

PROPOSED RULES AMENDMENT PREAMBLE

Brief explanation of proposed rule amendment

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Sections 4.53 – 4.57; 4.59, and 4.62, concerning Texas Success Initiative (TSI) to reflect developmental education reform efforts as required in House Bill 1244, House Bill 3468, and Senate Bill 162 (82nd Legislature, Regular Session). Revisions address clarifying applicable definitions and exemptions; implementing a single, statewide assessment instrument and college readiness standard; recommending holistic assessment and placement; clarifying required program components; and ensuring consistent terminology throughout.

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. Judith Loredo, Assistant Commissioner for P-16 Initiatives, 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 amendments to rules.

Public benefit and local employment impact

Dr. Loredo 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 this section will be to establish clear rules for the consistent administration and evaluation of developmental education program efficiency and effectiveness. 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 Dr. Judith Loredo, P.O. Box 12788, Austin, Texas 78711, judith.loredo@theccb.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 Section 51.3062 which provides the Coordinating Board with the authority to establish policies and procedures relating to the TSI, and Texas Education Code Section 51.307 which provides the Coordinating Board with the authority to adopt and publish rules and regulations to effectuate the provisions of Texas Education Code, Chapter 51, Subchapter F.

Statutes, articles, codes affected by the proposed action

The amended sections affect Texas Education Code, Section 51.3062.

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

Subchapter C. Texas Success Initiative

Section

- 4.51. Purpose
- 4.52. Authority
- 4.53. Definitions
- 4.54. Exemptions/Exceptions
- 4.55. Assessment
- 4.56. Assessment Instruments
- 4.57. Minimum Passing Standards
- 4.58. Advisement and Plan for Academic Success
- 4.59. Determination of readiness to Perform Freshman-level Academic Coursework
- 4.60. Evaluation and Reporting
- 4.61. Limited Waiver of Rules
- 4.62. Required Components of Developmental Education Programs

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) – (4) No change.

(5) Compressed Course--A developmental course that has the same number of contact hours and addresses the same learning outcomes as a traditional course but meets in a shortened overall time period (e.g., four weeks at twelve contact hours per week or eight weeks at six contact hours per week instead of sixteen weeks at three contact hours per week), thus allowing for multiple developmental courses to be completed in the same time period as one traditional course.

(6) Contextualized/Intensive Coursework--Strategies that accelerate learning for lower skilled learners whereby contextualized coursework integrates career subject matter with pre-college skills development in reading, writing, and mathematics; and intensive coursework shortens the overall delivery of a course through lengthened class meeting times (e.g., four hours per class meeting instead of 2 hours).

(7)[(5)] Course Pairing (also known as Mainstreaming)--An instructional strategy whereby students are enrolled simultaneously in a developmental education course and/or intervention and the entry-level freshman [gateway] course of the same subject matter within the same semester. The developmental component provides support that advances [the] students' success in the entry-level freshman [gateway] course.

(8) ~~[(6)]~~ Developmental Coursework and/or Intervention--Non-degree-credit coursework and/or activity designed to address a student's strengths and needs in the areas of reading, writing, integrated reading and writing (IRW), mathematics, and student success.

(9) ~~[(7)]~~ Developmental Education--Pre-college, non-degree credit ~~[Developmental]~~ courses, interventions, tutorials, laboratories, and other means of assistance that are included in a plan to ensure the success of a student in performing entry-level academic coursework.

(10) ~~[(8)]~~ Differentiated Instruction--The different instructional processes used to work within a student's varied skill levels, motivational attitudes, and learning preferences.

(11) ~~[(9)]~~ Differentiated Placement--Advising and placement of students based on individual strengths and needs.

(12) Entry-level course (sometimes referred to as entry-level freshman coursework)--Any course for academic credit in which a freshman student typically enrolls: the course shall not have prerequisites and is open to any student meeting TSI standards as defined in §4.57 and/or meeting at least one of the exemptions or waivers as defined in §4.54 of this title (relating to Exemptions and Exceptions). These courses (or their local equivalent in Texas Common Core Numbering System) include, but are not limited to, ENGL 1301, HIST 1301, PSYC 2301, GOVT 1301, MATH 1314/1414/1324/1332/1342, SOCI 1301, PHIL 1301, SPCH 1311/1315, COSC 1401, HUMA 1301, ARTS 1301, and BIOL 1306/1406.

(13) ~~[(10)]~~ 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(8).

(14) ~~[(11)]~~ Measureable Learning Outcomes--Knowledge, skills, and abilities, and/or attitudes that students should be able to demonstrate upon completion of a course and/or intervention.

(15) ~~[(12)]~~ Minimum Passing Standards--The minimum scores which must be attained by a student in reading, writing, and mathematics in the TSI Assessment Instrument that indicates the student's readiness to enroll in entry-level freshman courses as defined in (12). These scores are set forth in § 4.57 of this title (relating to Minimum Passing Standards). ~~[freshman-level academic coursework.]~~

(16) ~~[(13)]~~ Non-Course Competency-Based Developmental Education Interventions (also known as Non-Semester-Length Interventions or NCBO)--Interventions that use 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.

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

(18) [(15)] Professional Development--The provision of ongoing and systematic learning opportunities for developmental educators and support staff that focus on research-based strategies, methodologies, and best practices resulting in effective and efficient coursework and/or interventions advancing the cognitive and non-cognitive skills of underprepared students seeking post-secondary enrichment, certificates, and degrees.

(19) [(16)] Program Evaluation--A systematic method of collecting, analyzing, and using information to answer questions about developmental education courses, interventions, and policies, particularly about their effectiveness and cost-efficiency.

(20) [(17)] Technology--The use of instructional aids, methods and/or other computer-based tools that enhance student learning.

(21) TSI Assessment Time Periods--For phase-in of TSI Assessment college-ready standards, the following time periods shall be applicable:

(A) Phase I--Start date: institution's first class day of fall 2013; expiration: the day immediately before the first class day of fall 2017;

(B) Phase II--Start date: institution's first class day of fall 2017; expiration: the day immediately before the first class day of fall 2019; and

(C) Final Phase--Start date: institution's first class day of fall 2019; no expiration.

(22) TSI Assessment--The Board-approved assessment instrument designated in §4.56 of this title (relating to Assessment Instruments) for use by institutions of higher education for assessing a student's readiness to enroll in an entry-level freshman course.

4.54 Exemptions, Exceptions, and Waivers [Exemptions/Exceptions]

(a) The following students shall be exempt from the requirements of this title, whereby exempt students shall not be required to provide any additional demonstration of college readiness and shall be allowed to enroll in any entry-level freshman course as defined in §4.53(12) of this title (relating to Definitions):

(1) For a period of five (5) years from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:

(A) ACT: composite score of 23 with a minimum of 19 on the English test shall be exempt for both the reading and writing sections of the TSI Assessment, and/or 19 on the mathematics test shall be exempt for [those corresponding sections] the mathematics section of the TSI Assessment;

(B) SAT: [Scholastic Assessment Test (SAT)] a combined [verbal] critical reading (formerly "verbal") and mathematics score of 1070 with a minimum of 500 on the [verbal] critical reading test shall be exempt for both reading and writing sections of the TSI Assessment, and/or 500 on the mathematics test shall be exempt for [those corresponding sections] the mathematics section of the TSI Assessment; or

(2) (No change.)

(3) For a period of five (5) years [~~three (3) years~~] from the date of testing, a student who is tested and performs at or above the following standards that cannot be raised by institutions:

(A) on the Eleventh grade exit-level Texas Assessment of Knowledge and Skills (TAKS) with a minimum scale score of 2200 on the math section and/or a minimum scale score of 2200 on the English Language Arts section with a writing subsection score of at least 3, shall be exempt from the TSI Assessment [assessment] required under this title for those corresponding sections, or

(B) STAAR end-of-course (EOC) with a minimum score of Level 2 on the English III shall be exempt from the TSI Assessment required under this title for both reading and writing, and a minimum score of Level 2 on the Algebra II EOC shall be exempt from the TSI Assessment required under this title for the mathematics section.

(4) – (9) (No change.)

(b) (No change)

(c) ESOL Waiver--An institution may grant a temporary waiver from the assessment required under this title for students with demonstrated limited English proficiency in order to provide appropriate ESOL/ESL coursework and interventions. The waiver must be removed prior to the student attempting 15 credit hours of developmental ESOL coursework or attempting entry-level freshman coursework, whichever comes first, at which time the student or would be administered the TSI Assessment. Funding limits as defined in Texas Education Code, Section 51.3062(l)(1) and (2) for developmental education still apply.

(d) [(c)] Any student who has been determined to be exempt in mathematics, reading, and/or writing under subsection (a) or (b) of this section shall not be required to enroll in developmental coursework and/or interventions in the corresponding area of exemption.

4.55 Assessment and Placement

(a) – (b) (No change.)

(c) For holistic placement of non-exempt students not meeting standards as defined in §4.57(a) and (b) of this title (relating to College Ready and Adult Basic Education (ABE) Standards), institutions shall use for determination of appropriate courses and/or interventions the TSI Assessment results and accompanying Diagnostic Profile, along with consideration of one or more of the following:

(1) High school Grade Point Average/class ranking;

(2) Prior academic coursework and/or workplace experiences;

(3) Non-cognitive factors (e.g., motivation, self-efficacy); and

(4) Family-life issues (e.g., job, childcare, transportation, finances).

(d)[(c)] An institution 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 shall ensure that students are assessed as required by this section.

(e)[(d)] An institution may not use the assessment or the results of the assessment as a condition of admission to the institution or as a condition of admission to a specific program offered by the institution.

4.56 Assessment Instrument [Instruments]

Beginning with the institution's first class day of Academic Year (fall) 2013, an institution of higher education shall use the TSI ASSESSMENT offered by The College Board as the only Board-approved assessment instrument under this title. Any previously-employed assessments (ACCUPLACER, Compass, THEA, Asset, Compass ESL, ACCUPLACER ESL) can no longer be used under this title for entering students who initially enroll in any course on or after the institution's first class day in fall 2013.

~~[The following assessment instruments are approved by the Board:~~

~~(1) ASSET and COMPASS offered by ACT;~~

~~(2) ACCUPLACER offered by The College Board~~

~~(3) Texas Higher Education Assessment (THEA) (formerly TASP Test) offered by National Evaluation Systems, Inc.]~~

4.57 College Ready and Adult Basic Education (ABE) [Minimum Passing] Standards

(a) The following minimum passing standards for reading and mathematics on the TSI Assessment shall be used by an institution to determine a student's readiness to enroll in entry-level freshman coursework:

(1) Phase I as defined in section 4.53(21) of this title (relating to Definitions) – Reading 351; Mathematics 350;

(2) Phase II as defined in section 4.53(21) of this title – Reading 355; Mathematics 356; and

(3) Final Phase as defined in section 4.53(21) of this title – Reading 359; Mathematics 369.

~~(a) The following minimum passing standards shall be used by an institution to determine a student's readiness to enroll in freshman-level academic coursework:~~

~~(1) ASSET: Reading Skills—41; Elementary Algebra—38; Writing Skills (objective)—40; and Written Essay—6.~~

~~(2) COMPASS: Reading Skills—81; Algebra—39; Writing Skills (objective)—59; and Written Essay—6.~~

~~(3) ACCUPLACER: Reading Comprehension—78; Elementary Algebra—63; Sentence Skills—80; and Written Essay—6.~~

~~(4) THEA: Reading—230; Mathematics—230; Writing—220.~~

(b) The following standards on the TSI ASSESSMENT may be used by an institution for consideration of courses and/or interventions addressing the educational and training needs of students at the Adult Basic Education levels: (at or below the following cut scores, with no phase-in period):

(1) Reading 342;

(2) Writing 350;

(3) Mathematics 336.

~~[(b) The minimum passing standard for the written essay portion of all tests is a score of 6. However, an essay with a score of 5 will meet this standard if the student meets the objective writing test standard.]~~

~~(c) The Phase I, II, and Final Phase college readiness passing standard for the writing portion of the TSI Assessment is an essay score of 5. However, an essay score of 4 will meet this standard if the student also meets the multiple choice writing standard of 363.~~

~~(c) An institution may require higher passing standards. This subsection expires academic year 2013-2014.]~~

~~(d) An institution shall not require higher Phase I, II, and Final Phase college readiness standards on any or all portions of the TSI Assessment to determine a student's readiness to enroll in any entry-level freshman course.~~

(e) Determination of applicable Phase I, II, or Final Phase standards as defined in subsection (a), (c), and (d) of this section is based on the student's initial TSI Assessment testing date in any subject area. TSI Assessment results are valid for five (5) years from date of testing.

4.58 (No change.)

4.59. Determination of Readiness to Perform Entry-Level Freshman [level Academic] Coursework

(a) An institution shall determine when a student is ready to perform Entry-Level Freshman [-level academic] coursework using:

(1) Developmental education coursework and/or intervention learning outcomes developed by the Board based on the Texas College and Career Readiness Standards; and

(2) Student performance on one or more appropriate assessments, including scores resulting from a student's retaking of the TSI Assessment.

(b) As indicators of readiness, institutions shall consider, as appropriate:

(1) Performance in developmental education.

(2) Performance in appropriate non-developmental coursework.

(c) A student may retake an assessment instrument at any time, subject to availability, to determine the student's readiness to perform entry-level freshman [~~level academic~~] coursework.

(d) (No change.)

4.60. and 4.61. (No change.)

4.62 Required Components of Developmental Education Programs

(a) An institution of higher education must base developmental coursework on research-based best practices that include all of the following components:

(1) assessment;

(2) differentiated placement and instruction;

(3) faculty development;

(4) support services;

(5) program evaluation;

(6) integration of technology with an emphasis on instructional support programs;

(7) non-course-based developmental education interventions; and

(8) course pairing of developmental education courses/interventions with entry-level freshman courses, also known as mainstreaming or co-enrollment of developmental education and entry-level freshman courses as defined in §4.53(12) of this title (relating to Definitions). [with credit-bearing courses].

(b) As part of subsection (a)(2) of this section, institutions shall offer Integrated Reading and Writing (IRW) course/intervention at the highest level (just below college-readiness as determined by the institution) by spring 2015.

(c) As part of subsection (a)(7) of this section, institutions shall offer at least one section of non-course competency-based intervention (NCBO) per developmental education subject area by Spring 2015.