

PROPOSED RULES AMENDMENT PREAMBLE

Brief explanation of proposed rule amendment

The Texas Higher Education Coordinating Board proposes amendments to Chapter 5, Subchapter C, Section 5.46(8)(B) of Board rules concerning Rules Applying to Public Universities, Health-Related Institutions, and/or Selected Public Colleges of Higher Education.

The intent of the amendment to Section 5.46(8)(B) is to provide an accurate reference to the section of the Texas Administrative code requiring Coordinating Board approval prior to public colleges and universities delivering doctoral programs through distance education and/or off-campus instruction.

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)

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

MacGregor M. Stephenson has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the sections will be the clarification of the section of the Texas Administrative Code that requires Coordinating Board approval prior to public colleges and universities delivering doctoral programs through distance education and/or off-campus instruction. There will be no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There will be no impact on local employment.

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 to WAARcomments@thehb.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 the Texas Education Code, Chapter 61, Subchapter C, Section 61.051(j), which provides the Coordinating Board with the authority to require public colleges and universities to gain approval from the Coordinating Board prior to the delivery of doctoral programs through distance education and/or off-campus instruction.

Statutes, articles, codes affected by the proposed action

The amendments affect the Texas Education Code, Chapter 61, Subchapters C, Section 61.051(j).

Certification of Review By Legal Counsel

The Coordinating Board certifies that the proposed rules have been reviewed by legal counsel and found to be within the agency's authority to adopt.

CHAPTER 5, Rules Applying to Public Universities, Health-Related Institutions, and/or Selected Public Colleges of Higher Education in Texas

SUBCHAPTER C, Approval of New Academic Programs and Administrative Changes at Public Universities, Health-Related Institutions, and Review of Existing Degree Programs

- 5.41 Purpose
- 5.42 Authority
- 5.43 Definitions
- 5.44 Presentation of Requests and Steps for Implementation
- 5.45 Criteria for New Baccalaureate and Master's Degree Programs
- 5.46 Criteria for New Doctoral Programs
- 5.47 Criteria for Administrative Change Requests
- 5.48 Criteria for Certificate Programs at Universities and Health-Related Institutions
- 5.49 Certification of Adequacy of Financing for New Academic Programs and Administrative Changes
- 5.50 Approvals by the Commissioner
- 5.51 Publishing of Doctoral Program Data
- 5.52 Review of Existing Degree Programs
- 5.53 Annual Evaluation of New Doctoral Degree Programs
- 5.54 Noncompliance with Conditions of Approval for New Doctoral Degree Programs
- 5.55 Revisions to Approved Programs

5.41 – 5.45 No changes.

5.46 Criteria for New Doctoral Programs

New doctoral Programs must meet all of the following criteria:

(1) – (7) No changes.

(8) On-Campus Residency Expectations.

(A) No changes.

(B) Institutions are traditionally expected to meet these provisions through substantial on-campus residency requirements. Proposals to meet them in other, non-traditional ways (e.g., to enable distant delivery of a doctoral program) must provide persuasive and thorough documentation as to how each provision would be met and evaluated for the particular program and its students. Delivery of doctoral programs through distance education and/or off-campus instruction requires prior approval of the Board as specified in §4.261(3) [~~§4.104(e)(3)~~] of this title (relating to Approval of Distance Education and Programs for Public Institutions).

(9) – (15) No changes.

5.47 – 5.55 No changes.