

## **PROPOSED RULES PREAMBLE**

### **Brief explanation of proposed rule**

The Texas Higher Education Coordinating Board proposes amendments to Chapter 13, Subchapter F, sections 13.102, 13.104, 13.106 and 13.107, pertaining to formula funding for repeated and excess hours of undergraduate students and the limitation on formula funding for developmental and remedial courses.

Specifically, a definition of non-course-based developmental education interventions will be added to the definitions in section 13.102. Sections 13.104 and 13.106 will be amended to indicate that hours earned in non-course-based developmental education interventions are allowable exemptions to the excess and repeated hours rules.

The proposed amendments to 13.107 will indicate that semester credit hours (SCH) earned in non-course-based developmental education interventions fall under the limitation on formula funding for developmental education hours. Public two-year colleges may submit up to 27 SCH earned in developmental education classes and interventions per student; public universities may submit up to 18 SCH earned in developmental education classes and interventions per student.

The amendments will also allow community colleges, public technical colleges, and public state colleges to convert contact hours to semester credit hours for the purpose of tracking funded and unfunded semester credit hours in developmental education interventions. Institutions will not be required to make a conversion, but may choose to do so.

### **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)**

Ms. Susan Brown, Assistant Commissioner, Planning and Accountability, has determined that for each year of the first five years the amended section is in effect, there will not be any fiscal implications to state or local government as a result of enforcing or administering the rule.

### **Public Benefit and local employment impact**

Ms. Brown has determined that for each year of the first five years the proposed amendments are in effect, the public will benefit from having limitations on state funding that apply to all developmental education activities, not simply developmental courses. Defining non-course-based developmental education interventions will ensure consistency in reporting across institutions. There is no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no impact on local employment.

### **Request for comments**

Comments on the proposed amendments may be submitted to Gary W. Johnstone, Deputy Assistant Commissioner, Planning and Accountability, 1200 East Anderson Lane, Austin, TX 78752, [gary.johnstone@theccb.state.tx.us](mailto:gary.johnstone@theccb.state.tx.us) Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

**Statutory basis for amendment (or new rule)**

The proposed amendments are proposed under the Texas Education Code, Section 61.0595 which provides the coordinating board with authority to adopt rules relating to funding of excess undergraduate credit hours and Texas Education Code, Section 51.307 which allows the coordinating board to adopt rules for the administration of required and elective courses, including the Texas Success Initiative.

**Section of code affected**

The proposed amendments affect Texas Education Code, Sections 61.0595 and 51.3062.

## Chapter 13: Financial Planning

### Subchapter F. Formula Funding and Tuition Charges for Repeated and Excess Hours of Undergraduate Students

13.100	Purpose
13.101	Authority
13.102	Definitions
13.103	Limitation on Formula Funding for Excess Hours
13.104	Exemptions for Excess Hours
13.105	Limitation on Formula Funding for Repeated Hours for Attempted Courses
13.106	Exemptions for Repeated Hours for Attempted Courses
13.107	Limitation on Formula Funding for Remedial and Developmental Courses <u>and</u>
	<u>Interventions</u>
13.108	Tuition Rate for Students
13.109	Additional Responsibilities of Institutions

#### 13.102 Definitions

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

(1)– (3) (No change).

(4) Non-Course-Based Developmental Education Interventions (sometimes called Non-Semester-Length Interventions) -- Interventions that use innovative learning approaches designed to address a student's identified weaknesses and effectively and efficiently prepare the student for college-level work. These interventions must be overseen by an instructor of record, must not fit traditional course frameworks, and cannot include advising or learning support activities already connected to a traditional course; interventions may include, but are not limited to, tutoring, supplemental instruction, or labs.

(5) [(4)] Remedial and Developmental Courses--Courses designed to correct academic deficiencies and bring students' skills to an appropriate level for entry into college. The term includes English as a Second Language (ESL) courses in which a student is placed as a result of failing the reading or writing portion of a test required by §4.56 of this title (relating to Assessment Instruments).

(6) [(5)] Repeated Hours for Attempted Course--Hours for a course that is the same or substantially similar to a course that the student previously attempted for two or more times at the same institution. Previously attempted courses from which the student withdraws before the official census date shall not count as an attempted course.

(7) [(6)] Repeated Hours for Completed Course--Hours for a course in which a student enrolls for two or more times that is the same as or substantially similar to a course that the student previously completed and received a grade of A, B, C, D, F, or Pass/Fail at the same institution.

(8) [(7)] Student--For the purposes of this subchapter, a student who has not been awarded a bachelor's degree or the equivalent.

(9) ~~[(8)]~~ Workforce Education Courses--Courses offered by two-year institutions for the primary purpose of preparing students to enter the workforce rather than academic transfer. The term includes both technical courses and continuing education courses.

#### 13.104 Exemptions for Excess Hours

The following types of hours are exempt and are not subject to the limitation on formula funding set out in §13.103 of this title (relating to Limitation on Formula Funding for Excess Hours):

(1) – (2) (No change).

(3) hours from remedial and developmental courses and/or interventions, workforce education courses, or other courses that would not generate academic credit that could be applied to a degree at the institution if the course work is within the 27-hour limit at two-year colleges and the 18-hour limit at general academic institutions;

(4) – (6) (No change).

#### 13.106 Exemptions for Repeated Hours for Attempted Courses

The following types of hours are exempt and are not subject to the limitation on formula funding set out in §13.105 of this title (relating to Limitation on Formula Funding for Repeated Hours for Attempted Course).

(1) hours for remedial and development courses and/or interventions, if the course work is within the 27-hour limit at two-year colleges and the 18-hour limit at general academic institutions;

(2) – (5) (No change).

#### 13.107 Limitation on Formula Funding for Remedial and Developmental Courses and Interventions

(a) Institutions shall not submit for formula funding any hours for remedial and development courses and/or interventions for which a student has exceeded 18 semester credit hours of remedial and developmental courses and/or interventions in a general academic teaching institution, or 27 semester credit hours of remedial and developmental courses and/or interventions in a public community college, public technical college, or public state college.

(b) Public community colleges, public technical colleges, or public state colleges may convert contact hours attempted in non-course-based developmental education interventions into semester credit hours to meet the requirements of subsection (a) of this section. For the purposes of this provision, 1 semester credit hour may equal no less than 9 contact hours or more than 24 contact hours.