PROPOSED RULES AMENDMENT PREAMBLE

Brief explanation of proposed rule amendment

The Texas Higher Education Coordinating Board proposes amendments to <*>4.287 and <*>4.291 regarding Rules Applying to All Public Institutions of Higher Education in Texas by amending the definition of Low-Producing Degree Programs and concerning Process for Requesting a Temporary Exemption.

The amendment to Section 4.287 would change the minimum requirement for the number of degrees awarded in defining a low-producing program. The amendment would increase the requirement for minimum number of degrees awarded at the associate, baccalaureate, master's, and doctoral levels if a program is not to be considered low-producing.

The amendment to Section 4.291(a)(2) would allow for a degree program to be temporarily exempt from low-producing status if the program is composed primarily of courses required for other existing degrees at the institution, when there is very limited or no additional cost associated with the degree. The current rule mandates that all of the courses are required for other existing degree programs. A further change standardizes the reference to a degree program, rather than the shorter reference to a degree. The amendment to Section 4.291(b)(4) would amend the information an institution must provide about courses required for the degree program. The current rule specifies that the identifying rubric and course number must be provided for all courses required for the degree, excluding core curriculum, minor requirements, and free electives. The amendment would require this information for upper-division courses in the major and all upper-division prescribed electives, excluding minor requirements and free electives. Information about lower-division courses would no longer be required.

Fiscal note and estimated cost to state and local government (or estimated reduction in costs to state and local government, and/or estimated loss of increase in revenue to state and local government)

Dr. MacGregor M. Stephenson, Assistant Commissioner for Workforce, Academic Affairs and Research, has determined that for the first five years there will be no fiscal implications for state or local governments as a result of amending the rule listed above.

Public benefit and local employment impact

Dr. Stephenson has also determined that for the first five years the amendments are in effect, the public benefits anticipated as a result of administering the sections will be to increase the required number of degrees awarded in order to not be considered a low-producing degree program, and to revise and clarify certain information that is considered as part of the temporary exemption process. There is no anticipated impact on local employment. There is no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the amendments as proposed.

Request for comments

Comments on the proposed amendments may be submitted by mail to MacGregor M. Stephenson, Assistant Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711 or via email at WAARcomments@thecb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the Texas Register.

Statutory basis for amendment

The amendments are proposed under Texas Education Code, §§130.0012, 61.002(a) and (b), and §61.051(e), which give the Coordinating Board the authority to regulate the offering of degree programs.

Statutes, articles, codes affected by the proposed action
The amendments affect the Texas Education Code, Chapter 61, Subchapter C, Section 61.051(e) and Chapter 51, Subchapter H, Section 51.403.

Chapter 4, Rules Applying to All Public Institutions of Higher Education in Texas

Subchapter R, Review of Low-Producing Degree Programs

4.285 Purpose
4.286 Authority
4.287 Definitions
4.288 Notification of Low-Producing Degree Programs
4.289 Exemptions
4.290 Consequences for Non-Exempt Low-Producing Degree Programs
4.291 Process for Requesting a Temporary Exemption
4.292 Appeals Process
4.293 Reinstatement of Closed Programs

4.287 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) Degree or certificate program--Any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle the student to receive a degree or certificate from an institution of higher education.

(3) 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, §61.003.

(4) Low-Producing Degree Programs--Degree programs that do not meet the following minimum standards for degrees awarded in the program:

(A) Prior to the FY 2013-2017 Annual Report of Low-Producing Programs:

(i) [~~(A)~~] For career technical certificates, associate and bachelor's programs, an average of five degrees awarded per academic year, to total not fewer than twenty-five degrees awarded for any five-year period;

(ii) [~~(B)~~] For master's programs, an average of three degrees awarded per academic year, to total not fewer than fifteen degrees awarded for any five-year period; and

(iii) [~~(C)~~] For doctoral programs-research/scholarship and doctoral programs-professional practice [~~and special professional degrees~~], an average of two degrees awarded per academic year, to total not fewer than ten degrees awarded for any five-year period.

(B) Beginning with the FY 2013-2017 Annual Report of Low-Producing Programs, which will include graduates from FY 2013 - 2017,

(i) For career technical certificates, associate and bachelor's programs, an average of eight degrees awarded per academic year, to total not fewer than forty degrees awarded for any five-year period;

(ii) For master's programs, an average of five degrees awarded per academic year, to total not fewer than twenty-five degrees awarded for any five-year period; and

(iii) For doctoral programs-research/scholarship and doctoral programs-professional practice, an average of three degrees awarded per academic year, to total not fewer than fifteen degrees awarded for any five-year period.

(5) Permanent Exemption--Exemption for degree programs which removes them from the list of low-producing degree programs indefinitely.

(6) Temporary Exemption--Exemption for degree programs which removes them from the consequences of low-producing degree programs for a defined period of time.

(7) Related Degree Program--A degree program for which an institution may use common faculty and other resources.

(8) Small class--Sections of a course offered by an institution that meets the following criteria:

(A) Undergraduate classes with fewer than 10 registrants; or

(B) Graduate classes with fewer than five graduate registrants; and

(C) The primary type of instruction is reported as lecture, laboratory, or seminar in CBM 004 – Class Report.

4.291 Process for Requesting a Temporary Exemption

(a) A low-producing degree program is eligible for a temporary exemption if:

(1) The Coordinating Board staff determines the necessity for a temporary exemption because:

(A) The institution demonstrates evidence that the low-producing degree program contributes to meeting Closing the Gaps initiatives or other Coordinating Board priorities including workforce needs in specific industries; and

(B) Institutional efforts are being made to increase enrollments, limit cost inefficiencies, limit the number of small classes, and improve program success. The period of time for the exemption will be established by Coordinating Board staff after discussions with the institution; or

(2) The degree program is composed primarily [~~exclusively~~] of courses required for other existing degrees at the institution and there is very limited or no additional cost associated with the degree.

(b) To request a temporary exemption provide the following information:

(1) A narrative that explains the causes of low production;

(2) Justification for continuing the degree program. Justification should incorporate issues of need, quality, cost, and Closing the Gaps initiatives;

(3) An action plan for the low-producing degree program. The action plan should include a detailed strategy for increasing enrollment, graduation output, and graduation rates. In addition, the action plan should include specific strategies to recruit, retain, and graduate students from underrepresented groups; and

(4) The rubric and number of all required upper-division courses in the major and all prescribed upper-division electives in the major, excluding [~~core curriculum,~~] minor requirements and free electives.

(c) Coordinating Board staff will evaluate the application for a temporary exemption and approve or deny it. If approved, the exemption will be for a limited period of time determined by the staff after discussion with the institution.