

PROPOSED RULE PREAMBLE

Brief explanation of proposed rule

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Section 1.115 of board rules concerning Student Complaint Procedure. Specifically, this section requires that the Coordinating Board refer student complaints it receives pertaining to a component institution in The University of Texas System, Texas A&M University System, the University of Houston System, the University of North Texas System, the Texas Tech University System, or the Texas State University System to the appropriate university system for investigation and resolution. Student complainants have raised concerns that such mandatory referrals may lead, in certain cases, to potential conflicts in the complaint being fairly resolved. The proposed amendment would provide THECB with discretion in making these referrals.

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)

Mr. Bill Franz, General Counsel, has determined that for each of the first five years this 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

Mr. Franz has also determined that for each of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be to establish clear procedures for the administration of all student complaints filed with the Coordinating Board. 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 proposal may be submitted to William M. Franz, P.O. Box 12788, Austin, Texas 78711, william.franz@thecb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the Texas Register.

Statutory basis for amendments

The amendment is proposed under Texas Education Code Section 61.031, which provides the Coordinating Board with the authority to establish policies and procedures relating to complaint investigation and resolution; Section 61.028, which provides that the Board can delegate these responsibilities to the Commissioner; and Section 61.027, which provides the Coordinating Board with the authority to adopt and publish rules and regulations to effectuate the provisions of Chapter 61 of the Texas Education Code.

Statutes, articles, codes affected by the proposed action

The amended rule affects Texas Education Code, Section 61.031.

Certification of Review by Legal Counsel

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

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER E. STUDENT COMPLAINT PROCEDURE

Section

- 1.110 Definitions.
- 1.111 Scope and Purpose.
- 1.112 Institution's Obligation to Provide Information Concerning the Complaint Procedure.
- 1.113 Complaints Not Reviewed by the Agency.
- 1.114 Filing a Complaint.
- 1.115 Referral of Certain Complaints to Other Agencies or Entities.
- 1.116 Agency Investigation of Student Complaint.
- 1.117 Attempt to Facilitate an Informal Resolution to the Complaint.
- 1.118 Recommendation for Resolution Made to the Commissioner.
- 1.119 Written Determination of the Commissioner.
- 1.120 Authority of the Commissioner to Issue Written Determinations Regarding Student Complaints.

1.110 – 1.114 (No change.)

1.115. Referral of Certain Complaints to Other Agencies or Entities.

Once the Agency receives a student complaint form, the Agency may refer the complaint to another agency or entity as follows:

(1) (No change.)

(2) Complaints pertaining to an institution in The University of Texas System, Texas A&M University System, University of Houston System, University of North Texas System, Texas Tech University System, or Texas State University System may [~~shall~~] be referred to the appropriate university system for investigation and resolution.

(3) – (4) (No change.)

1.116 – 1.120 (No change.)