

CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS
OF HIGHER EDUCATION IN TEXAS

Subchapter A. GENERAL PROVISIONS

Section

- 4.1. Purpose.
- 4.2. Authority.
- 4.3. Definitions.
- 4.4. Student Absences on Religious Holy Days.
- 4.5. Common Calendar.
- 4.6. Minimum Length of Courses and Limitation on the Amount of Credit that a Student May Earn in a Given Time Period.
- 4.7. Student Transcripts.
- 4.8. Expert Witnesses.

4.1. Purpose.

This section establishes rules on a variety of topics that apply exclusively to public institutions of higher education.

4.2. Authority.

Unless otherwise noted in a section, the authority for these provisions is provided by Texas Education Code, Section 61.051 which describes the Board's role in the Texas system of higher education.

4.3. Definitions.

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

(1) Associate of Science degree and the Associate of Arts degree -- collegiate degrees consisting of lower-division courses designed to prepare students for transfer to a bachelor's degree program.

(2) Associate of Applied Science degree and the Associate of Applied Arts degree -- technical certificates issued to students who complete workforce education curricula of collegiate level.

(3) Bachelor of General Studies degree -- a program designed principally for mature students who seek a flexible degree program and who do not desire or may not meet prerequisites of a highly structured traditional degree program, and to permit students to plan, with advisement, an individualized program with access to a wide range of academic disciplines and fields of professional study.

(4) Bachelor of Applied Arts and Sciences degree -- a program designed to provide a path to a bachelor's degree for students who have earned previous collegiate credit through workforce education curricula. The degree program combines general education requirements and a professional component designed to complement the student's technical or vocational competence.

(5) Board -- The Texas Higher Education Coordinating Board.

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

(7) Common calendar -- dates and information pertaining to the beginning and ending (and lengths) of academic semesters and sessions, applicable to all Texas public universities and community, technical and state colleges.

(8) Consulting or testifying expert witness -- any non-fact witness whose name must be disclosed during litigation as required by the Texas Rules of Civil Procedure.

(9) Degree program -- any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle the student to a degree from an institution of higher education.

(10) Faculty or professional staff of an institution of higher education -- a non-classified, full-time employee who is a member of the faculty or staff and whose duties include teaching, research, administration or performing professional services, including professional library services.

(11) Fiscal year -- the State of Texas' fiscal year, September 1 through August 31.

(12) Institution of higher education or institution -- any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in Texas Education Code, Section 61.003.

(13) Interdisciplinary baccalaureate degrees -- the Bachelor of General Studies degree (defined in paragraph (4) of this section) and such general degrees as liberal arts or humanities. These broad-based degrees vary in the amount of prescriptive structure but share the characteristics of flexibility for the student and interdisciplinary course selection.

(14) Non-classified -- an employee whose position is not controlled by the institution's classified personnel system or a person employed in a similar position if the institution does not have a classified personnel system.

(15) Religious holy day -- A holy day observed by a religion whose places of worship are exempt from property taxation under the Texas Tax Code, Section 11.20.

4.4. Student Absences on Religious Holy Days.

(a) Under Texas Education Code, Section 51.911, all institutions of higher education shall allow a student who is absent from classes for the observance of a religious holy day to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence if, not later than the 15th day after the first day of the semester, the student notifies the instructor of each class the student had scheduled on that date that the student would be absent for a religious holy day.

(b) Each institution of higher education shall develop and include in its official bulletins, catalogs, and other appropriate publications a statement regarding its attendance policies and procedures for religious holy days. If the institution publishes a list of important academic dates or other schedule of significant dates, it would be appropriate to include the deadline date for notification by students to faculty members as set out in this section.

(c) Notifications of planned absences must be in writing and must be delivered by the student either personally to the instructor of each class, with receipt of the notification acknowledged and dated by the instructor; or by certified mail, return receipt requested, addressed to the instructor of each class.

(d) Each institution may include in its policies and procedures provisions whereby the instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence. Such provisions must be communicated to the student when the student notifies the instructor of a planned absence under this section.

(e) Each institution may exclude from these policies and procedures any student absence for religious holy days which may interfere with patient care.

(f) An institution choosing to establish more lenient policies with respect to the freedom of students to observe religious holy days may do so.

4.5. Common Calendar.

(a) The Commissioner shall establish and periodically update a common calendar for Texas public universities and community, technical and state colleges.

(b) The Commissioner may grant waivers to the common calendar to benefit students and/or to improve the efficient operations of the institutions.

(c) A semester normally shall include 15 weeks for instruction and one week for final examinations or a total of 16 weeks instruction and examinations combined. Every fall semester will end before Christmas, but not later than December 23.

(d) The summer session shall be considered an integral part of the college year and maximum use should be made of the summer session. Each of the two summer terms shall include no less than 5 1/2 calendar weeks, including registration, instructions, and final examinations. Colleges may register students for a six semester credit hour load for each 5 1/2-

week summer term. Colleges and universities may schedule summer terms longer or shorter than 5 1/2 weeks, but the amount of credit students are allowed to enroll for must be proportional.

(e) Each college and university shall establish its own dates for orientation, registration, holidays, final examinations, and the end of each semester and summer term consistent with subsections (c) and (d) of this section.

(f) The Texas Education Agency shall be notified of the calendar adopted and be encouraged to communicate with the Board about possible further coordination of school and college calendar.

(g) Nothing in this section shall be interpreted to preclude experimentation and innovation by any institution looking toward full utilization of facilities on a year-round basis.

4.6. Minimum Length of Courses and Limitation on the Amount of Credit that a Student May Earn in a Given Time Period.

(a) Traditionally-delivered three-semester-credit-hour courses should contain 15 weeks of instruction (45 contact hours) plus a week for final examinations so that such a course contains 45 to 48 contact hours depending on whether there is a final exam.

(b) Every college course is assumed to involve a significant amount of non-contact hour time for out-of-class student learning and reflection. To ensure the quality of student learning, institutions should not allow students to carry more courses in any term (that is, regular or shortened semester), which would allow them to earn more than one semester credit hour per week over the course of the term. For example, in a five and a half week summer term, students should not generally be allowed to enroll for more than six semester credit hours.

(c) Institutions should have a formal written policy for addressing any exceptions to subsection (b) of this section.

(d) Courses delivered in shortened semesters are expected to have the same number of contact hours and the same requirement for out-of-class learning as courses taught in a normal semester.

(e) Institutions may offer a course in a non-traditional way (for example, over the internet, or through a shortened, intensive format) that does not meet these contact hour requirements, if the course has been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

4.7. Student Transcripts.

(a) Student transcripts shall contain a record of each state funded course attempted by a student at the transcribing institution after January 1, 1998. This includes all courses for which the student was enrolled as of the official census date each term, including

developmental education courses, courses that were not completed, courses that were dropped, and courses that were repeated.

(b) After September 1, 1998, the student transcript or an addendum to the transcript certified by the appropriate institutional official shall contain a record of the student's status in regard to the Texas Academic Skills Program (TASP). Depending on the status of the individual student, the document should include the status for each section of the test (reading, mathematics, writing) with information as to how the student met the TASP requirement (TASP test or other test scores, "B" or better courses with grades and course numbers). The information provided should enable receiving institutions to use the transcript or the addendum as a single source of information to determine the student's TASP status.

(c) Student transcripts created after September 1, 2000 should be maintained by the institutions in a format suitable for electronic interchange. The format of transcripts shall be the format that is used to store the most transcripts by Texas institutions of higher education as of September 1, 1998 or another format adopted by a majority of the members of the Texas Association of Collegiate Registrars and Admissions Officers.

(d) Student transcripts or an addendum to the transcript certified by the appropriate institutional official shall identify all courses completed in satisfaction of the core curriculum as specified in Section 4.28 (h) of this title (relating to Transfer of Credit, Core Curriculum and Field of Study Curricula).

4.8. Expert Witnesses.

(a) Under Texas Education Code, Section 61.0815, the president of an institution of higher education shall file a written report with the Board regarding members of the faculty or professional staff who received compensation for serving as consulting or testifying expert witnesses during the prior fiscal year in lawsuits in which the state is a party.

(b) The report shall be filed with the Board no later than September 30 of each year and shall contain:

- (1) the number of hours spent by faculty or professional staff members serving as consulting or testifying expert witnesses during the prior fiscal year;
- (2) the names of the parties, cause number and county where the cause is filed, for each case in which qualifying expert witness services was rendered; and
- (3) the outcome of the case, including the amount of:
 - (A) any judgment entered against the state;
 - (B) any prejudgment or postjudgment interest awarded against the state; and
 - (C) any attorney's fees of another party ordered to be paid by the state.

(c) The information regarding the number of hours spent by faculty or staff serving as consulting or testifying expert witnesses shall be reported to the Board in the aggregate without identifying specific individuals.

(d) In the event an institution cannot provide the information specified in subsection (b) of this section, the Texas Attorney General's Office shall be requested to provide the information to the Board.

Subchapter B. TRANSFER OF CREDIT, CORE CURRICULUM AND
FIELD OF STUDY CURRICULA

Section

- 4.21. Purpose.
- 4.22. Authority.
- 4.23. Definitions.
- 4.24. General Provisions.
- 4.25. Requirements and Limitations.
- 4.26. Penalty for Noncompliance with Transfer Rules.
- 4.27. Resolution of Transfer Disputes for Lower-Division Courses.
- 4.28. Core Curriculum.
- 4.29. Core Curricula Larger than 42 Semester Credit Hours.
- 4.30. Criteria for Evaluation of Core Curricula
- 4.31. Revision of Existing Approved Core Curricula.
- 4.32. Field of Study Curricula.
- 4.33. Criteria for Evaluation of Field of Study Curricula.
- 4.34. Revision of Existing Approved Field of Study Curricula.

4.21. Purpose.

The purpose of this subchapter is to provide for the development and implementation of policies that encourage the free and appropriate transferability of lower division course credit among institutions of higher education, and especially to provide for the smooth transfer of lower division credit through core curricula, field of study curricula, and a procedure for the resolution of transfer disputes.

4.22. Authority.

The Board is authorized to adopt rules and establish policies and procedures for the development, adoption, implementation, and evaluation of core curricula, field of study curricula, and a transfer dispute resolution process under Texas Education Code Sections 61.051 (g), and Texas Education Code Sections 61.821-831.

4.23. 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) Commissioner -- The Commissioner of Higher Education.

(3) Core Curriculum -- the curriculum in the liberal arts, humanities, sciences, and political, social, and cultural history that all undergraduates of an institution of higher education are required to complete before receiving an academic undergraduate degree.

Core curriculum provisions apply to public colleges and universities, and to academic degree programs offered at health-related institutions.

(4) Field of Study Curriculum (FOSC) -- a set of courses that will satisfy the lower-division requirements for a baccalaureate degree in a specific academic area at a general academic teaching institution. A field of study curriculum affects academic degree programs at public colleges or universities as designated within the particular field of study curriculum.

(5) Course consistent with the Texas Common Course Numbering System (TCCNS) -- a lower-division course that meets one of three conditions:

(A) it has an assigned a TCCNS number and is listed in the *Lower Division Academic Course Guide Manual*;

(B) a TCCNS number and inclusion in the *Lower Division Academic Course Guide Manual* have been requested for the course; or

(C) the institution which offers the course has specified at least one TCCNS course listed in the *Lower Division Academic Course Guide Manual* that will be accepted in transfer in lieu of the course.

(6) Institution of Higher Education or institution -- any public technical institute, public junior college, public senior college or university, medical or dental unit, other agency of higher education as defined in Texas Education Code, Section 61.003.

(7) The *Lower Division Academic Course Guide Manual* (ACGM) -- an official Board publication that lists a basic core of general academic courses which are freely transferable among all public institutions of higher education in Texas in accordance with the Texas Education Code, Section 61.051(g). TCCNS numbers are assigned to most courses in the manual.

(8) Faculty member -- a person who is employed full-time by an institution of higher education as a member of the faculty whose primary duties include teaching, research, academic service, or administration. However, the term does not include a person holding faculty rank who spends a majority of the person's time for the institution engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate of assistant provost, or dean.

4.24. General Provisions.

(a) All successfully completed lower-division academic courses that are identified by the Texas Common Course Numbering System (TCCNS) and published in the *Lower Division Academic Course Guide Manual* (ACGM) shall be fully transferable among public institutions and shall be substituted for the equivalent course at the receiving institution. Except in the case of courses belonging to a Board-approved Field of Study Curriculum (FOSC), applicability of transferred courses to requirements for specific degree programs is determined by the receiving institution.

(b) Nothing in this subchapter restricts the authority of an institution of higher education to adopt its own admission standards in compliance with this subchapter or its own grading policies so long as it treats transfer students and native students in the same manner.

(c) Institutional policies regarding acceptance of credit for correspondence courses, credit-by-examination, and other credit-earning instruments must be consistent with Southern Association of Colleges and Schools' guidelines and must treat transfer students and native students in the same manner.

(d) This subchapter applies specifically to academic courses and degree programs, and does not apply to technical courses or technical degree programs.

4.25. Requirements and Limitations.

(a) Each institution of higher education shall identify in its undergraduate catalog each lower-division course that is substantially equivalent to an academic course listed in the current edition of the *Lower Division Academic Course Guide Manual*.

(b) Each university must offer at least 45 semester credit hours of academic courses that are substantially equivalent to courses listed in the Lower Division Academic Course Guide Manual including those that fulfill the lower-division portion of the institution's Core Curriculum.

(c) All public colleges and universities must accept transfer of credit for successfully completed courses identified in subsections (a) and (b) of this section as applicable to an associate or baccalaureate degree in the same manner as credit awarded to non-transfer students in that degree program.

(d) Each institution shall be required to accept in transfer into a baccalaureate degree program the number of lower-division credit hours in the program which are allowed for their non-transfer students in that program; however,

(1) No institution shall be required to accept in transfer more credit hours in the major area of a degree program than the number set out in any applicable Board-approved Field of Study Curriculum for that program.

(2) In any degree program for which there is no Board-approved Field of Study Curriculum, no institution shall be required to accept in transfer more lower-division course credit in the major applicable to a baccalaureate degree than the institution allows their non-transfer students in that major.

(3) An institution of higher education may deny the transfer of credit in courses with a grade of "D" as applicable to the student's field of study curriculum courses, core curriculum courses, or major.

(e) All senior institutions of higher education in Texas shall provide support services appropriate to meet the needs of [fər] transfer students. These support services should be comparable to [equivalent to] those provided to non-transfer students regularly enrolled at the

institutions, including an orientation program similar [~~for transfer students equivalent~~] to that provided for entering freshman enrollees.

(f) No university shall be required to accept in transfer or toward a degree program, more than sixty-six (66) semester credit hours of lower-division academic credit. Universities, however, may choose to accept additional credit hours.

4.26. Penalty for Noncompliance with Transfer Rules.

If it is determined by the Board that an institution inappropriately or unnecessarily required a student to retake a course that is substantially equivalent to a course already taken at another institution, in violation of the provisions of Section 4.25 of this title (relating to Requirements and Limitations), formula funding for credit hours in the repeated course will be deducted from the institution's appropriation.

4.27. Resolution of Transfer Disputes for Lower-Division Courses.

(a) The following procedures shall be followed by institutions of higher education in the resolution of credit transfer disputes involving lower-division courses:

(1) If an institution of higher education does not accept course credit earned by a student at another institution of higher education, the receiving institution shall give written notice to the student and to the sending institution that transfer of the course credit is denied, and shall include in that notice the reasons for denying the credit. Attached to the written notice shall be the procedures for resolution of transfer disputes for lower-division courses as outlined in this section, accompanied by clear instructions outlining the procedure for appealing the decision to the Commissioner.

(2) A student who receives notice as specified in paragraph (1) of this subsection may dispute the denial of credit by contacting a designated official at either the sending or the receiving institution.

(3) The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with Board rules and guidelines.

(4) If the transfer dispute is not resolved to the satisfaction of the student or the sending institution within 45 days after the date the student received written notice of denial, the sending institution may notify the Commissioner in writing of the request for transfer dispute resolution, and the institution that denies the course credit for transfer shall notify the Commissioner in writing of its denial and the reasons for the denial.

(b) The Commissioner or the Commissioner's designee shall make the final determination about a dispute concerning the transfer of course credit and give written notice of the determination to the involved student and institutions.

(c) Each institution of higher education shall publish in its course catalogs the procedures specified in subsections (a), (b), (d), and (e) of this section.

(d) The Board shall collect data on the types of transfer disputes that are reported and the disposition of each case that is considered by the Commissioner or the Commissioner's designee.

(e) If a receiving institution has cause to believe that a course being presented by a student for transfer from another school is not of an acceptable level of quality, it should first contact the sending institution and attempt to resolve the problem. In the event that the two institutions are unable to come to a satisfactory resolution, the receiving institution may notify the Commissioner, who may investigate the course. If its quality is found to be unacceptable, the Board may discontinue funding for the course.

4.28. Core Curriculum.

(a) In accordance with Texas Education Code, Sections 61.821-831, each general academic institution, community college, and health-related institution shall design and implement a core curriculum, including specific courses composing the curriculum, of no less than 42 lower-division semester credit hours. Health-related institutions should encourage their students to complete their core curriculum requirement at a general academic institution or community college.

(b) Each institution's core curriculum must be designed to satisfy the exemplary educational objectives specified for the component areas of the "Core Curriculum: Assumptions and Defining Characteristics" adopted by the Board; all lower-division courses included in the core curriculum must be consistent with the "Texas Common Course Numbering System," and must be consistent with the framework identified in Charts I and II of this subsection. Chart I specifies the minimum number of semester credit hours required in each of five major component areas that a core curriculum must include (with sub-areas noted in parentheses). Chart II specifies options available to institutions for the remaining 6-12 semester credit hours.

Chart I - Institutions must select 36 semester credit hours of the core curriculum according to the parameters described below:

Component Area	Required Semester Credit Hours
010** Communication (English rhetoric/composition)	6
020** Mathematics (logic, college-level algebra equivalent, or above)	3
030** Natural Sciences	6
Humanities & Visual and Performing Arts Must include:	6
050** Visual/Performing Arts	(3)
040** Other (literature, philosophy, modern or classical language/literature and cultural studies*)	(3)
Social/Behavioral Sciences Must include:	15
060** U.S. History (legislatively mandated)	(6)
070** Political Science (legislatively mandated)	(6)
080** Social/Behavioral Science	(3)
Total Minimum Requirements	36

* **Humanities** application of language skills includes a study of literature in the original language, and/or the cultural studies related to a modern or classical language.

** Identifying numbers recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) for use on students transcripts, in order to indicate courses utilized to satisfy core curriculum component area requirements. Student transcripts should also indicate whether a student has completed the core curriculum satisfactorily.

Chart II - To complete the required 42-semester-credit-hour core curriculum, institutions shall select an additional 6 semester credit hours from one or more of the following:

Component Area	Possible Additional Semester Credit Hours (6 Minimum)
011*** Communication (composition, speech, modern language communication skills*)	Up to 6
021*** Mathematics (finite math, statistics, calculus, or above)	Up to 3
031*** Natural Sciences	Up to 3
041*** Humanities (literature, philosophy, modern or classical language/literature and cultural studies**) & 051*** Visual and Performing Arts	Up to 3
081*** Social and Behavioral Sciences	Up to 3
090*** Institutionally Designated Option (may include additional semester credit hours in the categories listed above, computer literacy, health/wellness, kinesiology, capstone or interdisciplinary courses, etc.	Up to 6
Total Additional Hours	6

* **Communication** application of a modern language means the basic proficiency skills acquired during introductory courses and including a working competency in grammar, writing, speaking, and listening/comprehension in a foreign language.

** **Humanities** application of language skills includes a study of literature in the original language, and/or the cultural studies related to a modern or classical language.

*** Identifying numbers recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) for use on students transcripts, in order to indicate courses utilized to satisfy core curriculum component area requirements. Student transcripts should also indicate whether a student has completed the core curriculum satisfactorily.

(c) If a student successfully completes the 42 semester credit hour core curriculum at a Texas public [an] institution of higher education, that block of courses may be transferred to any other Texas public institution of higher education and must be substituted for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred and may not be required to take additional core curriculum courses at the receiving institution unless the Board has approved a larger core curriculum at that institution.

(d) A student concurrently enrolled at more than one institution of higher education shall follow the core curriculum requirements in effect for the institution at which the student is classified as a degree-seeking student.

(e) Except as specified in subsection (f) of this section, a student who transfers from one institution of higher education to another without completing the core curriculum of the sending institution shall receive academic credit within the core curriculum of the receiving institution for each of the courses that the student has successfully completed in the core curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy the remaining course requirements in the core curriculum of the receiving institution.

(f) Each student must meet the minimum number of semester credit hours in each component area; however, an institution receiving a student in transfer is not required to accept component core course semester credit hours beyond the maximum specified in a core component area.

(g) An institution may include within its core curriculum a course or courses that combine exemplary educational objectives from two or more component areas of the exemplary educational objectives defined in this section.

(h) Each institution must note core courses on student transcripts as recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO).

(i) Each institution must publish and make readily available to students its core curriculum requirements stated in terms consistent with the "Texas Common Course Numbering System."

4.29. Core Curricula Larger than 42 Semester Credit Hours.

(a) An institution may adopt a core curriculum under this subchapter in excess of 42 semester credit hours, but no more than 48 semester credit hours, if the courses in excess of 42 semester credit hours are selected from the first five component areas of Chart II of Section 4.28 (b) of this title (relating to Core Curriculum) (excluding additional credit in the Institutionally Designated Option) and are approved by the institution's governing board.

(b) No institution may adopt a core curriculum of more than 42 semester credit hours without approval by the Board if the courses in excess of 42 semester credit hours are selected from component areas other than the first five component areas of Chart II of Section 4.28 (b) of

this title (relating to Transfer of Credit, Core Curriculum and Field of Study Curricula). The Board may approve a core curriculum under this section if:

- (1) It has been previously approved by the institution's governing board;
- (2) The institution has provided to the Board a narrative justification of the need and appropriateness of a larger core curriculum that is consistent with its role and mission; and
- (3) No proposed upper-division core course is substantially comparable in content or depth of study to a lower-division course listed in the "Texas Common Course Numbering System."

4.30. Criteria for Evaluation of Core Curricula.

(a) Each public institution of higher education shall review and evaluate its core curriculum every five years and report the results of that evaluation to the Board. The evaluation should include:

- (1) the extent to which the core curriculum is consistent with the elements of the core curriculum recommended by the Board;
- (2) the extent to which the core curriculum is consistent with the Texas Common Course Numbering System (TCCNS);
- (3) the extent to which the core curriculum is consistent with the elements of the core curriculum component areas, intellectual competencies, and perspectives as expressed in *Core Curriculum: Assumptions and Defining Characteristics* adopted by the Board; and
- (4) the extent to which the institution's educational goals and the exemplary educational objectives of the core curriculum recommended by the Board are being achieved;

(b) Each institution's evaluation report must contain at least the following:

- (1) a table that compares the institution's core curriculum with the core component areas and exemplary educational objectives of the core curriculum recommended by the Board;
- (2) a brief description of the purpose and substance of the institution's core curriculum;
- (3) a description of the processes and procedures used to evaluate the institution's core curriculum; and
- (4) a description of the ways in which the evaluation results are being or will be utilized to improve the core curriculum at the institution.

4.31. Revision of Existing Approved Core Curricula.

(a) Each public institution of higher education that does not already have a Board-approved core curriculum on file must submit its proposed core curriculum to the Board for staff review and approval. The request for approval should include a description of the goals of the core curriculum, a table showing the institution's core curriculum by component area (based on the model found in Charts I and II in Section 4.28 (b) of this title, relating to Core Curriculum), and a complete listing of courses approved by the institution to fulfill core component requirements, organized to reflect each required and supplemental component area of the core curriculum as detailed in the document *Core Curriculum: Assumptions and Defining Characteristics*, adopted by the Board. Courses should be selected to fulfill component requirements in a core curriculum based at least in part on their ability to meet most of the exemplary educational outcome statements for the component area as described in the document *Core Curriculum: Assumptions and Defining Characteristics*, adopted by the Board.

(b) An institution should follow these procedures to modify its core curriculum to add or delete courses, change the total number of semester credit hours in a non-required component area, or change the total number of semester credit hours required in its core curriculum:

(1) submit to the Board a letter documenting each change to be made, the component area(s) affected, and a rationale for the change;

(2) requests that involve changing the overall number of semester credit hours in the core curriculum or the number in a given component area require documentation of prior approval by the institution's governing board;

(3) the institution shall receive a letter from the Board staff giving notice of acceptance of the proposed changes and/or indicating any changes that do not meet Board-approved criteria.

(c) Upon receiving an approval letter from Board staff, the institution shall make any required changes to its core curriculum and will document those changes in institutional publications.

4.32. Field of Study Curricula.

(a) In accordance with Texas Education Code, Section 61.823, the Board approves field of study curricula for certain fields of study/academic disciplines. Field of study curricula shall be developed with the assistance of advisory committees whose membership includes at least a majority of members who are teaching faculty (as defined by Section 4.23 (8) of this title, relating to Definitions for Core Curriculum and Field of Study Curricula) within the field of study under consideration.

(b) If a student successfully completes a field of study curriculum developed by the Board, that block of courses may be transferred to a general academic teaching institution and must be substituted for that institution's lower-division requirements for the degree program for

the field of study into which the student transfers, and the student shall receive full academic credit toward the degree program for the block of courses transferred.

(c) A student who transfers from one institution of higher education to another without completing the field of study curriculum of the sending institution shall receive academic credit in the field of study curriculum of the receiving institution for each of the courses that the student has successfully completed in the field of study curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy the remaining course requirements in the field of study curriculum of the receiving institution, or to complete additional requirements in the receiving institution's program, as long as those requirements do not duplicate course content already completed through the field of study curriculum.

(d) A student concurrently enrolled at more than one institution of higher education shall follow the field of study curriculum requirements of the institution at which the student is classified as a degree-seeking student.

(e) Each institution must note field of study curriculum ~~[core]~~ courses on student transcripts as recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO).

(f) Each institution must review and evaluate its procedures for complying with field of study curricula at intervals specified by the Board and shall report the results of that review to the Board. These reports shall be submitted following the same timetable as the regular reports of core curriculum evaluations.

4.33. Criteria for Evaluation of Field of Study Curricula.

(a) Every five years, each public institution of higher education shall review and evaluate its policies and practices regarding the acceptance and application of credit earned as part of a Board-approved field of study curriculum, and reports the results of that evaluation to the Board. The evaluation should include:

(1) the extent to which the institution's compliance with the acceptance of transfer credit through field of study curricula is being achieved;

(2) the extent to which the institution's application to the appropriate degree program of credit earned as part of a Board-approved field of study curriculum facilitates academic success;

(3) the effectiveness of field of study curricula in the retention and graduation of transfer students in those degree programs that have Board-approved field of study curricula.

(b) Each institution's evaluation report must contain at least the following:

(1) a listing of the institution's degree programs that have Board-approved field of study curricula;

(2) a description of the institution's policies and practices regarding applicable Board-approved field of study curricula, including admission-point evaluation of transfer credit, advising practices (including catalogue and website information on existing field of study curricula and advising/counseling practices for enrolled students), and transcribing practices to show field of study participation and completion;

(3) a chart or table showing the number of total transfer students for each degree program that has a Board-approved field of study curriculum, for each of the last five years; the chart should indicate year-by-year the percentage of students who transferred having completed the applicable field of study curriculum, the percentage of students who transferred without having completed the applicable field of study curriculum, and any information about progress toward graduation or graduation rates that can compare transfer student performance with non-transfer student performance during the evaluation period.

4.34. Revision of Existing Approved Field of Study Curricula.

(a) The Board shall have the authority to modify or revise a Board-approved field of study curriculum when a need for such a revision is identified, as specified in current Board policy and procedures.

(b) The need for a revision or modification to a Board-approved field of study curriculum may be identified by one the following methods, or by other methods that are similarly appropriate:

(1) notice of a change in licensure, certification, or accreditation standards that would affect the field of study curriculum and lower-division requirements for a field of study or academic discipline;

(2) notice of a change in curricular structure or content that is part of a pervasive change in the academic discipline served by the field of study curriculum, as documented by national or regional professional organizations, faculty organizations, or other indicators of best practices in the discipline;

(3) receipt of a request from at least three public institutions of higher education that are affected by the field of study curriculum under consideration for modification, including at least one two-year and one four-year academic-degree-granting institution. The request and justifications for the request should be made by the chief academic officers of the institutions, in a joint memorandum sent to the Commissioner.

(c) Any proposed modification or revision to a Board-approved field of study curriculum should be evaluated by an advisory committee convened under the conditions cited in Section 4.30 (a) of this title (relating to Criteria for Evaluation of Core Curricula). Recommendations for modifications or revisions to a Board-approved field of study curriculum should reflect the advice and wisdom of an advisory committee made up primarily of teaching faculty from the academic discipline(s) affected by the field of study curriculum under consideration.

Subchapter C. TESTING AND DEVELOPMENTAL EDUCATION

Section

- 4.51. Purpose.
- 4.52. Authority.
- 4.53. Definitions.
- 4.54. Institutional Developmental Education Plans.
- 4.55. Eligibility and Exemptions/Exceptions.
- 4.56. Criteria for Meeting TASP Requirements.
- 4.57. Developmental Education and Advisement.
- 4.58. Administration.
- 4.59. Reporting and Funding.

4.51. Purpose.

The purpose of this subchapter is to implement testing and developmental education criteria for institutions of higher education. It is the intent of the Board that Texas public institutions of higher education use the flexibility and responsibility granted through these rules in such a way as to improve their developmental education programs and help their students succeed in higher education.

4.52. Authority.

Under Texas Education Code, Section 51.307, the Board is authorized to adopt rules to implement the provisions of Texas Education Code, Sections 51.306 – 51.3061. Texas Education Code, Section 51.403(e) authorizes the Board to establish guidelines and reporting requirements.

4.53. Definitions.

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

(1) Accredited Private High School -- Non-public schools accredited by the Texas Private School Accreditation Commission (TEPSAC), or, if outside of the State of Texas, accredited by an organization similar to the TEPSAC.

(2) Alternative Test -- A test instrument other than the TASP Test approved by the Board for use by an institution to initially test a student for TASP purposes.

(3) Blind student and Deaf student -- Students who are blind or deaf persons as defined by the Texas Education Code, Section 54.205(a).

(4) Board -- The Texas Higher Education Coordinating Board.

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

(6) Developmental Education -- Courses, tutorials, laboratories, or other efforts to bring student skill levels in reading, writing and mathematics to entering college level. English as a Second Language (ESL) courses may be considered developmental education, but only when they are used to bring student skill levels in reading or writing to entering college level. The term does not include courses in study skills or thinking skills.

(7) Equivalent or Similar Curriculum -- At an accredited private high school or at a high school out-of-state, a high school curriculum that has been shown by a student to be equivalent or similar to the recommended or advanced high school curriculum in Texas.

(8) Institution of higher education or institution -- any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in Texas Education Code, Section 61.003.

(9) Minimum Passing Standard -- Statewide testing standard each undergraduate student who enters a public institution of higher education, unless exempt, must meet or exceed on measures of reading, writing and mathematics skills in order to fulfill requirements specified in Texas Education Code, Section 51.306.

(10) Non-Degree Credit Course -- A course which may not be counted toward a degree or certificate. The term includes developmental, pre-collegiate and continuing education courses.

(11) Testing irregularity -- Any occurrence in the course of administering the TASP Test or detected after administration of the test that violates rules of test participation, standards of test security and/or academic honesty.

(12) TASP -- The Texas Academic Skills Program specified in Texas Education Code, Section 51.306.

(13) TASP requirements -- The statutory requirements of Texas Education Code, Section 51.306.

(14) Texas Academic Skills Program (TASP) Test -- The test, other than an alternative test, as defined and reviewed by Texas higher education faculty and approved by the Board, that fulfills the statutory requirements of Texas Education Code, Section 51.306. The test shall be uniformly administered statewide on days prescribed by the Board and shall be scored by the testing contractor. The test measures college readiness in reading, writing and mathematics and includes a written essay. It is administered under secure conditions and each student is provided with diagnostic information regarding test performance.

(15) Upper-division course -- Any degree credit course beyond the sophomore level as defined by a four-year senior university, and any degree credit course offered by an upper-level institution.

4.54. Institutional Developmental Education Plans.

(a) Each institution of higher education shall adopt a plan for the assessment and placement of undergraduate students entering the institution and for the provision of effective developmental education to students who do not have college-level skills in reading, writing and mathematics. The institutional plan shall provide for quality and accountability, and shall promote improvement in the effectiveness of developmental education programs for student learning at the institution.

(b) The plan must clearly describe the path students must take to meet the TASP requirements at that institution. The plan must specify:

- (1) when a student must begin developmental education,
- (2) what developmental education must be taken, and
- (3) when the student has successfully completed all required developmental work.

(c) An institutional plan shall include advising programs to advise students at every level of undergraduate courses and degree options appropriate for the individual student.

(d) As a part of its plan, an institution may choose to defer developmental education for students who, upon enrollment, are not seeking a degree or Level-Two certificate (43-59 SCH or the equivalent). If such students subsequently choose to seek a degree or Level-Two certificate, all developmental education requirements apply. Institutions must determine student degree- and certificate-seeking status at the beginning of each enrolled term.

(e) Since developmental education plans may vary from institution to institution, each plan shall include provisions for students who transfer from one Texas public institution to another. In addition, the institution's plan shall include provisions for students who transfer from a Texas private or independent institution of higher education or an out-of-state institution.

(f) Institutional plans must include a description of any exceptional circumstances, other than those specified in Section 4.55(a)(2)(A),(B),(C) and (D) of this title (relating to Eligibility and Exemption/Exceptions), which would be used to permit untested students to enroll in college-level coursework.

(g) The plan must be approved by the governing board of the institution and provided to the Board.

(h) Until the institution's plan is adopted, an institution shall make every effort to apply the rules in this subchapter in a fair and equitable manner.

4.55. Eligibility and Exemptions/Exceptions.

(a) Eligibility

(1) Each undergraduate student, unless otherwise exempt, who enters an institution of higher education must be tested for reading, writing and mathematics skills

prior to enrolling in any collegiate-level coursework. A student who has not been tested may enroll in coursework only under the circumstances provided in Section 4.55(a)(2) of this title (relating to Exceptional Circumstances), but must take a test approved for TASP purposes not later than the end of the first semester of enrollment. If any student under this section fails to test during the designated semester, the student will not be permitted to re-enroll or to enroll in any institution of higher education in any courses other than non-degree credit courses until he or she has tested.

(2) Exceptional circumstances under which a student who has not been tested may enroll in college-level coursework may be determined by the institution. Exceptional circumstances include, but are not limited to:

(A) documented illness, injury or other bonafide emergency which prevents a student from testing;

(B) diagnosed and documented disability for which reasonable and appropriate accommodations could not be provided by the institution in a timely manner;

(C) deaf students who arrive on campus without having taken the Stanford Achievement Test prior to enrollment may be allowed to enter school but are required to take the Stanford at the next regularly scheduled offering; and

(D) after all reasonable institutional testing opportunities have passed and additional students, through no fault of their own, have not been tested.

(3) Alternative test instruments approved by the Board may be used by an institution to initially test students. The section(s) of an alternative test that a student passes will count towards meeting TASP requirements, and the sections failed or not attempted will subject a student to TASP requirements and the institution's developmental education plan.

(A) Each alternative test instrument shall be correlated with the TASP Test in that it must be of a diagnostic nature and designed to provide a comparison of the reading, mathematics and writing skills of the individual student with the skills necessary for a student to perform effectively in an undergraduate degree program.

(B) Alternative tests are to be used only for initial testing; the TASP Test must be used for all retakes. On completion of the developmental coursework or program, the student shall take that portion of the TASP Test for which developmental education was required.

(C) The alternative tests approved by the Board are:

(i) ASSET and COMPASS offered by ACT; and

(ii) Multiple Assessment Programs and Services (MAPS) and ACCUPLACER offered by The College Board

(D) The unit costs of alternative tests shall be borne by the student.

(4) A high school student who has passed the exit-level assessment required under Texas Education Code, Section 39.023 (TAAS) shall be encouraged to take a test for TASP purposes while enrolled in high school unless otherwise exempt.

(A) A high school student who enrolls in dual credit courses or is concurrently enrolled must take a test for TASP purposes prior to enrolling in college-level coursework.

(B) A high school student who fails to achieve the minimum passing standard set by the Board may not be required to take developmental classes while in high school, and the student may not take collegiate level classes related to portions of the test that have not been passed. However, high schools and colleges should encourage students who do not meet the minimum standards to take courses while in high school to remedy any skill deficiencies. Nothing in this subsection precludes a college from providing developmental education courses to high school students at the request of a high school pursuant to the provisions of Texas Education Code, Section 130.090(a).

(5) Students not otherwise exempt from the provisions of this subchapter may not graduate from a Level-Two certificate program (43-59 semester credit hours or the equivalent), an associate degree program or baccalaureate degree program, or enroll in any upper-division course completion of which would give the student 60 or more college-level semester credit hours or the equivalent (the student may continue to enroll in lower-division or non-degree credit courses) until the student either:

(A) passes all sections of the TASP Test (or an alternative test on initial attempt only); or

(B) earns a grade of "B" or better in a freshman-level credit course in the skill area of the assessed deficiency in accordance with Section 4.56(d) of this title.

(6) After successful completion of an appropriate developmental program, a student must retake appropriate sections of the TASP Test.

(7) A student shall not enroll in an institution which by law may not offer lower-division courses unless the student has passed a test for TASP purposes or otherwise fulfilled all TASP requirements.

(8) A student shall not enroll in upper-level programs at a health-related institution unless the student has passed a test for TASP purposes or otherwise fulfilled all TASP requirements.

(9) An upper-level institution or health-related institution that inadvertently admits a student who has not passed a test approved for TASP purposes must take appropriate steps to ensure that the student meets TASP requirements.

(10) Blind students shall take a test approved for TASP purposes with appropriate accommodations.

(11) Deaf students shall take the Stanford Achievement Test nationally normed on the hearing impaired population by Gallaudet University. Other than the requirement that the student take the Stanford Achievement Test, all provisions of these

rules, including the exemptions and exceptions, apply to deaf students. Minimum passing standards on the Stanford Achievement Test are:

- (A) Reading Comprehension - 652 scaled score, 29 raw score;
- (B) Mathematics Total - 682 scaled score, 66 raw score;
- (C) Language Total - 662 scaled score, 37 raw score; and
- (D) Study Skills - 663 scaled score, 19 raw score.

(12) An institution of higher education offering collegiate-level credit to students via a Multi-Institution Teaching Center (MITC) or a university system center, or to in-state students by distance learning delivery systems must ensure that students meet all TASP requirements.

(b) Exemptions/Exceptions

(1) Any student with at least three college-level semester credit hours or the equivalent from an accredited institution accumulated prior to the fall of 1989 shall not be required to meet TASP requirements regardless of any election of academic fresh start (Texas Education Code, Section 51.931). Credit hours must be certified as college-level by the granting institution but need not apply toward a degree or certificate.

(2) A student who performs at or above a level set by the Board on the ACT, Scholastic Assessment Test (SAT) or exit-level Texas Assessment of Academic Skills (TAAS) shall be exempt from TASP requirements. This exemption shall be in effect for five years from the date the ACT or SAT was taken and for three years from the date the TAAS Test was taken. While a test may be retaken, ACT or SAT scores meeting or exceeding the standard set by the Board must be achieved on a single test administration. TAAS scores must meet or exceed exemption standards on the first attempt for each section. Standards for exemption from TASP requirements are:

- (A) ACT: composite score of 23 with a minimum of 19 on both the English and the mathematics tests;
- (B) SAT: a combined verbal and mathematics score of 1070 with a minimum of 500 on both the verbal and the mathematics tests; or
- (C) TAAS: a minimum scale score of 1770 on the writing test, a Texas Learning Index (TLI) of 86 on the mathematics test and 89 on the reading test.

(3) An institution may exempt from TASP requirements a non-degree-seeking or non-certificate-seeking student who will be 55 years of age or older on the first class day of a term or semester.

(4) A student who enrolls on a temporary basis in an institution of higher education, and is not seeking a degree or Level-Two certificate, and is also enrolled in a private or independent institution of higher education or an out-of-state institution of higher education or has graduated from an institution of higher education, a private or independent institution, or an out-of-state institution of higher education is exempt from TASP requirements.

(5) TASP requirements do not apply to students enrolled in certificate programs of one year or less (Level-One certificates, 42 or fewer semester credit hours or the equivalent) at a community or technical college.

(6) A student who has been diagnosed as having dyslexia or a related disorder, as those terms are defined by Texas Education Code, Section 38.003, or a specific learning disability in mathematics by a qualified professional whose license or credentials are appropriate to diagnose the disorder or disability as determined by the Board, who takes a test for TASP purposes and completes the developmental program prescribed by the institution may be required to retake the TASP Test once but may not be referred to an additional developmental course or other developmental program or precluded from enrolling in an upper-division course or graduating because of the student's performance on the test.

(7) A student who is a citizen of a country other than the United States and is not seeking a degree is exempt from TASP requirements.

(8) A student who has graduated with a baccalaureate degree from an accredited institution of higher education is exempt from TASP requirements.

(9) A student who transfers to an institution of higher education from a private or out-of-state institution may use transferred courses which are given common course numbers corresponding to those in Section 4.56 (d)(3) of this title (relating to Criteria for Meeting TASP Requirements) to satisfy TASP requirements. A student must have earned a course grade of "B" or higher in each of the three skill areas. If not, the student must be tested for the remaining skill area(s) and must comply with all other TASP requirements.

(10) A student who is serving on active duty as a member of the armed forces of the United States is exempt from TASP requirements.

(11) A student who graduates from a public high school or an accredited private high school in any state with a grade point average of 3.5 or higher on a 4.0 scale or the equivalent and completed the recommended or advanced high school curriculum or an equivalent or similar curriculum at an accredited private high school or at a high school outside of Texas. This exemption is effective only for a student who enrolls in an institution of higher education on or before the second anniversary of the date the student graduated from high school.

4.56. Criteria for Meeting TASP Requirements.

(a) A student who initially fails one or more sections of a test taken for TASP purposes may satisfy TASP requirements in one of two ways:

(1) Achieving a passing score on sections of the TASP Test for which developmental education was required; or

(2) Earning a grade of "B" or better in an appropriate course approved by the Board in Section 4.56 (d)(3) of this title (relating to Criteria for Meeting TASP Requirements).

(b) An institution shall clearly indicate on an official transcript how a student has met TASP requirements.

(c) Minimum Passing Standards

(1) Minimum passing scaled score standards for the TASP Test are: Reading - 230; Mathematics - 230; Writing - 220.

(2) Minimum passing scaled score standards for the approved alternative tests are:

(A) ASSET: Reading Skills - 41; Elementary Algebra - 38; Writing Skills (objective) - 40; and Written Essay - 6.

(B) COMPASS: Reading Skills - 81; Algebra - 39; Writing Skills (objective) - 59; and Written Essay - 6.

(C) MAPS: Reading Comprehension - 114; Elementary Algebra Skills - 613; Conventions of Written English - 310; and Written Essay - 6.

(D) ACCUPLACER: Reading Comprehension - 78; Elementary Algebra - 63; Sentence Skills - 80; and Written Essay - 6.

(3) The passing standard for the written essay portion of all alternative tests is a score of 6. However, an essay with a score of 5 will pass if the student meets the objective writing test standard. Institutions should require students to take lower-level subtests, especially in mathematics, in order to obtain a broader diagnostic picture of a student's skills (e.g., arithmetic skills, pre-algebra, elementary algebra).

(4) An institution may require higher performance standards.

(d) Meeting TASP Requirements by Making a Grade of "B" or Better.

(1) An institution may specify circumstances under which students may take a "B" or better course concurrently with a developmental education course as long as both are related to the area of skill deficiency. Students who complete, to the satisfaction of the institution, the appropriate developmental education and concurrently earn a grade of "B" or better in an appropriate approved course, do not have to retake the TASP Test. Institutions shall specify courses of action for students who earn a grade of "B" or better in an approved course but do not meet all institutional developmental education requirements.

(2) Except as provided in paragraph (1) of this subsection, a student must complete the prescribed developmental education program prior to enrolling in a "B" or better course.

(3) The following are the freshmen-level credit courses, identified by their Common Course Numbers, approved by the Board in accordance with Texas Education Code, Section 51.306(g):

- (A) Writing
 - (i) ENGL 1301 (Composition I); or
 - (ii) ENGL 1302 (Composition II)
- (B) Reading (Courses selected for reading at any institution must be reading intensive)
 - (i) HIST 1301, 1302 (U. S. History);
 - (ii) ENGL 2321, 2322, 2323 (British Literature);
 - (iii) ENGL 2331, 2332, 2333 (World Literature);
 - (iv) ENGL 2326, 2327, 2328 (American Literature);
 - (v) PSYCH 2301 (General Psychology); or
 - (vi) GOVT 2301,2302,2305,2306 (American Government)
- (C) Mathematics
 - (i) MATH 1332 (College Mathematics);
 - (ii) MATH 1333 (College Mathematics);
 - (iii) MATH 1314 (College Algebra);
 - (iv) MATH 1316 (Plane Trigonometry); or
 - (v) at the discretion of the institution, a grade of "B" or better in a more advanced mathematics course for which any of the above are prerequisites.
- (D) Institutions may choose from the authorized course list and are not required to offer all of the approved courses. However, an institution must offer at least one course from the list in each subject area for these purposes each term.

4.57. Developmental Education and Advisement.

(a) A student whose performance is below the minimum passing standard set by the Board for a tested skill area on the TASP Test or approved alternative test must meet the requirements set forth in the institution's developmental education plan.

(b) Each institution shall make available those courses and programs on the same campus or center at which the student would otherwise attend classes. Where there are multiple centers or sites for classes, an institution may designate a principal site or sites where developmental education will be conducted.

(c) An institution may elect to provide developmental programs or courses on its campus by contracting with a second institution to deliver the instruction. Under such an arrangement, the host institution is responsible for the quality and effectiveness of developmental education.

(d) A student may not graduate from a community, technical, or public state college or enter upper-division work beyond 60 semester hours at a university until all TASP requirements are met.

(e) When students are concurrently enrolled in multiple institutions of higher education, the institution where the student first registers and pays full tuition charges (Texas Education Code, Section 54.062) takes precedence for the provision of developmental education in accordance with Sections 4.57 (b) and (c) of this title (relating to Developmental Education and Advisement).

4.58. Administration.

(a) Each institution shall develop procedures for administering approved alternative tests which must include reasonable and appropriate accommodations for students with disabilities and internal policies for dealing with testing irregularities and academic dishonesty.

(b) Once a student has passed any section of the TASP Test or an approved alternative test, his or her score shall remain permanently effective. Test sections passed while a student is in high school are valid for a period of five years.

(c) An institution of higher education serving as a testing site may not charge students for site costs.

(d) Policies relating to these rules must be followed as they are described and further extended in the TASP Policy Manual.

(e) TASP Test scores may be withheld and/or canceled for any student who is suspected of committing a testing irregularity during the TASP Test administration. A student whose TASP Test scores have been withheld shall receive prompt notification of the reasons why the scores have been withheld and shall be entitled to due process of law prior to any cancellation of scores. Institutions may be notified in the event the student is found to have committed a testing irregularity.

4.59. Reporting and Funding.

(a) Reporting

(1) Each institution shall report annually to the Board data concerning the results of the students being tested and the effectiveness of the institution's developmental program and advising program.

(2) Each institution of higher education shall report to the Board in accordance with Texas Education Code, Section 51.403(e) the following information on student performance during the first year enrolled after graduation from high school: TASP Test scores, alternative test scores, developmental education courses required, and grade point average.

(b) Funding

(1) A general academic teaching institution (Texas public university) may not receive funding for developmental courses taken by a student in excess of 18 semester credit hours; a public community college district or technical college may not receive

funding for developmental courses taken by a student in excess of 27 semester credit hours or the equivalent.

(2) All developmental hours funded by the state during the summer of 1996 and thereafter shall be counted toward each student's total number of developmental hours at a given institution.

(3) English as a Second Language (ESL) hours may be used for developmental education purposes when a student is placed in such courses as a result of failing the reading or writing portion of the TASP Test or an approved alternative test. However, when used for such purposes, ESL hours shall be counted toward the 18/27 hour cap.

(c) Audits

(1) Each institution is responsible for full compliance with Texas Education Code, Section 51.306 and the rules adopted by the Board.

(2) Failure to comply with the TASP statute and rules or any other act or omission that results in the accumulation of semester credit hours or the equivalent in violation of the TASP statute and rules shall be a basis for disallowing those credits by audit exceptions, resulting in an adjustment of the dollar amounts of institutional funds.

Subchapter D. DUAL CREDIT PARTNERSHIPS BETWEEN SECONDARY SCHOOLS
AND TEXAS PUBLIC COLLEGES

Section

- 4.81. Purpose.
- 4.82. Authority.
- 4.83. Definitions.
- 4.84. Institutional Agreements.
- 4.85. Dual Credit Requirements.

4.81. Purpose.

This subchapter provides rules and regulations for public two-year associate degree-granting institutions and for public universities to engage in dual credit partnerships with secondary schools. (See Chapter 9, Subchapter H of this title (relating to Partnerships Between Secondary Schools and Public Two-Year Associate Degree-Granting Institutions) for high school credit only partnerships, Tech-Prep partnerships, and remedial or developmental instruction for high school graduation partnerships.)

4.82. Authority.

Texas Education Code, Sections 29.182, 29.184, 61.027, 61.076(J), 130.001(b)(3) - (4), 130.008, 130.090, and 135.06(d) provide the Board with the authority to regulate dual credit partnerships between public two-year associate degree-granting institution and public universities with secondary schools.

4.83. 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) College -- Public two-year associate degree-granting institutions and public universities.
- (3) Commissioner -- The Commissioner of Higher Education.
- (4) Dual credit -- a process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and the high school. While dual credit courses are often taught on the secondary school campus to high school students only, applicable sections of these rules, Sections 4.84 (a) and 4.85 (a), (b), (g), (h), (i) of this title (relating to Dual Credit Partnerships), also apply when a high school student takes a course on the college campus and receives both high school and college credit. Dual credit is also referred to as concurrent course credit; the terms are equivalent. However, dual (or concurrent)

enrollment refers to a circumstance in which a student is enrolled in more than one educational institution (including a high school and a college).

(5) Public two-year associate degree-granting institution -- a community college, a technical college, or a state college.

4.84. Institutional Agreements.

(a) Need for Institutional Agreements. For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the public school district or private secondary school and the public college prior to the offering of such courses.

(b) Elements of Institutional Agreements. The dual credit partnership must address the following elements:

- (1) Eligible Courses;
- (2) Student Eligibility;
- (3) Location of Class;
- (4) Student Composition of Class;
- (5) Faculty Selection, Supervision, and Evaluation;
- (6) Course Curriculum, Instruction, and Grading;
- (7) Academic Policies and Student Support Services;
- (8) Transcribing of Credit; and
- (9) Funding.

4.85. Dual Credit Requirements.

(a) Eligible Courses.

(1) Courses offered for dual credit by public two-year associate degree granting institutions must be identified as college-level academic courses in the current edition of the *Lower Division Academic Course Guide Manual* adopted by the Board or as college-level workforce education courses in the current edition of the *Workforce Education Course Manual* adopted by the Board.

(2) Courses offered for dual credit by public universities must be in the approved undergraduate course inventory of the university.

(3) Public colleges may not offer remedial and developmental courses for dual credit.

(b) Student Eligibility.

(1) To be eligible for enrollment in a dual credit course for TASP-eligible programs (associate or baccalaureate degree or level two certificate), the high school student must present a passing score on the Texas Academic Skills Program (TASP) test or a Board-approved alternative assessment instrument in at least one area (mathematics, reading, writing) as deemed relevant by the college for the intended dual credit course in which the student shall enroll. Eligibility for students in the high school graduating class of 2005 to take dual credit courses during the 2003-2004 and 2004-2005 academic years may also be established by achieving at least the passing standard on the English/Language Arts and/or Mathematics sections (as applicable) of the tenth grade Texas Assessment of Knowledge and Skills (TAKS) test established by the State Board of Education.

(2) To be eligible for enrollment in a dual credit course for TASP-waived college certificate programs, the high school student must have passed all sections of the exit-level TAAS test. Eligibility for students in the high school graduating class of 2005 to take dual credit courses in TASP-waived certificate programs during the 2003-2004 and 2004-2005 academic years may be established by achieving at least the passing standard on the English/Language Arts and/or Mathematics sections (as applicable) of the tenth grade Texas Assessment of Knowledge and Skills (TAKS) test established by the State Board of Education. A student who has received an exemption from taking the TAKS or TAAS test may qualify to enroll in a dual credit course by presenting a passing score on the Texas Academic Skills Program (TASP) test or a Board-approved alternative assessment instrument in at least one area (mathematics, reading, writing) as deemed relevant by the college for the intended dual credit course in which the student shall enroll.

(3) Students who are enrolled in private or non-accredited secondary schools or who are home-schooled must satisfy paragraph (1) of this subsection.

(4) To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

(5) To be eligible for enrollment in a dual credit course offered by a public college, students must have at least junior year high school standing. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by grade-point average, PSAT scores, or other assessment indicators) may be approved by the principal of the high school and the chief academic officer of the college.

(6) High school students shall not be enrolled in more than two dual credit courses per semester. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by grade-point average, ACT or SAT scores, or other assessment indicators) may be approved by the principal of the high school and the chief academic officer of the college.

(c) Location of Class. Dual credit courses may be taught on the college campus or on the high school campus. For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught electronically, public colleges shall comply with applicable rules and procedures for offering courses at a distance in Sections 4.101-4.108 of this title (relating to Distance Education and Off-Campus Instruction). In addition, dual credit courses taught electronically shall comply with the Board's adopted *Principles of Good Practice for Courses Offered Electronically*.

(d) Composition of Class. Dual credit courses may be composed of dual credit students only or of dual and college credit students. Exceptions for a mixed class, which would also include high school credit-only students, may be allowed only under one of the following conditions:

(1) If the course involved is required for completion under the State Board of Education *Recommended or Distinguished Achievement High School Program* graduation requirements, and the high school involved is otherwise unable to offer such a course;

(2) If the high school credit-only students are advanced placement students.

(e) Faculty Selection, Supervision, and Evaluation.

(1) The college shall select instructors of dual credit courses. These instructors must be regularly employed faculty members of the college or must meet the same standards (including minimal requirements of the Southern Association of Colleges and Schools) and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.

(2) The college shall supervise and evaluate instructors of dual credit courses using the same or comparable procedures used for faculty at the main campus of the college.

(f) Course Curriculum, Instruction, and Grading. The college shall ensure that a dual credit course and the corresponding course offered at the main campus of the college are equivalent with respect to the curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be upheld regardless of the student composition of the class.

(g) Academic Policies and Student Support Services.

(1) Regular academic policies applicable to courses taught at the college's main campus must also apply to dual credit courses. These policies could include the appeal process for disputed grades, drop policy, the communication of grading policy to students, when the syllabus must be distributed, etc.

(2) Students in dual credit courses must be eligible to utilize the same or comparable support services that are afforded college students on the main campus. The college is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible.

(h) **Transcripting of Credit.** For dual credit courses, high school as well as college credit should be transcripted immediately upon a student's completion of the performance required in the course.

(i) **Funding.**

(1) The state funding for dual credit courses will be available to both public school districts and colleges based on the current agreement between the Commissioner of Education and the Commissioner of Higher Education.

(2) The college may claim funding for all students getting college credit in dual credit courses.

(3) Only a public community college may waive tuition and fees for a Texas public high school student enrolled in a course for which the student may receive dual course credit. Technical colleges, state colleges, and public universities must charge tuition to dual credit students following the same guidelines used for regular students.

Subchapter E. APPROVAL OF DISTANCE EDUCATION AND OFF-CAMPUS INSTRUCTION
FOR PUBLIC COLLEGES AND UNIVERSITIES

Section

- 4.101. Purpose.
- 4.102. Authority.
- 4.103. Definitions.
- 4.104. General Provisions.
- 4.105. Standards and Criteria for Distance Education and Off-Campus Instruction.
- 4.106. Institutional Plan for Distance Education and Off-Campus Instruction.
- 4.107. Distance Education and Off-Campus Course and Program General Provisions.
- 4.108. Out-of-State and Foreign Course and Program General Provisions.

4.101. Purpose.

This subchapter provides guidance to all public institutions of higher education in Texas regarding the delivery of distance education and off-campus courses and programs. The Board's goals are to ensure the quality of Texas-based distance education and off-campus courses and programs and to provide residents with access to distance education and off-campus courses and programs that meet their needs. The rules are designed to assure the adequacy of the technical and managerial infrastructures necessary to support those courses and programs.

4.102. Authority.

The authority for this subchapter is Texas Education Code, Section 61.051(j).

4.103. 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) Commissioner -- The Commissioner of Higher Education.
- (3) Distance education -- Instruction in which the majority of the instruction occurs when the student and instructor are not in the same physical setting. A class is considered a distance education class if students receive more than one-half of the instruction at a distance. Distance education can be delivered synchronously or asynchronously to any single or multiple location(s):
 - (A) Other than the "main campus" of a senior institution (or "on campus"), where the primary office of the chief executive officer of the campus is located;

(B) Outside the boundaries of the taxing authority of a public community/junior college district; or

(C) Via instructional telecommunications to any other distant location, including electronic delivery of all types.

(4) Institutional Plan -- A long-term plan describing how an institution seeking authority to offer distance education and off-campus instruction will ensure quality and resources in providing such instruction, based on Board-adopted Guidelines for Institutional Plans.

(5) Instructional Telecommunications -- Electronic telecommunication technology systems employed to deliver distance education instruction.

(6) Off-Campus -- Instruction in which one-half or more of the instruction is delivered with the instructor and student in the same physical location and which meets one of the following criteria: for senior institutions, Lamar state colleges, or public technical colleges, off-campus locations are locations away from the main campus; for public community/junior colleges, off-campus locations are locations outside the taxing district.

(7) Program -- Any certificate or degree program offered by a public institution of higher education.

(8) Regional Council -- A cooperative arrangement among representatives of all public and independent higher education institutions within a Uniform State Service Region.

(9) Senior institution -- Public universities, health science centers and health-related institutions. All provisions of this subchapter relating to universities or to "senior institutions" also apply to health science centers and health-related institutions.

(10) Service area -- The territory served by a public community/junior college district as defined in Texas Education Code, Subchapter J (relating to Junior College District Service Area).

(11) Special professional -- First professional degree programs, such as law, pharmacy, optometry, dentistry, medicine and veterinary medicine.

4.104. General Provisions.

(a) This subchapter governs the following types of instruction:

(1) Academic credit instruction and formula-funded workforce continuing education provided by a public community/junior college outside of the boundaries of its taxing district;

(2) Academic credit instruction provided by a public technical college, Lamar state college, university, or health-related institution at a site other than the main campus where the primary office of the chief executive officer of the campus is located; or

(3) Academic credit instruction provided at out-of-state or foreign locations by public institutions of higher education;

(b) This subchapter does not apply to the following types of instruction:

(1) Non-credit adult and continuing education courses provided at a distance by universities and health science centers;

(2) Continuing education, except formula-funded workforce continuing education, provided by public community/junior colleges, Lamar state colleges, and public technical colleges; or

(3) Correspondence and extension classes that are not submitted for formula funding.

(c) The Board retains final authority for the offering of all classes, courses, programs, and degrees, and may take whatever action it deems appropriate to comply with the law or to maintain a high-quality and cost-effective system of distance education and off-campus instruction for the state.

(1) Each course and program offered under the provisions of this subchapter must be within the role and mission of the institution responsible for offering the instruction. Each course must be on the offering institution's inventory of approved courses, and each program must be on the offering institution's inventory of approved programs.

(2) Prior approval may be required before an institution may offer courses and programs under the provisions of this subchapter in certain subject area disciplines or under other conditions specified by the Board.

(3) No doctoral or special professional degree programs may be offered via distance education or off-campus instruction without specific prior approval by the Board. The Commissioner may approve for delivery to other off-campus sites or via other delivery modes doctoral or special professional degree programs that have previously been approved by the Board for electronic or off-campus delivery.

(d) An institution offering a full degree or certificate program under the provisions of this subchapter shall comply with relevant procedures and rules of the appropriate regulatory or accrediting agency, or professional certification board.

(e) No graduate degree program may be offered via distance education or off-campus instruction without prior notification by the institution to the appropriate regulatory or accrediting agency or professional certification board.

(f) A program is considered to be offered via distance education or off-campus instruction if a student may complete a substantial majority of the program without taking any courses on the main campus of the public university, public technical college, or health-related institution providing the instruction, or without physically attending classes within the boundaries of the taxing district of the public community/junior college district providing the instruction.

(g) Notice of each course offered via off-campus instruction under the provisions of this subchapter shall be submitted to the Board. Notice of each program offered via distance education, including Internet delivery, or off-campus instruction shall be submitted to the Board. Notice shall be provided in accordance with provisions and schedules determined by the Commissioner.

(h) State-funded distance education and off-campus instruction shall be reported in accordance with the Board's uniform reporting system and the reporting provisions of this subchapter.

(i) Institutions may be required to provide special reports on distance education and off-campus courses and programs for inclusion in institutional and statewide reports.

(j) Institutions shall not submit for formula funding semester credit hours generated through distance education by any student who is not a Texas resident or is not physically located in Texas. In limited cases, exceptions can be approved by the Commissioner.

(k) Instruction delivered out-of-state through distance education to non-Texas residents should be treated as extension courses; institutions shall charge appropriate fees to cover the cost of instruction.

4.105. Standards and Criteria for Distance Education and Off-Campus Instruction.

The following standards and criteria shall apply to distance education and off-campus instruction.

(1) Instruction shall meet the quality standards applicable to on-campus instruction.

(2) Courses which offer either semester credit hours or Continuing Education Units shall do so in accordance with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools.

(3) Students shall satisfy the same requirements for admission to the institution, to the program of which the course is a part, and to the class/section itself, as are required of on-campus students. Students in programs to be offered collaboratively must meet the admission standards of their home institutions.

(4) Faculty shall be selected and evaluated by the same standards, review, and approval procedures used by the institution to select and evaluate faculty responsible for on-campus instruction.

(5) Institutions shall provide training and support to enhance the added skills required of faculty teaching classes via instructional telecommunications.

(6) The instructor of record shall bear responsibility for the delivery of instruction and for evaluation student progress.

(7) Providers of graduate-level instruction shall be approved in the same manner as graduate faculty for on-campus instruction.

(8) All instruction shall be administered by the same entity administering the corresponding on-campus instruction. The supervision, monitoring, and evaluation processes for instructors shall be comparable to those for on-campus instruction.

(9) Students shall be provided academic support services – including academic advising, counseling, library and other learning resources, and financial aid – appropriate for distance education and off-campus learners.

(10) Facilities (other than homes as distance education reception sites) shall be comparable in quality to those for on-campus instruction.

(11) Institutions shall adhere to additional criteria outlined in the Guidelines for Institutional Plans for Distance Education and Off-Campus Instruction.

4.106. Institutional Plan for Distance Education and Off-Campus Instruction.

(a) Prior to offering any distance education or off-campus courses or programs for the first time, a public community/junior or Lamar state college, technical college, or senior institution shall submit an Institutional Plan for Distance Education and Off-Campus Instruction to the Board for approval. The Commissioner shall provide guidelines for development of such plans.

(b) Institutional academic and administrative policies shall reflect a commitment to maintain the quality of distance education and off-campus programs in accordance with the provisions of this subchapter. An Institutional Plan shall conform to Board guidelines and criteria of the Commission on Colleges of the Southern Association of Colleges and Schools in effect at the time of the Plan's approval. These criteria shall include provisions relating to:

- (1) Institutional Issues;
- (2) Educational Programs;
- (3) Faculty;
- (4) Student Support Services; and
- (5) Distance Education Facilities and Support.

(c) Prior to Board consideration of an Institutional Plan, the Commissioner may approve an offering by an institution of a limited number of distance education courses for experimental purposes.

(d) Each institution with an approved Institutional Plan for Distance Education and Off-Campus Instruction shall submit an updated Plan on a schedule to be determined by the Commissioner. Thereafter, Institutional Plans shall be reviewed periodically on a schedule to be determined by the Commissioner.

4.107. Distance Education and Off-Campus Course and Program General Provisions.

(a) The Commissioner shall develop procedures governing the review and approval of distance education and off-campus courses and programs.

(b) Regional Councils in each of the ten Uniform State Service Regions are hereby authorized to make recommendations to the Commissioner and to resolve disputes regarding plans for lower-division courses and programs proposed by public institutions.

(1) The presidents, or designated representatives, of each public and independent institution of higher education with its main campus in each Region comprise the Council membership.

(2) The Commissioner shall develop procedures to govern Regional Council responsibilities.

4.108. Out-of-State and Foreign Course and Program General Provisions.

(a) State-funded out-of-state and foreign off-campus courses offered by Texas public institutions of higher education, or by an approved consortium composed of Texas public institutions, shall be approved by the Commissioner in order for the semester credit hours or contact hours generated in those courses to be used for formula reimbursement and shall adhere to procedures and standards developed by the Commissioner for out-of-state and foreign offerings.

(b) Non-state-funded credit courses shall not be included in submissions to Regional Councils. Non-credit adult and continuing education courses offered at a distance by universities and health science centers are exempt from this subchapter.

(c) Institutions may not submit for formula funding distance education courses delivered outside the state without specific prior approval by the Commissioner.

Subchapter F. TEXAS STATE SCIENCE AND ENGINEERING FAIR

Section

- 4.131. Purpose, Scope and Authority.
- 4.132. Eligible Students.
- 4.133. Awards.
- 4.134. Organizations and Operations.
- 4.135. Dissemination of Information and Rules.

4.131. Purpose, Scope, and Authority.

(a) Purpose. The purpose of the Texas State Science and Engineering Fair (TSSEF) is to promote an appreciation for and interest in science, mathematics, and engineering among precollege students; to assist schools and school districts in fulfilling their mission in science, mathematics, and engineering education; and to promote workforce development in the fields of science, mathematics, and engineering by providing students with an opportunity to interact with higher education and corporate institutions.

(b) Scope. The TSSEF is the pathway for 9th through 12th grade students to advance from regional-level science fairs to state-level opportunities. The TSSEF provides access to the International Science and Engineering Fair for Texas precollege students.

(c) Authority. The Texas Education Code, Chapter 61, Section 61.088 authorizes the Board to establish rules for the organization and operation of the State Fair.

4.132. Eligible Students.

The TSSEF may accept 1st through 3rd place winners in each of the 15 divisions recognized by the International Science & Engineering Fair (Behavioral and Social Sciences, Biochemistry, Botany, Chemistry, Computer Science, Earth and Space Science, Engineering, Environmental Science, Gerontology, Mathematics, Medicine and Health, Microbiology, Physics, Zoology, and Team Projects in any science disciplines) from the Regional Fairs in the state.

4.133. Awards.

The TSSEF may award prizes to 1st through 5th place winners in each of the 15 divisions recognized by the ISEF. In addition, a number of special awards, including industry and society awards, may be given.

4.134. Organizations and Operations.

The Board may contract with public or private entities to conduct the State Fair. The Board shall coordinate the TSSEF with regional science and engineering fairs held in the state.

4.135. Dissemination of Information and Rules.

The TSSEF shall operate under the rules of the International Science and Engineering Fair (ISEF) and its publication *International Rules for Precollege Science Research: Guidelines for Science and Engineering Fairs*.