

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

A G E N D A

**Texas Capitol
1100 Congress Ave.
Austin, Texas**

Capitol Extension, Room E1.030
(House Appropriations Committee Hearing Room)

9:00 A.M., Wednesday, October 26, 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: Georgia Blackwell (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 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 approve the minutes from the July 27, 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. *Building a Talent Strong Texas* Data Insight: Preliminary headcount for fall 2022
 - B. Update on Data Modernization Initiative
 - C. Consideration and possible action to approve the report to the Legislature on high school individual graduation committee (IGC) graduates (Texas Education Code, Section 28.02591)
 - D. Consideration and possible action to adopt the recommendation relating to the certification of gifts that are fundable through the Texas Research Incentive Program (TRIP) for emerging research universities
 - E. Consideration and possible action to adopt the recommendation relating to the Facilities Audit Report
 - F. Consideration and possible action to approve the "Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2021" (General Appropriations Act, Senate Bill 1, Article III, Section 24, 87th Texas Legislature)

G. Proposed Rules

(1) Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code (TAC), Chapter 22, Subchapter A, Section 22.2, concerning the General Provisions for Student Financial Aid Programs

(2) Consideration and possible action to adopt proposed amendments to Board Rules, TAC, Chapter 23, Subchapter D, Sections 23.94, 23.95, 23.96, and 23.98, concerning the Loan Repayment Program for Mental Health Professionals

(3) Consideration and possible action to adopt proposed amendments to Board Rules, 22.128-22.135, concerning the Texas College Work-Study Program

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, Section 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 Texas Penal Code, 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 Texas Government Code, Chapter 551, 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 July 27, 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

1200 East Anderson Lane

Austin, Texas

July 27, 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 July 27, 2022, with the following members, present: S. Javaid Anwar, Chair; Welcome W. Wilson, Jr., Vice Chair; Richard L. Clemmer; Fred Farias, III, O.D.; Robert P. Gauntt; R. Sam Torn; Daniel P. Wong; and Georgia A. Blackwell, Student Representative, Ex-Officio.

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

The meeting is available at the following link: <https://www.highered.texas.gov/apps/events/>

AGENDA ITEM	ACTION
I. Welcome and committee chair's meeting overview	Mr. S. Javaid Anwar, chair, called the meeting of the Committee on Innovation, Data, and Educational Analytics to order at 9:01 a.m. and announced the meeting was being held via live broadcast. Mr. Anwar established that a quorum was met.
II. Consideration of approval of the minutes from the April 27, 2022, meeting of the Committee on Innovation, Data, and Educational Analytics	On motion by Mr. Sam Torn, seconded by Mr. Welcome Wilson, the committee approved this item with all members voting in favor.
III. Public testimony on agenda items relating to the Committee on Innovation, Data, and Educational Analytics	Mr. Anwar stated there was no public testimony.
IV. Consideration of approval of the consent calendar	On motion by Dr. Fred Farias, seconded by Mr. Robert Gauntt, the committee approved the agenda items V-B and V-G, with all members voting in favor.
V. Matters relating to the Committee on Innovation, Data, and Educational Analytics	

AGENDA ITEM	ACTION
<p>A. <i>Building a Talent Strong Texas</i> Data Insight: credentials of value and student debt metrics</p> <p>B. Consideration and possible action to approve the "60x30TX Progress Report"</p> <p>C. Update on Data Modernization Initiative</p> <p>D. Consideration and possible action to approve amending the staff augmentation and technology service contracts pursuant to Rule 1.16 and Government Code, Chapter 2155, with Daman Consulting Incorporated to increase funding, including exceeding \$5 million, and extending contracts from September 30, 2022, to September 30, 2023, for: (1) contractors working directly on the Data Modernization Initiative project; (2) backfill positions for the data modernization staff augmentation project</p> <p>E. Consideration and possible action to approve amending the service contract pursuant to Government Code, Chapter 2155, with MDRC by extending the contract from June 30, 2022, to April 30, 2023, and adding additional funds to extend and enhance MDRC's ongoing randomized-controlled trial evaluation of the Texas Transfer Grants Pilot Program</p>	<p>Ms. Melissa Henderson, Associate Commissioner for Strategic Partnerships, provided a presentation and was available to answer questions. Ms. Lori Fey, Deputy Commissioner for Data Analytics and Innovation, and Dr. David Troutman, Associate Vice Chancellor and Chief Data Officer of Institutional Analysis at the University of Texas System were also available to answer questions.</p> <p>This item was for information only.</p> <p>This Item was approved on the consent calendar.</p> <p>Ms. Lori Fey, Deputy Commissioner for Data Analytics and Innovation, provided a presentation and was available to answer questions.</p> <p>This item was for information only.</p> <p>Ms. Lori Fey, Deputy Commissioner for Data Analytics and Innovation, presented this item and was available for questions.</p> <p>On motion by Mr. Welcome Wilson, seconded by Dr. Daniel Wong, the committee approved this Item with all members voting in favor.</p> <p>Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, was available to answer questions.</p> <p>On motion by Mr. Richard Clemmer, seconded by Mr. Sam Torn, this item was approved with all members voting in favor.</p>

AGENDA ITEM	ACTION
<p>F. Consideration and possible action to approve entering into Governor’s Emergency Education Relief (GEER)-funded interagency contracts totaling no more than \$30 million with various general academic teaching institutions to support the Toward EXcellence, Access, and Success (TEXAS) Grant program</p> <p>G. Consideration and possible action to approve the appointment of members to the Financial Aid Advisory Committee</p>	<p>Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, was available to answer questions.</p> <p>On motion by Dr. Daniel Wong, seconded by Mr. Robert Gauntt, this item was approved with all members voting in favor.</p> <p>This Item was approved on the consent calendar.</p>
<p>VII Adjournment</p>	<p>On motion by Mr. Sam Torn, seconded by Dr. Daniel Wong, this item was approved. Meeting adjourned at 10:05 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

- C. Consideration and possible action to approve the report to the Legislature on high school individual graduation committee (IGC) graduates (Texas Education Code, Section 28.02591)
- E. Consideration and possible action to adopt the recommendation relating to the Facilities Audit Report
- F. Consideration and possible action to approve the "Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2021" (General Appropriations Act, Senate Bill 1, Article III, Section 24, 87th Texas Legislature)
- G. Proposed Rules
 - (1) Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code (TAC), Chapter 22, Subchapter A, Section 22.2, concerning the General Provisions for Student Financial Aid Programs
 - (2) Consideration and possible action to adopt proposed amendments to Board Rules, TAC, Chapter 23, Subchapter D, Sections 23.94, 23.95, 23.96, and 23.97, concerning the Loan Repayment Program for Mental Health Professionals

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-A

Building a Talent Strong Texas Data Insight: Preliminary headcount for fall 2022

RECOMMENDATION: No action required

Background Information:

Information about enrollment trends is fundamental to higher education planning. The fall 2022 data will inform the board of the Texas Higher Education Coordinating Board (THECB) on fall higher education enrollment trends and how enrollment trends may have shifted post-pandemic. In addition, preliminary enrollment data may provide insight into the impact of legislative or policy-based actions.

Each fall, institutions submit preliminary enrollment data to the THECB based on the 12th class day enrollment. In the past, the data have varied from 0-6% when final enrollment data are certified.

Dr. Kara Larkan-Skinner, Assistant Commissioner for Data Management and Research, will provide a brief presentation and be available to answer questions.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-B

Update on Data Modernization Initiative

RECOMMENDATION: No action required

Background Information:

At the July 2022 board meeting, Texas Higher Education Coordinating Board (THECB) staff reviewed the status of the Data Modernization Initiative, an effort to implement a modern data infrastructure for the agency to deliver improved insight and actionable data for THECB stakeholders.

The Data Modernization Initiative includes multiple project work streams and is supported by both Governor's Emergency Education Relief funds and philanthropic funds in partnership with the Texas Higher Education Foundation. Implementation of this effort is well underway across several related types of work, which involve multiple vendors, including:

- technical and data architecture and implementation;
- user-facing deliverables design;
- data governance, both internal to THECB and with Tri-Agency partner agencies, Texas Education Agency and Texas Workforce Commission; and
- website organization and upgrades.

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

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-C

Consideration and possible action to approve the report to the Legislature on high school individual graduation committee (IGC) graduates (Texas Education Code, Section 28.02591)

RECOMMENDATION: Approval

Background Information:

As per Texas Education Code, Section 28.02591, enacted in 2017 by the 85th Texas Legislature, the Texas Higher Education Coordinating Board (THECB) is required to provide a report to the Legislature that includes a summary compilation of data on the higher education and workforce outcomes of students who graduated from Texas public high schools based on the individual graduation committee (IGC) review process allowable under Texas Education Code, Section 28.0258. The summary data are due to the Legislature no later than December 1 of even-numbered years.

The report must include whether a student (1) enters the workforce; (2) enrolls in an associate degree or certificate program at a public or private institution of higher education; (3) enrolls in a bachelor's degree program at a public or private institution of higher education; or (4) enlists in the armed forces of the United States or the Texas National Guard.

With the exception of data on military enlistments, which are not available to the THECB at this time, the required elements are included in the summary statistics report. The data show that 17.1% of IGC students who graduated from a Texas public high school in 2021 enrolled in higher education directly after high school (2,634 of 15,415 IGC graduates), with a large majority of those students choosing to attend two-year public community, state, and technical colleges (2,106 students). Past trends are also provided, which show a gradual increase in higher education enrollments and workforce involvement for this population of graduates since the program began. However, there was an increase in IGC students not found in higher education or workforce in Texas in 2020, which correlates with similar statewide trends due to the COVID-19 pandemic (see Figure 1).

Dr. Kara Larkan-Skinner, Assistant Commissioner for Data Management and Research, will be available to answer questions.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-D

Consideration and possible action to adopt the recommendation relating to the certification of gifts that are fundable through the Texas Research Incentive Program (TRIP) for emerging research universities

RECOMMENDATION: Approval

Background Information:

The 81st Texas Legislature created the Texas Research Incentive Program (TRIP). TRIP provides matching funds for emerging research universities to assist the institutions in leveraging private gifts for the enhancement of research productivity and faculty recruitment.

The emerging research universities that are currently eligible to receive funding are: Texas Tech University, The University of Texas at Arlington, The University of Texas at Dallas, The University of Texas at El Paso, The University of Texas at San Antonio, University of Houston, University of North Texas, and Texas State University.

Texas Education Code, Chapter 62, Subchapter F, requires the Board to certify that the gifts or endowments received by each emerging research university were donated for research enhancing purposes, such as endowed chairs, professorships, research facilities, research equipment, program costs, graduate research stipends or fellowships, or undergraduate research.

A certified eligible gift or endowment may receive state funding as a match. Statute provides a mandated match rate based on the amount of the gift or endowment. The timing of when an institution receives matching funds is dependent upon appropriations from the Texas Legislature. Per statute, matching funds are provided in the order of their certification date.

There are 153 submissions of gifts or endowments recommended for certification, for a total gift amount of \$96,779,772.55 and a match amount of \$78,981,273.15.

Ms. Emily Cormier, Assistant Commissioner for Funding, will present this item and be available to answer questions.

Texas Research Incentive Program Summary

The table below displays the gifts recommended for certification, as well as previously certified TRIP gifts available to receive state funding. State matches are subject to the availability of funds appropriated for this purpose by the Texas Legislature.

Institution	Gifts Recommended for Certification -Cycle 21-2 and 21-3 ¹	Gifts Available for State Funding and Previously Certified ²	Total Gifts Available for State Funding ³
Certified Gifts			
The University of Texas at Arlington	\$860,000.00	\$12,420,028.59	\$13,280,028.59
The University of Texas at Dallas	\$18,792,092.50	\$64,257,606.00	\$83,049,698.50
The University of Texas at El Paso	\$1,545,050.00	\$4,956,755.50	\$6,501,805.50
The University of Texas at San Antonio	\$15,873,586.37	\$27,476,712.06	\$43,350,298.43
University of Houston	\$37,647,118.12	\$74,611,544.02	\$112,258,662.14
University of North Texas	\$9,489,567.86	\$31,274,436.18	\$40,764,004.04
Texas Tech University	\$11,131,148.00	\$46,020,844.06	\$57,151,992.06
Texas State University	\$1,441,209.70	\$16,851,811.99	\$18,293,021.69
Total Certified Gifts	\$96,779,772.55	\$277,869,738.40	\$374,649,510.95
State Match			
The University of Texas at Arlington	\$430,000.00	\$9,796,095.92	\$10,226,095.92
The University of Texas at Dallas	\$16,908,546.25	\$39,446,288.47	\$56,354,834.72
The University of Texas at El Paso	\$772,525.00	\$2,728,377.75	\$3,500,902.75
The University of Texas at San Antonio	\$14,186,793.19	\$19,660,693.53	\$33,847,486.72
University of Houston	\$31,412,250.24	\$59,424,917.54	\$90,837,167.78
University of North Texas	\$8,663,658.62	\$25,328,317.19	\$33,991,975.81
Texas Tech University	\$5,886,895.00	\$34,510,422.05	\$40,397,317.05
Texas State University	\$720,604.85	\$12,030,906.01	\$12,751,510.86
Totals	\$78,981,273.15	\$202,926,018.46	\$281,907,291.61

Footnotes

1. TRIP application 2021-037 with a gift amount of \$150,000 and a match amount of \$75,000 that was peer reviewed during Peer Review Cycle 21-2 was withdrawn by the applicant.
2. TRIP application 2019-089, with a gift amount of \$250,000 and match amount of \$125,000 that was approved during Peer Review Cycle 19-3 but was withdrawn by the applicant.
3. Total gifts available for state funding does not include gifts that have been submitted by the eligible institutions since the end of Cycle 21-3. As of 9/29/2022, the total amount of gifts received, but not yet reviewed, since that time is \$47.8 million with a potential state match of \$41.3 million. Assuming all gifts that have been submitted since are certified, the total state match eligible for funding would be \$323.2 million.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-E

Consideration and possible action to adopt the recommendation relating to the Facilities Audit Report

RECOMMENDATION: Approval

Background Information:

The Texas Education Code (TEC) requires the Texas Higher Education Coordinating Board (THECB) to periodically conduct a comprehensive audit of all educational and general facilities on the campuses of public sector senior colleges and universities and the Texas State Technical College System. Per TEC, Section 61.0583 (d), the results of the facilities audits are reported to the audited institutions and the Legislative Budget Board.

The objectives of the audit are to verify the accuracy of facilities data reported to the THECB and to determine if the institution has followed Board rules on submitting project applications.

The following institutions were audited in 2022 using the approved protocol:

Texas Tech University
University of North Texas
Prairie View A&M University
The University of Texas at Arlington

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

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-F

Consideration and possible action to approve the “Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2021” (General Appropriations Act, Senate Bill 1, Article III, Section 24, 87th Texas Legislature)

RECOMMENDATION: Approval

Background Information:

General Appropriations Act, Senate Bill 1, Article III, Section 24, 87th Texas Legislature, directs the Texas Higher Education Coordinating Board to prepare an annual report concerning student financial aid at Texas public and independent institutions of higher education. Following Board adoption, the report will be forwarded to the Legislative Budget Board no later than November 1, 2022. The report provides a summary of the financial aid provided to students in Texas.

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

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-G (1)

Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code (TAC), Chapter 22, Subchapter A, Section 22.2, concerning the General Provisions for Student Financial Aid Programs

RECOMMENDATION: Approval

Background Information:

The proposed amendments align the rules regarding the timely distribution of funds for the Texas College Work-Study Program with the rules regarding the timely distribution of funds for the TEXAS Grant, Texas Educational Opportunity Grant, and the Tuition Equalization Grant programs.

The amendments are necessary to implement the amended allocation methodology for the Texas College Work-Study Program and the Work-Study Student Mentorship Program that was developed through negotiated rulemaking.

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

Date Published in the *Texas Register*: July 22, 2022.

The 30-day comment period with the *Texas Register* ended on: August 21, 2022.

No comments were received regarding this rule.

CHAPTER 22 STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER A GENERAL PROVISIONS

§22.2. Timely Distribution of Funds.

All institutions participating in the financial aid programs outlined in Chapter 22 shall follow the guidelines for the timely distribution of funds, as outlined ~~in [within~~ paragraph (1) – (4) of] this section:

(1) Timely Disbursement. Institutions shall disburse state student financial aid funding[; ~~excepting work study,~~] to a student recipient's account or, in the case of work-study, through a paycheck, no later than three business days after receiving the funds. Undisbursed funds must be returned to the Board no later than six business days after the receipt of funds. Gift aid and work-study funds for which a student is no longer eligible may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely disbursement requirement.

(2) Timely Determination of Ineligibility. For state student financial aid funding already disbursed to a student, except work study, institutions shall return funds to the Board within 45 calendar days of a student becoming ineligible for the funding. Gift aid funds for which a student has been determined ineligible may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely determination of ineligibility requirement. In all cases, an institution must provide notification to the Board regarding the change in student eligibility, as appropriate for the particular student financial aid program.

(3) Timely Cancellation. For state student financial aid funds already disbursed to a student, except work-study, institutions may return funds to the Board within 120 calendar days of disbursement in situations where a student has notified the institution of his or her decision to cancel the financial aid. Gift aid funds for which a student has made the decision to cancel may be disbursed to a different eligible student for whom funds have not yet been requested in order to meet the timely cancellation requirement. In all cases, an institution must provide notification to the Board regarding the student's decision to cancel financial aid, as appropriate for the particular student financial aid program.

~~[(4) Texas College Work-Study. Funds for the Texas College Work-Study program are provided to institutions as a lump sum at the start of each fiscal year and are subject to the reallocation guidelines outlined in §21.407 of the Texas Administrative Code.]~~

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-G (2)

Consideration and possible action to adopt proposed amendments to Board Rules, TAC, Chapter 23, Subchapter D, Sections 23.94, 23.95, 23.96, and 23.98, concerning the Loan Repayment Program for Mental Health Professionals

RECOMMENDATION: Approval

Background Information:

The proposed amendments will remove unnecessary references to the Health Resources and Services federal State Loan Repayment Program (SLRP) since the SLRP requires approval every three years and administration of SLRP is independent from the mental health program.

The amendments are necessary to align with the intent of the statute, which is to focus on the Loan Repayment Program for Mental Health Professionals and not the federal SLRP.

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

Date Published in the *Texas Register*: July 22, 2022.

The 30-day comment period with the *Texas Register* ended on: August 21, 2022.

No comments were received regarding this rule.

CHAPTER 23 EDUCATION LOAN REPAYMENT PROGRAMS

SUBCHAPTER D LOAN REPAYMENT PROGRAM FOR MENTAL HEALTH PROFESSIONALS

§23.94. Definitions

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

- (1) Board--The Texas Higher Education Coordinating Board.
- (2) CHIP--The Children's Health Insurance Program, authorized by the Texas Health and Safety Code, Chapter 62.
- (3) Full-time Service--Employed or contracted full-time (at least 32 hours per week for providers participating only in the state-funded program, or at least 40 hours per week for SLRP providers) by an agency or facility in a mental health professional shortage area for the primary purpose of providing direct mental health services to:
 - (A) Medicaid recipients;
 - (B) CHIP enrollees;
 - (C) persons in facilities operated by or under contract with the Texas Juvenile Justice Department; and/or
 - (D) persons in facilities operated by or under contract with the Texas Department of Criminal Justice.
- (4) MHPSAs--Mental Health Professional Shortage Areas (MHPSAs) are designated by the U.S. Department of Health and Human Services (HHS) as having shortages of mental health providers and may be geographic (a county or service area), demographic (low income population) or institutional (comprehensive health center, federally qualified health center or other public facility). Designations meet the requirements of Sec. 332 of the Public Health Service Act, 90 Stat. 2270-2272 (42 U.S.C. 254e). Texas MHPSAs are recommended for designation by HHS based on analysis of data by the Department of State Health Services.
- (5) Medicaid--The medical assistance program authorized by Chapter 32, Human Resources Code.
- (6) Service Period--A period of 12 consecutive months qualifying a mental health professional for loan repayment.
- (7) ~~[SLRP--State Loan Repayment Program, a subset of the Loan Repayment Program for Mental Health Professionals that is funded by grants to states authorized by the Public Health Service Act, Title III, §3381(a)-(i)(42 U.S.C. 254q-1(a)-(i)), through the Health Resources and Services Administration of the U.S. Department of Health and Human Services. SLRP loan repayment awards are supported by an equal match of state and federal funds.~~
- (8) Psychiatrist--A licensed physician who is a graduate of an accredited psychiatric residency training program.

§23.95. Eligible Practice Specialties

For purposes of this subchapter, the following mental health providers may apply for enrollment in the program:

- (1) a psychiatrist;
- (2) a psychologist, as defined by §501.002, Occupations Code;
- (3) a licensed professional counselor, as defined by §503.002, Occupations Code;
- (4) an advanced practice registered nurse, as defined by §301.152, Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing;
- (5) a licensed clinical social worker, as defined by §505.002, Occupations Code;
- (6) a licensed chemical dependency counselor, as defined by §504.001, Occupations Code, ~~[and, if applying for enrollment in the SLRP, must hold a master's degree in a related field];~~ and
- (7) a licensed marriage and family therapist, as defined by §502.002, Occupations Code.

§23.96. Eligibility for Conditional Approval of Applications

To be eligible for the Board to reserve loan repayment funds, a mental health professional must:

- (1) ensure that the Board has received the completed application by the established deadline, which will be posted on the program web page;
- (2) be a U.S. citizen or a Legal Permanent Resident and have no license restrictions;
- (3) not be currently fulfilling another obligation to provide mental health services as part of a scholarship agreement, a student loan agreement, or another student loan repayment agreement;
- (4) agree to provide five consecutive years of eligible service in a Mental Health Professional Shortage Area, with the understanding that the professional will be released from the agreement if funding for continued loan repayment is not appropriated; and
- (5) agree to provide mental health services to:
 - (A) Individuals enrolled in Medicaid or CHIP or both; or
 - (B) persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice. [;
- ~~(6) a completed application for enrollment in the SLRP includes an agreement to all contract terms, including monetary penalties for failure to complete the service obligation, in addition to completion of counseling procedures established by Board staff to ensure the applicant's understanding of contract terms.]~~

§23.98. Eligibility for Disbursement of Loan Repayment Assistance

To be eligible to receive loan repayment assistance, a mental health provider must:

- (1) have completed one, two, three, four, or five consecutive years of practice in an MHPSA providing direct patient care to Medicaid enrollees and/or CHIP enrollees, if the practice serves children, or to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor; and
- (2) after an award is disbursed for a third consecutive year of service, a psychiatrist must have earned certification from the American Board of Psychiatry and Neurology or the American Osteopathic Board of Psychiatry and Neurology to qualify for continued loan repayment assistance. [~~and~~
- ~~(3) if applying for SLRP funds, have met any additional requirements stated in the completed SLRP application for enrollment.]~~

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-G (3)

Consideration and possible action to adopt proposed amendments to Board Rules, 22.128-22.135, concerning the Texas College Work-Study Program

RECOMMENDATION: Approval

Background Information:

The proposed amendment to Section 22.128 adds the definition of “forecasting” to be used in the allocation methodology.

The proposed amendment to Section 22.133 alters the allocation methodology used for the Texas College Work-Study Program and the Work-Study Student Mentorship Program, beginning with Fiscal Year 2024. The consensus reached by the negotiated rulemaking committee includes combining the Texas College Work-Study Program and the Work-Study Student Mentorship Program allocations into one allocation methodology, using the average of three years of data when calculating allocations, providing allocations for each year of the biennium at the same time, providing additional weight in the methodology for students enrolled three-quarter time, aligning the Expected Family Contribution used for allocation purposes with the federal Pell Grant program, and indicating how reductions in funding would be handled. Aspects of the allocation rule regarding reallocations and summer awards are removed, as they are no longer relevant.

The proposed repeal of Section 22.134 removes the individual allocation methodology for the Work-Study Student Mentorship Program, which allows the Texas College Work-Study Program and Work-Study Student Mentorship Program allocations to be combined into one allocation methodology.

The proposed new rule, Section 22.135, outlines the timing by which institutions may request funds, deadlines for requesting funds, and the way unused allocations will be handled.

The amendments, repeal, and new rule are necessary to implement the substantive changes upon which the Negotiated Rulemaking Committee on Texas College Work Study reached consensus (May 10, 2022).

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

Date Published in the *Texas Register*: July 22, 2022.

The 30-day comment period with the *Texas Register* ended on: August 21, 2022.

No comments were received regarding this rule.

CHAPTER 22 STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER G TEXAS COLLEGE WORK-STUDY PROGRAM

§22.128. Definitions.

In addition to the words and terms defined in Texas Administrative Code, §22.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Encumbered funds--Program funds that have been offered to a specific student, which offer the student has accepted, and which may or may not have been disbursed to the student.

(2) Forecast--The FORECAST function in Microsoft Excel.

(3) [(2)] Institution of Higher Education or Institution--Any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined in Texas Education Code, §61.003(8) or any private or independent institution of higher education as defined in Texas Education Code, §61.003(15).

(4) [(3)] Program--The Texas College Work-Study Program.

(5) [(4)] Mentor--An eligible student employed to:

(A) help students at participating eligible institutions or to help high school students in participating school districts;

(B) counsel high school students at GO Centers or similar high school-based recruiting centers designed to improve access to higher education; or

(C) support student interventions at participating eligible institutions that are focused on increasing completion of degrees or certificates, such as interventions occurring through advising or supplemental instruction.

(6) [(5)] Mentorship Program--A work-study student mentorship program under which students enrolled at participating institutions and who met the eligibility requirements for employment in the Texas College Work-Study Program may be employed by participating entities as mentors, tutors, or advisors.

(7) [(6)] Participating Entity--An eligible institution, a school district, or a nonprofit organization that has filed a memorandum of understanding with the Coordinating Board under this subchapter to participate in the Mentorship Program.

§22.133 Allocation ~~[and Disbursement]~~ of Funds

(a) Allocations for Fiscal Year 2024 and later. Allocations for the Program are to be determined on an annual basis as follows:

(1) All eligible institutions will be invited to participate in the Texas College Work-Study Program and/or the Work-Study Mentorship Program, prior to the start of the biennium; those choosing not to participate will be excluded from calculations for the relevant year.

(2) The annual allocation share for each institution choosing to participate will be its three-year average share of the total statewide number of students who met the following criteria:

(A) were classified as Texas residents;

(B) were enrolled in a degree or certificate program at least half-time, with full-time students weighted as 1, three-quarter time students weighted as 0.75, and halftime students weighted as 0.50, as reported in the Financial Aid Database submission; and

(C) have a 9-month Expected Family Contribution, calculated using federal methodology, less than or equal to the Federal Pell Grant eligibility cap for the year reported in the Financial Aid Database submission.

(3) Institutions indicating participation in both the Texas College Work-Study and the Work-Study Mentorship Program will have their number of students who meet the criteria listed above increased by 60% prior to the calculation of the allocation shares.

(4) Institutions indicating participation in only one of the Texas College Work-Study and the Work-Study Mentorship Programs may only use allocated funding for the program in which they indicated intention to participate. Institutions indicating participation in both the Texas College Work-Study and the Work-Study Mentorship Program must disburse a minimum of 25% of their allocation to students participating in the Mentorship Program.

(5) Sources of data. The source of data used for the allocations are the three most recently certified Financial Aid Database reports submitted to the Board by the institutions.

(6) Allocations for both years of the state appropriations' biennium will be completed at the same time. For the allocation process of the second year of the state appropriations' biennium, the sources of data outlined in paragraph (3) of this subsection will be utilized to forecast an additional year of data. This

additional year of data, in combination with the two most recent years outlined in paragraph (3) of this subsection, will be utilized to calculate the three-year average share outlined in paragraph (2) of this subsection. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(b) [(a)] Allocations for Fiscal Year 2023 and prior. Allocations for the Program are to be determined on an annual basis as follows:

(1) All eligible institutions will be invited to participate; those choosing not to participate will be left out of the calculations for the relevant year.

(2) The allocation base for each institution choosing to participate will be the number of students it reported in the most recent financial aid database report who met the following criteria:

(A) were classified as Texas residents;

(B) were enrolled at least half-time, with full-time students weighted as 1 and part-time students weighted as .5;

(C) completed either the FAFSA or TASFA; and

(D) have a 9-month Expected Family Contribution less than the simple average in-district 9-month cost of attendance for community college students enrolled for 30 semester credit hours while living off campus, as reported in the most recent year's College Student Budget Report.

(3) Each institution's share of the available funds will equal its share of the state-wide total of students who meet the criteria in paragraph (2) of this subsection.

(c) [(b)] Verification of Data. Allocation calculations will be shared with all participating institutions for comment and verification prior to final posting and the institutions will be given 10 working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the allocation report accurately reflects the data they submitted or to advise Board staff of any inaccuracies.

(d) Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

~~[(c) Disbursements. At the beginning of each year or upon request by the institution, the year's full allocation or funds needed for immediate disbursement to students will be provided to each participating institution for use in reimbursing students for their work.~~

~~(d) Reallocations. Institutions will have until February 20 or the first workday thereafter if it falls on a holiday or a weekend to encumber all funds allocated to them. On that date, institutions lose claim to their unencumbered funds and the unencumbered funds are available to the Board for reallocation to other institutions requesting reallocated funds, calculated on the same basis as the original allocation. If necessary for ensuring the full use of funds, subsequent reallocations may be scheduled until all funds are awarded and disbursed.~~

~~(e) Summer Awards. Unless given specific permission by the Board to use funds for summer awards, schools will be required to utilize their original state work-study allocation of funds for employment during the nine-month academic year (fall and spring terms). However, institutions may use reallocated funds for summer awards but the funds must be expended by August 31 of the fiscal year.]~~

~~§22.134. Allocation and Disbursement of Mentorship Program Funds.~~

~~(a) Allocations. The Board shall allocate Program funds to participating institutions according to criteria established by the Commissioner. At the beginning of each academic year, the year's full allocation will be provided to each participating institution.~~

~~(b) Reallocations. Institutions shall have until a date specified by the Commissioner to encumber all funds allocated. On that date, institutions lose claim to unencumbered funds and the unencumbered funds are available to the Commissioner for reallocation to other institutions. If necessary for ensuring the full use of funds, subsequent reallocations may be scheduled until all funds are awarded and disbursed.~~

~~(c) Program funds may be used during any academic period for which mentorship opportunities are needed by participating entities as long as student mentors meet eligibility requirements as outlined under §4.194(b) of this title (relating to Eligibility and Program Requirements.)~~

§22.135. Disbursement of Funds.

As requested by institutions throughout the academic year, the Board shall forward to each participating institution a portion of its allocation of funds for timely disbursement to students. Institutions will have until the close of business on August 1, or the first

working day thereafter if it falls on a weekend or holiday, to encumber program funds from their allocation for timely disbursement to students. After that date, institutions lose claim to any funds in the current fiscal year not yet drawn down from the Board for timely disbursement to students. Funds released in this manner in the first year of the biennium become available to the institution for use in the second year of the biennium. Funds released in this manner in the second year of the biennium become available to the Board for utilization in financial aid processing. Should these unspent funds result in additional funding available for the next year's program, revised allocations, calculated according to the allocation methodology outlined in this subchapter, will be issued to participating institutions during the fall semester.