

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

A G E N D A

**Barbara Jordan Building (Room 2.035)
1601 N. Congress Avenue
Austin, Texas**

9:00 A.M., Wednesday, October 25, 2023

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: S. Javaid Anwar

Vice Chair: Welcome W. Wilson, Jr.

Members: Richard L. Clemmer; Fred Farias III, O.D.; Stacy Hock; Ashlie Thomas; Daniel O. Wong

Student Representative: Cage Sawyers (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 highered.texas.gov/public-testimony.

- I. Welcome and committee chair's meeting overview
- II. Consideration and possible action to approve the minutes from the July 26, 2023, 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 2023
 - B. Update on formula funding advisory committees
 - C. Consideration and possible action to approve the replacement of a member on the Health-Related Institutions Formula Advisory Committee for the 2026-2027 biennium
 - D. Consideration and possible action to adopt the recommendation relating to the "Facilities Audit Report"
 - E. Consideration and possible action to delegate authority to the Commissioner of Higher Education to approve and submit the data report required by Texas Education Code, Section 61.0662 (d)
 - F. Proposed Rules
 - (1) Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code (TAC), Chapter 17, Subchapter B, Section 17.20(a)(5), concerning a name change from Tuition Revenue Bonds to Capital Construction Assistance Projects

(2) Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code, Chapter 17, Subchapter F, Section 17.112, concerning data required for use in facilities audits

(3) Consideration and possible action to amend Board Rules, Texas Administrative Code, Chapter 22, Subchapter J, Section 22.186, concerning the Future Occupations & Reskilling Workforce Advancement to Reach Demand (FORWARD) Loan 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 26, 2023, 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

July 26, 2023, 9:03 a.m.

DRAFT Minutes

The Texas Higher Education Coordinating Board Committee on Innovation, Data, and Educational Analytics convened via Zoom at 9:03 a.m. on July 26, 2023 with the following members, present: Welcome W. Wilson, Jr., Vice Chair; Fred Farias, III, O.D.; Richard L. Clemmer; Stacy A. Hock; Ashlie A. Thomas; Daniel O. Wong; and Cage Sawyers, Student Representative, Ex-Officio.

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

Members absent: S. Javaid Anwar, Chair

The meeting is available at the following link: highered.texas.gov

AGENDA ITEM	ACTION
I. Welcome and committee chair's meeting overview	Mr. Welcome Wilson, Jr., vice chair, called the meeting of the Committee on Innovation, Data, and Educational Analytics to order at 9:03 a.m. and announced the meeting was being held via live broadcast. Mr. Wilson established that a quorum was met.
II. Consideration of approval of the minutes from the July 26, 2023, meeting of the Committee on Innovation, Data, and Educational Analytics	On motion by Dr. Fred Farias, seconded by Dr. Daniel Wong, 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. Wilson stated there was no public testimony.
IV. Consideration of approval of the consent calendar	On motion by Dr. Farias, seconded by Ms. Stacy Hock, the committee approved the non-rule agenda items V-C, V-D, V-E, and V-F, with all members voting in favor. On motion by Dr. Wong, seconded by Dr. Farias, the committee approved the rule agenda item V-G (1) with all members voting in favor.

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

A. *Building a Talent Strong Texas* Data Insight: Progress toward *Building a Talent Strong Texas*

Dr. Melissa Humphries, Interim Assistant Commissioner for Data Management and Research, and Dr. David Troutman, Deputy Commissioner for Academic Affairs, presented this item and were available to answer questions.

This item was for information only.

B. Consideration and possible action to appoint members to the Standing Advisory Committee for Public Junior Colleges.

On motion by Dr. Farias, seconded by Ms. Hock, the committee appointed members to the Standing Advisory Committee for Public Junior Colleges, with all members voting in favor.

Ms. Emily Cormier, Assistant Commissioner for Funding, provided a presentation and was available for questions.

C. Consideration and possible action to approve the recommended appointments to the General Academic Institutions Formula Advisory Committee

This item was approved on consent.

D. Consideration and possible action to approve the recommended appointments to the Health-Related Institutions Formula Advisory Committee

This item was approved on consent.

E. Consideration and possible action to approve the recommended appointments to the Financial Aid Advisory Committee

This item was approved on consent.

F. Consideration and possible action to approve the "Report on Student Financial Aid in Texas Higher Education, Fiscal Year 2022" (General Appropriations Act, Senate Bill 1, Article III, Section 24, 87th Texas Legislature)

This item was approved on consent.

G. Proposed Rules

(1) Consideration and possible action to amend Board Rules, Texas Administrative Code,

This item was approved on consent.

Chapter 22, Subchapter A, Section 22.6, concerning General Provisions	
VII Adjournment	On motion by Dr. Wong, seconded by Dr. Farias, this item was approved. Meeting adjourned at 10:00 a.m.

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 replacement of a member on the Health-Related Institutions Formula Advisory Committee for the 2026-2027 biennium
- D. Consideration and possible action to adopt the recommendation relating to the “Facilities Audit Report”
- F. Proposed Rules
 - (1) Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code (TAC), Chapter 17, Subchapter B, Section 17.20(a)(5), concerning a name change from Tuition Revenue Bonds to Capital Construction Assistance Projects
 - (2) Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code, Chapter 17, Subchapter F, Section 17.112, concerning data required for use in facilities audits
 - (3) Consideration and possible action to amend Board Rules, Texas Administrative Code, Chapter 22, Subchapter J, Section 22.186, concerning the Future Occupations & Reskilling Workforce Advancement to Reach Demand (FORWARD) Loan Program

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-A

Building a Talent Strong Texas Data Insight: preliminary headcount for fall 2023

RECOMMENDATION: No action required

Background Information:

The fall 2023 preliminary headcount data is the first indicator of fall higher education enrollment trends. These data may provide insight into the impact of legislative or policy-based actions.

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

Dr. Melissa Humphries, 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 formula funding advisory committees

RECOMMENDATION: No action required

Background Information:

Texas Education Code, Section 61.059(b), requires the Texas Higher Education Coordinating Board (THECB) to “devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature for institutions of higher education...As a specific element of the periodic review, the board shall study and recommend changes in the funding formulas based on the role and mission statements of those institutions of higher education. In carrying out its duties under this section, the board shall employ an ongoing process of committee review and expert testimony and analysis.”

To assist in this process, advisory committees are established to prepare recommendations to the board of the THECB (Board). In each summer of odd-numbered years, two committees are convened: the General Academic Institutions, Technical Colleges, and Lamar State Colleges Formula Advisory Committee and the Health-Related Institutions Formula Advisory Committee.

As part of recent legislative changes enacted for community colleges, the former Community and Technical Colleges Formula Advisory Committee has been replaced by the Standing Advisory Committee for Public Junior Colleges. The state and technical colleges are now included in the committee for the general academic institutions, and the committee includes representatives from those higher education sectors. The Board approved new members of the committees at its July 2023 meeting, and the Commissioner of Higher Education presented his charges at the first meeting of each of the committees in August.

The committees typically meet monthly between August and December. The committees will present their recommendations to the commissioner in spring 2024 and recommendations will be brought to the Board at the April board meeting. Final recommendations are statutorily required to be provided to the Legislative Budget Board and governor’s office by June 1, 2024.

Ms. Emily Cormier, Assistant Commissioner for Funding, will provide a brief presentation and will be available to answer questions.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-C

Consideration and possible action to approve the replacement of a member on the Health-Related Institutions Formula Advisory Committee for the 2026-2027 biennium

RECOMMENDATION: Approval

Background Information:

Texas Education Code, Section 61.059(b), requires the Texas Higher Education Coordinating Board to “devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature for all institutions of higher education...As a specific element of the periodic review, the board shall study and recommend changes in the funding formulas based on the role and mission statements of institutions of higher education. In carrying out its duties under this section, the board shall employ an ongoing process of committee review and expert testimony and analysis.”

To assist in this process, advisory committees are established to prepare recommendations to the board of the THECB (Board). In each summer of odd-numbered years, two committees are convened: the General Academic Institutions, Technical Colleges, and Lamar State Colleges Formula Advisory Committee and the Health-Related Institutions Formula Advisory Committee (HRIFAC).

Texas Education Code, Section 61.059(b-1) requires:

- 1) the Commissioner of Higher Education to “solicit recommendations for the committee's membership from the chancellor of each university system and from the president of each institution of higher education that is not a component of a university system”; and
- 2) the Board to appoint representatives of a cross-section of institutions representing each of the institutional groupings under the Board's accountability system.

The University of North Texas Health Science Center has informed us that the HRIFAC member who was approved by the Board at its July 2023 meeting will be unable to serve. The institution has submitted a nomination for his replacement. The proposed committee member is Mr. Kemp Louis, Chief Financial Officer.

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 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 2023 using the approved protocol:

Texas Southern University
University of Texas at Dallas
The University of Texas at San Antonio
University of North Texas at Dallas
Texas State University
The University of Texas Rio Grande Valley
The University of Texas at El Paso

Ms. Emily Cormier, Assistant Commissioner for Funding, and Jennifer Gonzales, Senior Director, will be available for questions.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-E

Consideration and possible action to delegate authority to the Commissioner of Higher Education to approve and submit the data report required by Texas Education Code, Section 61.0662 (d)

RECOMMENDATION: Approval

Background Information:

Texas Education Code, Sec. 61.0662, Information on Research Conducted by Institutions, Subsection (d), requires the board of the THECB (Board) to submit a report to the Legislature on institutions' stem cell research by January 1 of each year. Research expenditure data is due to the Board by December 1 of the previous year, meaning there is not sufficient time for data collection and for the Board to approve the report before the January 1 deadline. This item would delegate the authority to submit the report to the Legislature, using the data reports submitted by each institution, by the statutorily required deadline to the Commissioner of Higher Education.

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

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-F (1)

Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code (TAC), Chapter 17, Subchapter B, Section 17.20 (a) (5), concerning a name change from Tuition Revenue Bonds to Capital Construction Assistance Projects

RECOMMENDATION: Approval

Background Information:

The Texas Higher Education Coordinating Board proposes modification to Texas Administrative Code, Title 19, Part 1, Chapter 17, Subchapter B, Section 17.20(a)(5), concerning resource planning. Specifically, the amendment will modify naming from “tuition revenue bonds” to “Capital Construction Assistance Projects.” This is in response to legislative changes to the program title pursuant to the Capital Construction Assistance Projects definition as found in Texas Education Code, Chapter 55.111.

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

Date published in the *Texas Register*: July 7, 2023

The 30-day comment period with the *Texas Register* ended on: August 6, 2023.

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

CHAPTER 17 RESOURCE PLANNING
SUBCHAPTER B REPORTING REQUIREMENTS

§17.20 Facility Projects to Be Submitted to the Board

(a) Institutions shall submit data on the following projects to the Board:

(1) New construction of building and facilities and/or additions to buildings and facilities having an E&G project cost of \$10 million or greater;

(2) Repair and renovation projects for buildings and facilities having an E&G project cost of \$10 million or greater;

(3) Improved real property purchases that the institution intends to include in the E&G buildings and facilities inventory if the purchase price is more than \$1,000,000;

(4) Energy Savings Performance Contract projects; and

(5) Projects financed by Capital Construction Assistance Projects [~~tuition revenue bonds~~] pursuant to Education Code §61.0572 and §61.058.

(b) Projects not specifically described in this rule, including but not limited to the following types of projects, are EXEMPT from Board submission.

(1) Projects at The University of Texas at Austin, Texas A&M University, and Prairie View A&M University financed more than 50 percent with Permanent University Fund bond proceeds or Available University Fund funds;

(2) New Construction, repair, or rehabilitation of privately-owned buildings and facilities on land leased from an institution if the new construction, repair, or rehabilitation is financed entirely from funds not under the control of the institution;

(3) Gifts, grants, or lease-purchase arrangements intended for clinical or research facilities;

(4) New construction, repair, or rehabilitation projects to be undertaken pursuant to specific legislative authority;

(5) Lease of property or facilities;

(6) Acquisitions of unimproved real property;

(7) Acquisitions of improved real property that the institution does not intend to include in its E&G buildings and facilities inventory;

(8) New Construction, repair, renovation, or acquisition of buildings and facilities that are to be used exclusively for auxiliary enterprises and will not require appropriations from the legislature for operations, maintenance, or repair; and

(9) All gifts and grants of improved real property.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-F (2)

Consideration and possible action to adopt proposed amendments to Board Rules, Texas Administrative Code, Chapter 17, Subchapter F, Section 17.112, concerning data required for use in facilities audits

RECOMMENDATION: Approval

Background Information:

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 17, Subchapter F, Section 17.112, concerning facilities audit. Specifically, this amendment will update data sources used in the facilities audit process.

The Coordinating Board proposes modifying the nomenclature to change the text of Chapter 17, Subchapter F, Section 17.112, from mandatory direction to permissive direction. Currently Section 17.112 states, "At a minimum, Board shall use the following data sources in the course of the audit." The proposed amendment will change the term "shall" to "may."

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

Date published in the *Texas Register*: July 7, 2023

The 30-day comment period with the *Texas Register* ended on: August 6, 2023.

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

CHAPTER 17 RESOURCE PLANNING

SUBCHAPTER F FACILITIES AUDIT

§17.112 Data Sources

The~~[At a minimum,]~~ Board may~~[shall]~~ use the following data sources in the course of the audit:

- (1) Institutional Capital Expenditure Plans (MPI);
- (2) Campus Condition Report as submitted to the governing board;
- (3) Space Model Projection Reports;
- (4) Reports required by the Educational Data Center;
- (5) Facilities Inventory Reports;
- (6) Facilities Development and Improvement Applications and Reviews;
- (7) Classroom and Class Laboratory Utilization Reports;
- (8) Energy Savings Performance Contracts;
- (9) Governing Board facilities approvals; and
- (10) Any other institutional data deemed appropriate by the Coordinating Board staff.

Committee on Innovation, Data, and Educational Analytics

AGENDA ITEM V-F (3)

Consideration and possible action to amend Board Rules, Texas Administrative Code, Chapter 22, Subchapter J, Section 22.186, concerning the Future Occupations & Reskilling Workforce Advancement to Reach Demand (FORWARD) Loan Program

RECOMMENDATION: Approval

Background Information:

The amended rule will provide clarity on how the Texas Higher Education Coordinating Board will implement the FORWARD Loan Program's repayment process. Specifically, the rule is amended to remove unnecessary words.

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

Date published in the *Texas Register*: July 7, 2023

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

No comments were received regarding this rule.

CHAPTER 22 STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER F FUTURE OCCUPATIONS & RESKILLING WORKFORCE ADVANCEMENT TO REACH DEMAND (FORWARD) LOAN PROGRAM

§22.186. Repayment of Loans.

- (a) Period of loan repayment. The repayment period shall be 10 years.
- (b) The repayment period shall begin no earlier than six months after:
- (1) the date on which the student ceases to be enrolled at least half-time at an eligible institution, for borrowers enrolled in credential programs measured in semester credit hours;
 - or
 - (2) the anticipated graduation date certified by the institution of higher education [~~on the loan application,~~] for borrowers enrolled in programs that are not measured in semester credit hours.
- (c) Monthly repayment amount. The method for calculating the monthly repayment amount for loans through this Program shall be determined annually by the Commissioner, and shall be calculated annually based on:
- (1) the borrower's income, as demonstrated through federal income tax returns or other documentation determined to be acceptable by Board staff;
 - (2) the borrower's monthly accrued interest on loans through the Program; and
 - (3) the borrower's cumulative outstanding student loan [~~principal~~] balance.
- (d) Income threshold. Borrowers may be automatically placed in forbearance when the demonstrated income is below a threshold established by Board staff in consultation with the Texas Workforce Commission.