

SUPPLEMENTAL MATERIALS

Committee on Academic and Workforce Success

AGENDA ITEM V-H (5)

Consideration and possible action to adopt amendments to Board Rules, Chapter 5, Subchapter B, Section 5.24, and repeal of Board Rules, Chapter 5, Subchapter C, Sections 5.41-5.46, 5.48, 5.50, 5.52-5.55, concerning academic program approval

RECOMMENDATION: Approval

Background Information:

This proposed change is part of the clean-up of existing provisions related to new academic program approval in the Texas Administrative Code replaced by Texas Administrative Code, Title 19, Part 1, Chapter 2, approved by the Texas Higher Education Coordinating Board in October 2022.

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

Date Published in the *Texas Register*: October 13, 2023

The 30-day comment period with the *Texas Register* ended on: November 12, 2023

No comments were received regarding amendments to these rules.

Chapter 5:
Rules Applying to Public Universities, Health-Related Institutions, and Review of Existing
Degree Programs

Subchapter B:
Role and Mission, Tables of Programs, Course Inventories

§5.24. Submission of Mission Statements and Planning Notification.

~~(a) When submitting a Planning Notification to add a degree program (baccalaureate, master's, and doctoral) to the institution's program inventory, an institution of higher education may be requested to address the Board at a regularly scheduled meeting to describe how the institution believes the potential program contributes to the efficient and effective diffusion of education throughout the state while avoiding costly duplication in program offerings, faculties, and physical plants. An institution shall submit written information to the Board including the title of the potential proposed program, level, Classification of Instructional Program (CIP) Code, anticipated date of proposal submission, and provide a brief description of the proposed program. Planning Notification must occur prior to an institution beginning planning for or submitting a proposal for a new degree program that requires Board approval.~~
Review Process.

(1) As provided by Texas Education Code, §61.051(a-5) and §61.052, the Board shall regularly review the role and mission statements, and all similar degree and certificate programs offered by each public senior university or health related institution.

(2) The Boards of Regents shall approve or re-approve institutional mission statements. Each Board of Regents shall provide the Coordinating Board with its current institutional mission statements after any change has been approved.

~~(3) Planning Notification must be submitted at least one year prior to submission of a proposal to offer the degree if the proposed program would be a program leading to the award of a "professional degree," as defined by Texas Education Code 61.306, including Doctor of Medicine (M.D.), Doctor of Osteopathy (D.O.), Doctor of Dental Surgery (D.D.S.), Doctor of Veterinary Medicine (D.V.M.), Juris Doctor (J.D.), and Bachelor of Laws (LL.B.).~~

Subchapter C:
Approval of New Academic Programs at Public Universities, Health-Related Institutions, and
Review of Existing Degree Programs

§5.41. Purpose.

§5.42. Authority.

§5.43. Definitions.

§5.44. Presentation of Requests and Steps for Implementation.

§5.45. Criteria for New Baccalaureate and Master's Degree Programs.

§5.46. Criteria for New Doctoral Programs.

§5.48. Criteria for Certificate Programs at Universities and Health-Related Institutions.

§5.50. Approvals by the Commissioner.

§5.52. Review of Existing Degree Programs.

§5.53. Annual Evaluation of New Doctoral Degree Programs.

§5.54. Noncompliance with Conditions of Approval for New Doctoral Degree Programs.

§5.55. Revisions to Approved Programs.

~~§5.41. Purpose.~~

~~The purpose of this subchapter is to describe the criteria and approval processes for degree and certificate programs. Criteria in §5.45 of this title (relating to Criteria for New Baccalaureate and Master's Degree Programs) apply to public colleges, universities, and health-related institutions.~~

~~§5.42. Authority.~~

~~Texas Education Code, §61.0512 provides that no new degree program, or certificate program may be added at any public institution of higher education except with specific prior approval of the Board. Texas Education Code, §130.302 and §130.312 applies to public junior colleges.~~

~~§5.43. Definitions.~~

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

~~(1) Academic administrative unit—A department, college, school, or other unit at a university or health-related institution, which has administrative authority over degree or certificate programs.~~

~~(2) Board—The Texas Higher Education Coordinating Board.~~

~~(3) Certificate Program—Any grouping of subject-matter courses which, when satisfactorily completed by a student, shall entitle him or her to a certificate or documentary evidence, other than a degree, of completion of a post-secondary course of study at a university or health-related institution.~~

~~(4) Commissioner—The Commissioner of Higher Education.~~

~~(5) Compelling Academic Reason—A justification for an undergraduate degree program consisting of more than 120 semester credit hours. Acceptable justifications are programmatic accreditation requirements, statutory requirements, and requirements for licensure/certification of graduates.~~

~~(6) Degree program—Any grouping of subject-matter courses which, when satisfactorily completed by a student, shall entitle him or her to a degree from a public university or health-related institution.~~

~~(7) Doctoral Graduation Rate—The Doctoral Graduation Rate is the percent of students in an entering fall cohort for a specific degree program who graduate within 10 years. Doctoral graduation rates do not include students who received a master's degree.~~

~~(8) Faculty publications—Discipline-related refereed publications, books or book chapters, juried creative or performance accomplishments, and notices of discoveries filed and patents issued.~~

~~(9) Faculty teaching load—Total number of semester credit hours taught per academic year by faculty divided by the number of faculty.~~

- ~~—(10) Graduate-level certificate program—A certificate program at a university or health-related institution that consists primarily of graduate-level courses.~~
- ~~—(11) Graduate placement—The number and percent of graduates employed or engaged in further education or training, those still seeking employment, and unknown.~~
- ~~—(12) Lower-division degree or certificate program—A degree or certificate program offered at a university or health-related institution that consists of lower-division courses and is equivalent to a program offered at a community or technical college.~~
- ~~—(13) Master's Graduation Rate—The Master's Graduation Rate is the percent of students in an entering fall and spring cohort for a specific degree program who graduate within 5 years.~~
- ~~—(14) New Doctoral Degree Program—A doctoral degree program that has been approved by the Coordinating Board for a period of less than five years.~~
- ~~—(15) Student time to degree—The average of the number of semesters taken by program graduates from the time of enrollment in the program until graduation.~~
- ~~—(16) Upper-division certificate program—A certificate program at a university or health-related institution that consists primarily of upper-division undergraduate courses.—~~

~~§5.44. Presentation of Requests and Steps for Implementation.~~

~~(a) Requests for new degree programs must be made in accordance with the following procedures:~~

- ~~—(1) Institutions must request new bachelor's and master's programs using the most recent version of the appropriate degree program request form.~~
- ~~—(2) Institutions must submit documentation sufficient to establish that the new program meets all of the criteria listed in §5.45 of this title (relating to Criteria for New Baccalaureate and Master's Degree Programs). Board staff will review for completeness all requests for new programs within five business days of receipt. If Board staff determines that the request is incomplete and additional information or documentation is needed, the institution must respond with all of the requested information or documentation within ten working days or the request will be returned to the institution. An institution may resubmit a request that was incomplete as soon as it has obtained the requested information or documentation.~~
- ~~—(3) New bachelor's and master's programs will be approved if all of the following conditions are met:~~
 - ~~—(A) The proposed program has institutional and governing board approval.~~
 - ~~—(B) The institution certifies compliance with the Standards for New Bachelor's and Master's Programs.~~
 - ~~—(C) The institution certifies that adequate funds are available to cover the costs of the new program.~~
 - ~~—(D) New costs during the first five years of the program would not exceed \$2 million.~~
 - ~~—(E) The proposed program is a non-engineering program.~~
 - ~~—(F) The proposed program would be offered by a university or health-related institution.~~
- ~~—(4) If a proposed bachelor's or master's program meets the conditions in paragraph (3) of this subsection, the institution may submit a request to the Assistant Commissioner of Academic Quality and Workforce to add the program to the institution's Program Inventory. If a proposed program does not meet the conditions outlined in paragraph (3) of this subsection, the institution must submit a proposal using the most recent version of the full request form.~~

~~(5) If the minimum number of semester credit hours required to complete a proposed bachelor's program exceeds 120, the institution must provide detailed documentation describing the compelling academic reason for the number of required hours, such as programmatic accreditation requirements, statutory requirements, or licensure/certification requirements that cannot be met without exceeding the 120-semester credit hour limit. The Board staff will review the documentation provided and make a determination to approve or deny a request to exceed the 120-semester credit hour limit.~~

~~(6) The institution proposing the program must notify all public institutions of higher education within 50 miles of the teaching site of their intention to offer the program at least 30 days prior to submitting their request to the Coordinating Board. If no objections occur, the Coordinating Board staff will update the institution's program inventory. If objections occur, the proposing institution must resolve those objections prior to submitting the request to the Coordinating Board. If the proposing institution cannot resolve the objection(s), and the institution wishes to submit the proposed program, the proposing institution may request the assistance of the Assistant Commissioner of Academic Quality and Workforce to mediate the objections and determine whether the proposing institution may submit the proposed program. No new program will be approved until all objections are resolved.~~

~~(7) The Coordinating Board reserves the right to audit a degree program at any time to ensure compliance with any of the criteria outlined in paragraph (3) of this subsection.~~

~~(8) An institution requesting a new doctoral program must submit a proposal using the most recent version of the standard doctoral program request form.~~

~~(b) Requests for new certificate programs will be made in accordance with the following procedures.~~

~~(1) New undergraduate and graduate certificate programs will be approved if all of the following conditions are met:~~

~~—(A) The certificate program has institutional approval.~~

~~—(B) The institution certifies that adequate funds are available to cover the costs of the new certificate program.~~

~~—(C) The certificate program meets all other criteria in §5.48 of this title (relating to Criteria for Certificate Programs at Universities and Health-Related Institutions).~~

~~(2) If a proposed certificate program meets the conditions in paragraph (1) of this subsection, the institution may submit a request to the Assistant Commissioner of Academic Quality and Workforce. If a proposed certificate program does not meet the conditions outlined in paragraph (1) of this subsection, the institution must submit a proposal using the most recent version of the full request form.~~

~~(3) The institution proposing the certificate program must notify all public higher education institutions within 50 miles of the teaching site of their intention to offer the certificate program at least 30 days prior to submitting their request to the Coordinating Board. If no objections occur, the Coordinating Board staff shall update the institution's program inventory. If objections occur, the proposing institution must resolve those objections prior to submitting the request to the Coordinating Board. If the proposing institution cannot resolve the objection(s), and the institution wishes to submit the proposed certificate program, the proposing institution may request the assistance of the Assistant Commissioner of Academic Quality and Workforce to mediate the objections and determine whether the proposing institution may submit the request for the proposed certificate program. No new certificate program will be implemented until all objections are resolved.~~

~~(4) The Coordinating Board reserves the right to audit a certificate program at any time to ensure compliance with any of the conditions outlined in §5.48 of this title.~~

~~§5.45. Criteria for New Baccalaureate and Master's Degree Programs.~~

~~Requests for new baccalaureate and master's degree programs must provide information and documentation demonstrating that the proposed degree programs meet all of the following criteria:~~

~~(1) Role and mission. The proposed program must be within the existing role and mission of the institution as indicated by its Program Inventory or the Board must make the determination that the program is appropriate for the mission of the institution.~~

~~(2) Unnecessary duplication. The proposed program must not unnecessarily duplicate an existing program at another institution serving the same regional population. The offering of basic liberal arts and sciences courses and degree programs in public senior institutions is not considered unnecessary duplication. A proposed program to be offered through distance education must demonstrate that there is unmet workforce need and student demand for the program that cannot be met by existing online programs offered by Texas public institutions.~~

~~(3) Faculty resources.~~

~~(A) Faculty resources must be adequate to provide high program quality. With few exceptions, the master's degree should be the minimum educational attainment for faculty teaching in baccalaureate programs. In most disciplines, the doctorate should be the minimum educational attainment for faculty teaching in graduate programs. Faculty should meet the qualitative and quantitative criteria of the Southern Association of Colleges and Schools Commission on Colleges, and the appropriate accrediting body. There should be sufficient numbers of qualified faculty dedicated to a new program. This number shall vary depending on the discipline, the nature of the program, and the anticipated number of students; however, there must be at least one full time equivalent faculty already in place in order for the program to begin enrolling students.~~

~~(B) In evaluating faculty resources for proposed degree programs, the Board shall consider only those degrees held by faculty that were issued by:~~

~~(i) United States institutions accredited by accrediting agencies recognized by the Board or;~~

~~(ii) institutions located outside the United States that have demonstrated that their degrees are equivalent to degrees issued from an institution in the United States accredited by accrediting agencies recognized by the Board. The procedures for establishing that equivalency shall be consistent with the guidelines of the National Council on the Evaluation of Foreign Education Credentials, or its successor.~~

~~(4) Library and IT resources. Library and information technology resources must be adequate for the proposed program and meet the standards of the appropriate accrediting agencies.~~

~~(5) Facilities, equipment, and clinical placements. Facilities and clinical placements must be adequate to initiate the program. Adequate classroom and laboratory space, equipment, and office space should be available for the proposed program. Arrangements for any essential clinical placements should be made before program approval.~~

~~(6) Curriculum design. The curriculum should be up to date and consistent with current educational theory. Professional programs and those resulting in licensure must be designed to meet the standards of appropriate regulatory bodies. Student time to degree must be considered in the curricular structure and policy of the proposed program, including but not~~

limited to policies for transfer of credit, course credit by examination, credit for professional experience, placing out of courses, and any alternative learning strategies, such as competency-based education, that may increase efficiency in student progress in the proposed program.

–(7) Program administration. Administration of the proposed program should not be unduly cumbersome or costly. Ideally, the proposed program should fit into the current administrative structure of the institution. If administrative changes are required, they should be consonant with the organization of the institution as a whole and should necessitate a minimum of additional expense in terms of personnel and office space.

–(8) Workforce need. There should be a demonstrated or well-documented need for the program in terms of meeting present and future workforce needs of the state and nation. There should be a ready job market for graduates of the program, or alternatively, it should produce students for master's or doctoral level programs in fields in which there is a demonstrated need for professionals.

–(9) Critical mass of students. In addition to a demonstrated workforce need, a critical mass of qualified students must be available to enter the proposed program and there must be evidence that the program is likely to have sufficient enrollments to support the program into the future. The size of an institution, the characteristics of its existing student body, and enrollments in existing programs should be taken into account when determining whether a critical mass of students shall be available for a proposed new program.

–(10) Adequate financing. There should be adequate financing available to initiate the proposed program without reducing funds for existing programs or weakening them in any way. After the start-up period, the program must be able to generate sufficient semester credit hours under funding formulas and student tuition and fees to pay faculty salaries, departmental operating costs, and instructional administration costs for the program. Five years should be sufficient time for the program to meet these costs through semester credit hour production. If the state funding formulas and student tuition and fees are not meeting these costs for the program after five years, the institution and the Board should review the program with a view to discontinuance.

–(11) Marketable Skills. There must be a list of the marketable skills associated with the proposed program in keeping with the state strategic plan, 60x30TX, and a plan for how students will be informed of the marketable skills.

–(12) Strong Related Programs. There must be high quality programs in other related and supporting disciplines at the bachelor's and master's levels, as evidenced by enrollments, numbers of graduates, and completion rates in those related and supporting programs, as appropriate.

§5.46. Criteria for New Doctoral Programs:

Requests for new doctoral programs must provide information and documentation demonstrating that the proposed programs meet all of the following criteria:

–(1) Design of the Program. A doctoral level program is designed to prepare a graduate student for a lifetime of teaching, creative activity, research, or other professional activity. The administration and the faculty of institutions initiating doctoral level programs should exhibit an understanding of and commitment to the long tradition of excellence associated with the

awarding of the traditional research doctorate degrees and of the various doctoral-level professional degrees.

—(2) Freedom of Inquiry and Expression. Doctoral programs must be characterized by complete freedom of inquiry and expression.

—(3) Programs at the Undergraduate and Master's Levels. Doctoral programs, in most instances, should be undergirded by quality programs in a wide number of disciplines at the undergraduate and master's levels. Quality programs in other related and supporting doctoral areas must also be available.

—(4) Need for the Program. There should be a demonstrated and well-documented need for doctoral-level prepared professionals in the discipline of the proposed program both in Texas and in the nation. It is the responsibility of the institution requesting a doctoral program to demonstrate that such a need exists, preferably through an analysis of national data showing the number of doctoral degrees being produced annually in the area and comparing that to the numbers of professional job openings for doctoral degrees in the discipline as indicated by sources such as the main professional journal(s) of the discipline. The institution must also provide data on the enrollments, number of graduates, and capacity to accept additional students of other similar doctoral programs in Texas, demonstrating that current production levels of graduates are insufficient to meet projected workforce needs. The institution should also provide evidence of student demand for a doctoral program in the discipline, such as potential student survey results and documentation that qualified students are not gaining admission to existing programs in Texas.

—(5) Faculty Resources.

—(A) There must be a strong core of doctoral faculty, holding the doctor of philosophy degree or its equivalent from a variety of graduate schools of recognized reputation. Professors and associate professors must be mature persons who have achieved national or regional professional recognition. All core faculty must be currently engaged in productive research, and preferably have published the results of such research in the main professional journals of their discipline. They should come from a variety of academic backgrounds and have complementary areas of specialization within their field. Some should have experience directing doctoral dissertations. Collectively, the core of doctoral faculty should guarantee a high quality doctoral program with the potential to attain national prominence. The core faculty members should already be in the employ of the institution. If an institution is required to hire additional faculty prior to opening the proposed program and enrolling students, the institution will provide documentation on a schedule determined by the Coordinating Board of the faculty hires through submission of a letter of intent, curriculum vitae, and a list of courses in the curriculum that the faculty hire would be qualified to teach. Proposed recruitment of such faculty shall not meet this criterion. No authorized doctoral program shall be initiated until qualified faculty are active members of the department through which the program is offered.

—(B) In evaluating faculty resources for proposed degree programs, the Board shall consider only those degrees held by the faculty that were issued by:

—(i) United States institutions accredited by accrediting agencies recognized by the Board; or

—(ii) institutions located outside the United States that have demonstrated that their degrees are equivalent to degrees issued from an institution in the United States accredited by accrediting agencies recognized by the Board. The procedures for establishing that equivalency shall be consistent with the guidelines of the National Council on the Evaluation of Foreign Education Credentials, or its successor.

~~—(6) Teaching Loads of Faculty. Teaching loads of faculty in the doctoral program should not exceed two or three courses per term, and it must be recognized that some of these shall be advanced courses and seminars with low enrollments. Adequate funds should be available for attendance and participation in professional meetings and for travel and research necessary for continuing professional development.~~

~~—(7) Critical Mass of Superior Students. Admission standards, student recruitment plans, and enrollment expectations must guarantee a critical mass of superior students. The program must not result in such a high ratio of doctoral students to faculty as to make individual guidance prohibitive.~~

~~—(8) On-Campus Residency Expectations:~~

~~—(A) Institutions which offer doctoral degrees must provide through each doctoral program:~~

~~—(i) significant, sustained, and regular interaction between faculty and students and among students themselves;~~

~~—(ii) opportunities to access and engage in depth a wide variety of educational resources related to the degree program and associated fields;~~

~~—(iii) opportunities for significant exchange of knowledge with the academic community;~~

~~—(iv) opportunities to broaden educational and cultural perspectives; and~~

~~—(v) opportunities to mentor and evaluate students in depth.~~

~~—(B) Institutions are traditionally expected to meet these provisions through substantial on-campus residency requirements. Proposals to meet them in other, non-traditional ways (e.g., to enable distant delivery of a doctoral program) must provide persuasive and thorough documentation as to how each provision would be met and evaluated for the particular program and its students. Delivery of doctoral programs through distance education and/or off-campus instruction requires prior approval of the Board as specified in §4.261(3) of this title (relating to Standards and Criteria for Distance Education Programs).~~

~~—(9) Adequate Financial Assistance for Doctoral Students. There should be adequate financial assistance for doctoral students so as to assure that most of them can be engaged in full-time study. Initially, funds for financial assistance to the doctoral students usually come from institutional sources. As the program develops and achieves distinction, it increasingly shall attract support from government, industry, foundations, and other sources.~~

~~—(10) Carefully Planned Program. The proposed program should be a carefully planned and systematic program with a degree plan which is clear, comprehensive, and generally uniform but which permits sufficient flexibility to meet the legitimate professional interests and special needs of doctoral level degree students. There should be a logical sequence by which degree requirements shall be fulfilled. Consideration must also be given to alternative methods of determining mastery of program content, such as competency-based education, prior learning assessment, and other options for reducing student time to degree. The proposed degree plan should require both specialization and breadth of education, with rules for the distribution of study to achieve both, including interdisciplinary programs if indicated. The plan should include a research dissertation or equivalent requirements to be judged by the doctoral faculty on the basis of quality rather than length.~~

~~—(11) External Learning Experiences. There must be a plan for providing external learning experiences for students, such as internships, clerkships, or clinical experiences, in disciplines that require them. The plan should include provisions for increasing the number of opportunities for such experiences if the number of students in existing programs equals or exceeds the available number of opportunities in Texas.~~

–(12) Support Staff. There should be an adequate number of support staff to provide sufficient services for both existing programs and any proposed increases in students and faculty that would result from the implementation of the proposed program.

–(13) Physical Facilities. There should be an adequate physical plant for the program. An adequate plant would include reasonably located office space for the faculty, teaching assistants, and administrative and technical support staff; seminar rooms; laboratories; computer and electronic resources; and other appropriate facilities.

–(14) Library and IT Resources. Library and information technology resources must be adequate for the proposed program and meet the standards of the appropriate accrediting agencies. Library resources should be strong in the proposed doctoral program field and in related and supporting fields.

–(15) Costs and Funding. The institution should have a budgetary plan for the proposed program that clearly delineates the anticipated costs and the sources of funding. Costs for new personnel and physical resources should be adequate and reasonable, existing programs should not be negatively affected by the reallocation of funds, state funding income should be calculated correctly, and total revenues should exceed total costs by the fifth year of projected program operation.

–(16) Program Evaluation Standards. The proposed program should meet the standards of the Southern Association of Colleges and Schools Commission on Colleges, and the accrediting standards and doctoral program criteria of appropriate professional groups and organizations, such as the Council of Graduate Schools, the Modern Language Association, the American Historical Association, the Accreditation Board for Engineering and Technology or other bodies relevant to the particular discipline. Out-of-state consultants shall be used by the institution and the Board to assist in evaluating the quality of a proposed doctoral level program. The institution submitting the proposal is responsible for reimbursing the Coordinating Board for the costs associated with the external review by out-of-state contractors.

–(17) Strategic Plan. The proposed program should build on existing strengths at the institution as indicated by its Program Inventory, should fit into the institution's strategic plan, and should align with the state's strategic plan.

–(18) Marketable Skills. There must be a list of the marketable skills associated with the proposed program in keeping with the state strategic plan, 60x30TX, and a plan for how students will be informed of the marketable skills.

–(19) First Doctoral Program. When an institution has not previously offered doctoral level work, notification to the executive secretary of the Southern Association of Colleges and Schools, Commission on Colleges, is required at least one year in advance of program implementation.

§5.48. Criteria for Certificate Programs at Universities and Health-Related Institutions:

(a) Universities and health-related institutions are encouraged to develop upper-division and graduate certificate programs of less than degree length to meet the needs of students and the workforce. These rules are intended to provide a streamlined process for approval of those programs.

(b) Certificate programs for which no academic credit is granted are exempt from the provisions of this section.

~~(c) Certificate programs for which academic credit is granted at universities and health-related institutions must meet the following criteria:~~

~~—(1) They must meet identified workforce needs or provide the student with skills and/or knowledge that shall be useful for their lives or careers.~~

~~—(2) They must be consistent with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools.~~

~~—(3) They must meet the standards of all relevant state agencies or licensing bodies which have oversight over the certificate program or graduate.~~

~~—(4) Adequate financing must be available to cover all new costs to the institution five years after the implementation of the program.~~

~~(d) The following certificate programs do not require Board approval or notification:~~

~~—(1) certificate programs for which no collegiate academic credit is given,~~

~~—(2) certificate programs in areas and at levels authorized by the Program Inventory of the institution with curricula of the following length:~~

~~—(A) at the undergraduate level of 20 semester credit hours or less,~~

~~—(B) at the graduate and professional level of 15 semester credit hours or less.~~

~~(e) The following certificate programs require Board approval and shall be approved if the following conditions are met:~~

~~—(1) the proposed certificate is an upper-level undergraduate certificate of 21–36 hours in a disciplinary area where the institution already offers an undergraduate degree program.~~

~~—(2) the proposed certificate is a graduate-level and professional certificate of 16–29 semester credit hours in disciplinary areas where the institution already offers a graduate program at the same level as the certificate.~~

~~(f) Lower-division certificate programs:~~

~~—(1) One and two-year, post-secondary career technical/workforce education programs should be delivered primarily by community, state, and technical colleges. These institutions are uniquely suited by virtue of their specialized mission, local governance, and student support services to provide such opportunities in an efficient and economical manner. For that reason, new lower-division career technical/workforce certificate programs shall not generally be approved at public universities and health-related institutions.~~

~~—(2) Universities and health-related institutions should not develop certificate programs at the upper or graduate level that are equivalent to lower-division certificate programs offered at community, state, and technical colleges.~~

~~§5.50. Approvals by the Commissioner.~~

~~(a) The Commissioner may approve proposals from the public universities and health-related institutions for new baccalaureate or master's degree programs and, in very limited circumstances, new doctoral programs, on behalf of the Board in accordance with the procedures and criteria specified in this section.~~

~~(b) To be approved by the Commissioner, a proposal for a new degree program must include certification in writing from the Board of Regents of a proposing institution, in a form prescribed by the Commissioner, that the following criteria have been met:~~

~~—(1) The curriculum, faculty, resources, support services, and other components of a proposed degree program are comparable to those of high-quality programs in the same or similar disciplines offered by other institutions.~~

~~(2) Clinical or in-service placements, if applicable, have been identified in sufficient number and breadth to support the proposed program.~~

~~(3) The program is designed to be consistent with the standards of the Southern Association of Colleges and Schools Commission on Colleges, and with the standards of other applicable accrediting agencies; and is in compliance with appropriate licensing authority requirements.~~

~~(4) The institution has provided credible evidence of long-term student interest and job-market needs for graduates; or, if proposed by a university, the program is appropriate for the development of a well-rounded array of basic baccalaureate degree programs at the institution where the principal faculty and other resources are already in place to support other approved programs and/or the general core curriculum requirements for all undergraduate students.~~

~~(5) The program would not be unnecessarily duplicative of existing programs at other institutions.~~

~~(6) Implementation and operation of the program would not be dependent on future Special Item funding.~~

~~(7) New costs to the institution over the first five years after implementation of the program would not exceed \$2,000,000.~~

~~(c) In addition to the requirements listed in subsection (a) and (b) of this section, a new doctoral program may only be approved by the Commissioner if:~~

~~(1) the institution already offers a doctoral program or programs in a closely related disciplinary area;~~

~~(2) those existing doctoral programs are productive and offered at a high level of quality;~~

~~(3) the core faculty for the proposed program are already active and productive faculty in an existing doctoral program at the institution;~~

~~(4) the institution has notified Texas public institutions that offer the proposed program or a related program and resolved any objections; and~~

~~(5) there is a very strong link between the program and workforce needs or the economic development of the state.~~

~~(d) A proposal for a new degree program must include a statement from the institution's chief executive officer certifying adequate financing and explaining the sources of funding to support the first five years of operation of the program.~~

~~(e) If a proposal meets the criteria specified in this section, the Commissioner may either approve it or forward it to the Board for consideration at an appropriate quarterly meeting.~~

~~(f) If a proposal does not meet the criteria specified in this section, the Commissioner may deny approval or forward it to the Board for consideration at an appropriate quarterly meeting. Institutions may appeal the decision to deny approval to the Board.~~

~~(g) If a proposed program is the subject of an unresolved grievance or dispute between institutions, the Commissioner must forward it to the Board for consideration at an appropriate quarterly meeting.~~

~~(h) The Commissioner shall make available to the public universities, health-related institutions, community/technical colleges, and Independent Colleges of Texas, Inc. a list of all pending proposals for new degree programs. If an institution wishes to provide the Commissioner information supporting a concern it has about the approval of a pending proposal for a new degree program at another institution, it must do so within 14 days of the initial listing of the proposal, and it must also forward the information to the proposing institution.~~

~~(i) The authority given to the Commissioner to approve proposals from public universities and health-related institutions for new degree programs (and other related duties given under this section) may be delegated by the Commissioner to the Assistant Commissioner for Academic Quality and Workforce.~~

~~(j) Each quarter, the Commissioner shall send a list of his approvals and disapprovals under this section to Board members. A list of the approvals and disapprovals shall also be attached to the minutes of the next quarterly Board meeting.~~

~~§5.52. Review of Existing Degree Programs.~~

~~(a) In accordance with the requirements of the Southern Association of Colleges and Schools, Commission on Colleges, each public institution of higher education shall have a process to review the quality and effectiveness of existing degree programs and for continuous improvement.~~

~~(b) The Coordinating Board staff shall develop a process for conducting a periodic audit of the quality, productivity, and effectiveness of existing bachelor's, master's, and doctoral degree programs at public institutions of higher education and health-related institutions.~~

~~(c) Each public university and health-related institution shall review all doctoral programs at least once every ten years.~~

~~-(1) On a schedule to be determined by the Commissioner, institutions shall submit a schedule of review for all doctoral programs to the Assistant Commissioner of Academic Quality and Workforce.~~

~~-(2) Institutions shall begin each review of a doctoral program with a rigorous self-study.~~

~~-(3) As part of the required review process, institutions shall use at least two external reviewers with subject-matter expertise who are employed by institutions of higher education outside of Texas.~~

~~-(4) External reviewers must be provided with the materials and products of the self-study and must be brought to the campus for an on-site review.~~

~~-(5) External reviewers must be part of a program that is nationally recognized for excellence in the discipline.~~

~~-(6) External reviewers must affirm that they have no conflict of interest related to the program under review.~~

~~-(7) Closely related programs, defined as sharing the same 4-digit Classification of Instructional Programs code, may be reviewed in a consolidated manner at the discretion of the institution.~~

~~-(8) Institutions shall review master's and doctoral programs in the same discipline simultaneously, using the same self-study materials and reviewers. Institutions may also, at their discretion, review bachelor's programs in the same discipline as master's and doctoral programs simultaneously.~~

~~-(9) Criteria for the review of doctoral programs must include, but are not limited to:~~

~~— (A) The Characteristics of Texas Public Doctoral Programs;~~

~~— (B) Student retention rates;~~

~~— (C) Student enrollment;~~

~~— (D) Graduate licensure rates (if applicable);~~

~~— (E) Alignment of program with stated program and institutional goals and purposes;~~

~~— (F) Program curriculum and duration in comparison to peer programs;~~

- ~~—(G) Program facilities and equipment;~~
- ~~—(H) Program finance and resources;~~
- ~~—(I) Program administration; and~~
- ~~—(J) Faculty Qualifications.~~
- ~~—(10) Institutions shall submit a report on the outcomes of each review, including the evaluation of the external reviewers and actions the institution has taken or will take to improve the program, and shall deliver these reports to the Academic Quality and Workforce Division no later than 180 days after the reviewers have submitted their findings to the institution.~~
- ~~—(11) Institutions may submit reviews of graduate programs performed for reasons of programmatic licensure or accreditation in satisfaction of the review and reporting requirements in this subsection.~~
- ~~(d) Each public university and health related institution shall review all stand alone master's programs at least once every ten years.~~
- ~~—(1) On a schedule to be determined by the Commissioner, institutions shall submit a schedule of review for all master's programs to the Assistant Commissioner of Academic Quality and Workforce.~~
- ~~—(2) Institutions shall begin each review of a master's program with a rigorous self-study.~~
- ~~—(3) As part of the required review process, institutions shall use at least one external reviewer with subject-matter expertise who is employed by an institution of higher education outside of Texas.~~
- ~~—(4) External reviewers shall be provided with the materials and products of the self-study. External reviewers may be brought to the campus for an on-site review or may be asked to conduct a remote desk review.~~
- ~~—(5) External reviewers must be part of a program that is nationally recognized for excellence in the discipline.~~
- ~~—(6) External reviewers must affirm that they have no conflict of interest related to the program under review.~~
- ~~—(7) Closely related programs, defined as sharing the same 4-digit Classification of Instructional Programs code, may be reviewed in a consolidated manner at the discretion of the institution.~~
- ~~—(8) Master's programs in the same 6-digit Classification of Instructional Programs code as doctoral programs shall be reviewed simultaneously with their related doctoral programs.~~
- ~~—(9) Criteria for the review of master's programs must include, but are not limited to:~~
 - ~~—(A) Faculty qualifications;~~
 - ~~—(B) Faculty publications;~~
 - ~~—(C) Faculty external grants;~~
 - ~~—(D) Faculty teaching load;~~
 - ~~—(E) Faculty/student ratio;~~
 - ~~—(F) Student demographics;~~
 - ~~—(G) Student time-to-degree;~~
 - ~~—(H) Student publication and awards;~~
 - ~~—(I) Student retention rates;~~
 - ~~—(J) Student graduation rates;~~
 - ~~—(K) Student enrollment;~~
 - ~~—(L) Graduate licensure rates (if applicable);~~
 - ~~—(M) Graduate placement (i.e. employment or further education/training);~~

- ~~—(N) Number of degrees conferred annually;~~
- ~~—(O) Alignment of program with stated program and institutional goals and purposes;~~
- ~~—(P) Program curriculum and duration in comparison to peer programs;~~
- ~~—(Q) Program facilities and equipment;~~
- ~~—(R) Program finance and resources; and~~
- ~~—(S) Program administration.~~
- ~~—(10) Institutions shall submit a report of the outcomes of each review, including the evaluation of the external reviewer(s) and actions the institution has taken or will take to improve the program, and shall deliver these reports to the Academic Quality and Workforce Division no later than 180 days after the reviewer(s) have submitted their findings to the institution.~~
- ~~—(11) Institutions may submit reviews of graduate programs performed for reasons of programmatic licensure or accreditation in satisfaction of the review and reporting requirements in this subsection.~~
- ~~(c) The Coordinating Board shall review all reports submitted for master's and doctoral programs and shall conduct analysis as necessary to ensure high quality. Institutions may be required to take additional actions to improve their programs as a result of Coordinating Board review.~~

~~§5.53. Annual Evaluation of New Doctoral Degree Programs.~~

- ~~(a) New doctoral degree programs shall be monitored by the Board staff for a period of five years following implementation of the program to assure that any conditions of approval stipulated by the Board have been satisfied by the end of that period.~~
- ~~(b) Progress toward satisfaction of any conditions of approval shall be described in the new doctoral program's annual reports to the Board.~~
- ~~(c) A new doctoral degree program that adequately satisfied all conditions of approval during the first five years following program implementation shall not be required to submit further annual reports unless directed to do so by the Commissioner.~~

~~§5.54. Noncompliance with Conditions of Approval for New Doctoral Degree Programs.~~

- ~~(a) A new doctoral degree program that fails to satisfy all contingencies and conditions of approval by the end of the first five years following program implementation shall be notified in writing of said failure by the Board staff. Within sixty (60) days of receipt of notification, the program shall:

 - ~~—(1) provide to the Board staff a written report containing the institution's findings as to why all conditions of approval were not met;~~
 - ~~—(2) submit a written plan describing how the program will fulfill all unsatisfied conditions of approval within one year; and~~
 - ~~—(3) at the end of the one-year period provide a report to the Board staff on whether or not all unsatisfied conditions of approval have been fulfilled.~~~~
- ~~(b) A new doctoral degree program that fails to satisfy all remaining conditions of approval during the one-year period referenced in subsection (a)(2) of this section shall be required to show cause why the program should not be closed.~~
- ~~(c) Program Closure. If it is determined that a new doctoral degree program is in jeopardy of noncompliance with the conditions of its approval, Coordinating Board staff may notify the~~

institution in writing with a recommendation. If the institution where the program is located wishes to close the program, the institution shall:

- (1) give appropriate notification to the Southern Association of Colleges and Schools Commission on Colleges;
- (2) cease to admit new students to the program and provide Board staff with the names, dates of admission, and projected graduation dates of all students currently enrolled in the program;
- (3) teach out students currently enrolled in the program over a period of time not to exceed one and one-half times the normal program length. The Commissioner may extend the duration of the teach-out period if the institution presents compelling evidence that an extension is appropriate and necessary;
- (4) ensure that all courses necessary to complete the program are offered on a timely basis;
- (5) close the program when the last student enrolled in the program has graduated or the teach-out period has lapsed; and
- (6) notify the Coordinating Board when the program is finally closed.

(d) If the institution chooses not to follow the recommendation, Coordinating Board staff may send the recommendation to the governing board of the institution. If the governing board does not accept the recommendation to eliminate the program, then the university system or, where a system does not exist, the institution must identify the programs recommended for closure by the Coordinating Board on the next legislative appropriations request submitted by the system or institution.

§5.55. Revisions to Approved Programs.

Degree programs on the approved program inventory of a public university or health-related institution may be revised under the following conditions:

- (1) Revisions to degree program curricula that result in a reduction in the overall number of semester credit hours required for the program are automatically approved and require Board notification through a letter from the provost or chief academic officer. Such revisions may not reduce the number of required hours below the minimum requirements of the Southern Association of Colleges and Schools Commission on Colleges, program accreditors, and licensing bodies, if applicable.
- (2) Revisions to degree program curricula that result in an increase in the overall number of semester credit hours required for the program must be reviewed and approved by Board staff prior to implementation by the institution. The institution must provide detailed written documentation describing the compelling academic reason for the increase in the number of required hours. The Coordinating Board will review the documentation provided and make a determination to approve or deny the request.
- (3) Revisions to degree program curricula that do not result in a change in the overall number of semester credit hours required for the program do not require Board approval or notification.
- (4) Revisions to other aspects of degree programs, including changes to the Classification of Instructional Programs coding, degree designation, degree title, or a consolidation of the program with one or more existing programs, must be approved by Board staff.