Board rules delegate the approval authority for these contracts to either the Assistant Commissioner for Strategic Planning and Funding; the Committee on Innovation, Data, and Educational Analytics; or the full Board, based on the parameters specified in Chapter 17, Subchapter B, Section 17.12 of Board rules. Given the cost and the term of this project, the Committee on Innovation, Data, and Educational Analytics is the approval authority.

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

## PROJECT BRIEFING SHEET

Institution: University of Houston–Clear Lake  
 Project: UHCL Energy Savings Performance Contract  
 2700 Bay Area Blvd, Houston, Texas 77058  
 Project Number: 011711-22-001  
 Project Cost: \$3,346,186  
 Source of Funds: Cash: Other - \$3,346,186

Project Description:

University Houston–Clear Lake has engaged Ameresco, Inc. as its energy savings performance contractor to upgrade campus equipment and infrastructure to maximize energy efficiency. The term of the contract is 16 years.

This project has four Energy Conservation Measures (ECMs), including retrofit LED lighting, building automation systems (with sub-elements), building envelope improvements to reduce energy loss, and water conservation measures.

The energy audit report conducted for this project and reviewed by a third-party engineer indicates the improvements will reduce electricity consumption by 2,940,857 kilowatt-hours, natural gas consumption by 4,416 MMBtu, and total water and wastewater consumption by 130 kGal each year. The guaranteed energy savings from implementing these conservation measures is \$196,706 in year one after construction and escalates each year thereafter.

The project was listed on the institution's FY 2022 capital expenditure plan.

Standards	<u>Standard</u>	<u>Project Detail</u>	<u>Meets, Doesn't Meet, or NA</u>
Space Need	Deficit	(100,741)	Meets
Cost: Repair & Renovation, Infrastructure <sup>1</sup>	See Footnote 1 regarding costs and savings requirements		Meets

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



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

		Performance Period		
		10 years or less	Greater than 10 to 15 years	Greater than 15 to 20 years <sup>1</sup>
Cost	\$10 million or less	Asst. Commissioner for Strategic Planning and Funding	Asst. Commissioner for Strategic Planning and Funding	Committee on Innovation, Data, and Educational Analytics
	Greater than \$10 million to \$20 million	Asst. Commissioner for Strategic Planning and Funding	Committee on Innovation, Data, and Educational Analytics	Committee on Innovation, Data, and Educational Analytics <sup>2</sup>
	Greater than \$20 million	Committee on Innovation, Data, and Educational Analytics	Committee on Innovation, Data, and Educational Analytics	Board of the THECB

Note 1 - ESPC may not exceed 20 years from the date of installation (TEC 51.927).

Note 2 - Highlighted area indicates approval authority relevant to the reviewed contract.

# **Committee on Innovation, Data, and Educational Analytics**

## **AGENDA ITEM V-E**

### **Consideration and possible action to appoint a student representative to the Financial Aid Advisory Committee**

RECOMMENDATION: Approval

#### Background Information:

Texas Education Code, Section 61.071 directs the Texas Higher Education Coordinating Board (THECB) to appoint student representatives to various advisory committees. This agenda item relates to the appointment of a student representative to the Financial Aid Advisory Committee.

The term of membership for student members of this committee starts June 1, 2022, and ends May 31, 2024.

THECB staff received applications from four-year public institutions of higher education. Applicants were reviewed to ensure they first met the minimum criteria, and then were further evaluated based on the following criteria:

- Academic achievement
- Community and school service
- Work or internship experience
- General commitment to higher education issues

A review committee, composed of staff who directly support the advisory committee, identified a finalist.

The recommended student representative is listed on the following page.

DeChà Reid, Senior Director for Student Financial Aid Programs, will be available to answer questions.

The Financial Aid Advisory Committee consists of financial aid practitioners, public school counselors, and other persons employed in the non-profit sector in roles with responsibility for advising students regarding financial aid. The committee meets at the offices of the Texas Higher Education Coordinating Board approximately four times a year. The committee provides the Board with advice and recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students.

Finalist: Rachel Joseph

Ms. Joseph is a student at The University of Texas at Austin pursuing her Bachelor of Business Administration degree with a minor in Management Information Systems.

# Committee on Innovation, Data, and Educational Analytics

## AGENDA ITEM V-F

Consideration and possible action to approve amending the staff augmentation and technology service contracts pursuant to Government Code, Chapter 2155, with Daman Consulting Incorporated from June 30, 2022, to September 30, 2022, for:

- (1) contractors working directly on the data modernization initiative project;
- (2) backfill positions for the data modernization staff augmentation project

RECOMMENDATION: Approval

Total Project Cost: Up to \$7,650,000

Source of Funds: Federal funds allocated through the Governor's Emergency Education Relief (GEER) Funds

### Background Information:

At the January 2021 board meeting, the board of the Texas Higher Education Coordinating Board (THECB) approved contracting for up to \$6,450,000 for contract staff augmentation to support the Data Modernization Initiative and to provide backfill support to the Information Systems and Services (ISS) team. The vendor selected for the contract was Daman Consulting. Staff recommend extending the existing contract from the current end date of June 30, 2022, to September 30, 2022, and amending the amount by \$1,200,000 to allow additional work to be completed. This extension and amendment align with the September 2022 deadline for expenditure of the GEER funds allocated to this effort.

THECB staff recommend approving the extension of these agreements to secure the technology resources necessary to move forward with implementing projects related to the Data Modernization Initiative.

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

## Committee on Innovations, Data, and Educational Analytics

### AGENDA ITEM V-G (1)

Consideration and possible action to adopt proposed amendments to Chapter 22, Subchapter A, Sections 22.3, 22.6, and 22.11 of Board rules, concerning the Student Financial Aid Programs General Provisions

RECOMMENDATION: Approval

#### Background Information:

The proposed amendments outline the requirements for administering the Selective Service registration requirements related to state financial aid programs, require institutions to accept data generated through the newly developed online Texas Application for State Financial Aid (TASFA), and alter the maximum amount of funding that may be transferred between certain state financial aid programs.

With the elimination of the Selective Service requirement to receive federal financial aid, Section 22.3 is amended to eliminate reference to the federal process and to outline the administrative process for the state requirement.

With the creation of an electronic submission process for the TASFA, Section 22.6 is amended to clarify that institutions of higher education are required to accept the data submitted through the newly developed online TASFA, which will be the sole, acceptable online version of the TASFA. This amendment provides a modern, accessible, and uniform method for students to apply for financial aid.

General Appropriations Act, SB 1, 87th Texas Legislature, Regular Session, Rider 17 (page III-57) made changes to the maximum percentage and dollar amount that an institution may transfer between the Texas College Work-Study Program and the state grant program in which the institution participates (TEXAS Grant, Texas Educational Opportunity Grant, or Tuition Equalization Grant). Section 22.11 is amended to align with the new maximum percentage and dollar amounts.

Dr. Charles W. Contéro-Puls, Assistant Commissioner, will be available to answer questions

Date Published in the *Texas Register*: January 28, 2022.

The 30-day comment period with the *Texas Register* ended on: February 27, 2022.

No comments were received regarding this rule.

## CHAPTER 22 STUDENT FINANCIAL AID PROGRAMS

## SUBCHAPTER A GENERAL PROVISIONS

## §22.3. Student Compliance with Selective Service Registration.

(a) An individual may not receive a loan, grant, scholarship, or other financial assistance funded by state revenue, including federal funds or gifts and grants accepted by this state, unless the individual files ~~the~~ [a statement of the individual's] Selective Service Statement of Registration Status ~~[status]~~ with the institution granting or certifying the financial assistance ~~[as required by this section]~~. The language to be used in the Selective Service Statement of Registration Status is disseminated by Coordinating Board staff to institutions of higher education on an annual basis. Institutions may accept documentation from the Selective Service System of an individual's registration with the Selective Service in lieu of the required statement.

(b) An individual who has demonstrated registration with the Selective Service through the Selective Service Statement of Registration Status or acceptable Selective Service System documentation is not required to file a statement of the individual's selective service status the next time the individual makes an application for financial assistance to the same institution of higher education. An individual who has not previously demonstrated registration with the Selective Service through the Selective Service Statement of Registration Status or acceptable Selective Service System documentation is required to file a statement of the individual's selective service status the next time the individual makes an application for financial assistance. [Rules and guidelines to be used in administering the Texas Education Code, §51.9095 will be the same as those used for students receiving federal financial aid.]

(c) This section does not apply to:

(1) a female individual, if females are not subject to general selective service registration under federal law; or

(2) an individual older than the maximum age at which an individual is required to be registered with the selective service system under federal law.

(d) Authority for this section is provided in Texas Education Code, Chapter 51, Section 51.9095.

§22.6. ~~[Priority Deadline for]~~ Applying for State Financial Aid.

(a) Priority deadline:

(1) All general academic teaching institutions shall use January 15 as the priority application deadline to receive state financial aid.

(2) The priority deadline is not to serve as a determination of eligibility for state financial aid, but otherwise eligible students who apply on or before the deadline shall be given priority consideration for available state financial aid before other applicants. [For academic year 2018-2019 and prior academic years, general academic teaching institutions shall use March 15 as their priority application deadline for application for state financial assistance.]

(b) Texas Application for State Financial Aid (TASFA):

(1) The TASFA collects data necessary for determining state financial aid eligibility for those applicants classified as Texas residents, as outlined in Chapter 21, Subchapter B of this Part, who are not eligible to apply for federal financial aid using the Free Application for Federal Student Aid.

(2) Beginning with the financial aid application cycle for academic year 2023-2024 and thereafter, the online TASFA available through the ApplyTexas website is the sole, acceptable online TASFA. All institutions participating in financial aid programs covered by this chapter must accept the data generated by the completion of this online TASFA.

(3) Beginning with the financial aid application cycle for academic year 2023-2024 and thereafter, the TASFA document available through the ApplyTexas website is the sole, acceptable printable version of the TASFA, which institutions may accept from applicants who do not have access to the necessary technology to complete the online TASFA.

(4) An institution is not prohibited from requiring an applicant to submit additional information to accompany the data received via the TASFA. [Beginning with academic year 2019-2020 and hereafter, all general academic teaching institutions shall use January 15 as the priority application deadline to receive state financial assistance.]

(c) Authority for this section is provided in Texas Education Code, Chapter 56, Section 56.008 and Chapter 61, Section 61.07762. [The priority deadline is not to serve as a determination of eligibility for state financial assistance, but otherwise eligible students who apply on or before the deadline shall be given priority consideration for available state financial assistance before other applicants.]

§22.11. Provisions specific to the TEXAS Grant, TEOG, TEG, and Texas Work-Study Programs.

(a) Funding. Funds offered through this program may not exceed the amount of appropriations, gifts, grants and other funds that are available for this use (§§56.303(c) and 56.403(c)) Texas Education Code).

(b) Authority to Transfer Funds.

(1) Institutions participating in a combination of the Toward EXcellence, Access and Success Grant, Texas Educational Opportunity Grant, Tuition Equalization Grant, and Texas College Work-Study Programs, in accordance with instructions from the Board, may transfer current fiscal year funds up to the lesser of 25 ~~[10]~~ percent or \$60,000 ~~[\$20,000]~~ between these programs. This threshold applies to the program from which the funds are transferred. Requests for such ~~[Such]~~ transfers must be submitted by the institution by the annual deadline published by the agency ~~[occur by July 1 of the current fiscal year]~~.

(2) Institutions participating in both the Texas College Work-Study Program and the Work-Study Student Mentorship Program, in accordance with instructions from the Board, may transfer current fiscal year funds up to 25 percent between the two programs. This threshold applies to the program from which the funds are transferred. Such transfers must occur by July 1 of the current fiscal year.

(c) – (g) No changes.