

SUPPLEMENTAL MATERIALS

Committee on Academic and Workforce Success

AGENDA ITEM V-L (3)

Consideration of adopting the Commissioner’s recommendation to the Committee relating to proposed amendments to Chapter 4, Rules Applying to all Public Institutions of Higher Education in Texas, Subchapter R, Review of Low-Producing Degree Programs, Sections 4.287 and 4.291 of Board rules concerning definitions and process for requesting a temporary exemption

RECOMMENDATION: Approval

Background Information:

Coordinating Board staff propose amendments to Chapter 4, Subchapter R, Sections 4.287 and 4.291 of the Board rules related to Rules Applying to All Public Institutions of Higher Education in Texas.

The amendment to Chapter 4, Subchapter R, Section 4.287 (4) will increase the minimum requirements for the number of graduates produced by degree programs at institutions of higher education to determine which are Low-Producing Degree Programs. This amendment would be implemented beginning with the FY2013-FY2017 Annual Report of Low-Producing Programs and sent to the institutions in February 2018. Institutions would continue to have the option of phasing-out, consolidating, or requesting a temporary exemption for any program identified as low-producing.

Table 1: Comparison of Current and Proposed Minimum Number of Graduates Needed to Determine Program Productivity

Degree Level	<i>Current Minimum Requirements</i>		<i>Proposed Minimum Requirements</i>	
	Average Number of Graduates per Year	Number of Graduates Over Five Years	Average Number of Graduates per Year	Number of Graduates Over Five Years
Applied Associate	5	25	8	40
Baccalaureate	5	25	8	40
Master’s	3	15	5	25
Doctoral	2	10	3	15

The amendment to Chapter 4, Subchapter R, Section 4.291 (a)(2) will give institutions flexibility in identifying programs that have very limited or no additional cost. The amendment to Chapter 4, Subchapter R, Section 4.291 (b)(4) will specify the course information institutions of higher education must provide in a temporary exemption request. From the information provided, staff will be able to determine the number of small classes offered in the previous two

years. The percentage of small classes offered in the program will be a component in the decision to grant or deny a temporary exemption request.

Date approved by the Commissioner for publication in the *Texas Register*: July 24, 2012

Date published in the *Texas Register*: August 10, 2012

The 30-day comment period with the Texas Register ended on September 10, 2012

Summary of comments received:

Comment: Texas Tech University Health Science Center commented that the timeline for evaluating programs established within the previous ten years should not be changed.

Staff response: No change is being recommended. No amendments to §4.289 (1) – Exemptions are being considered. The timeline for evaluating programs will remain as approved by the Coordinating Board in April 2010. The evaluation of a new program begins in the sixth year of implementation. The institution is not required to respond until the fifth year of evaluation or the tenth year after implementation.

Comment: Texas Tech University Health Science Center commented that doctoral programs-professional practice and doctoral programs-research/scholarship should have different standards for the minimum number of degrees awarded in a program.

Staff response: No change is being recommended to the proposed amendment of §4.287 (4)(B)(iii). The Coordinating Board does not differentiate the types of doctoral programs in the reporting and evaluation of the 18 Characteristics of Texas Public Doctoral Programs nor with the Annual Doctoral Progress reports of new programs. The low-producing program evaluation follows this pattern.

Comment: Texas Tech University Health Science Center commented that a permanent exemption should be granted to those degree programs that are primarily composed of courses required for other existing degrees at the institution.

Staff response: No changes are being recommended to the proposed amendment of §4.291 (a)(2). To be in compliance with Texas Education Code 61.051 (e), the Coordinating Board must review all degree and certificate programs to assure that they meet the present and future needs of the state. A permanent exemption is not possible due to this statutory requirement.

Comment: Texas Tech University Health Science Center commented that an exemption should be granted to those degree programs that are primarily composed of faculty required for other existing degrees at the institution.

Staff response: No changes are being recommended to the proposed amendment of §4.291 (a)(2). Faculty workload is a negotiable issue that can vary by institution, level, and department. Basing low-productivity on the availability of faculty to teach the courses provides

little indication of the productivity of the program. A faculty who teaches one course in another discipline and two in the low-producing program does not make the low-producing program more productive or less costly to operate.

Comment: Texas Tech University Health Science Center commented that the Coordinating Board should take into account the workforce data from the Bureau of Labor Statistics or related data to determine jobs available in particular disciplines in identifying low-producing programs.

Staff response: No changes are being recommended. Staff note that rules allow an institution to request a temporary exemption and include a justification for continuing the program based on issue of need. The institution may provide statistical data to support the request.

Comment: The University of Texas at Austin recommend an analysis of the proposed changes to determine if the results are desirable, and to ensure that valuable programs are not eliminated. An annual review should weigh the financial costs against the value of the program closed due to low-productivity.

Staff response: Staff will work with the institutions to determine how to evaluate relevant measures for the approval of temporary exemptions based upon the revised standards. The issue of determining a relative fiscal value of a degree program at an institution is significant and will merit further discussion.

Comment: Dallas County Community College recommends that an on-going analysis of prevailing wage, educational requirement for employment and regional/state labor market demand versus supply, including low demand but critical regional/state need, based on Classification of Instructional Program Codes as the basis for establishing program level minimums.

Staff response: Staff will work with the institutions to determine how to evaluate relevant measures for the approval of temporary exemptions based upon the revised standards.

Comment: The University of Texas of the Permian Basin recommends adding an amendment to §4.291 (a) to include an option for a temporary exemption for programs that are offered in a majority of nationally comparable educational regions and that the minimum number of degrees awarded in a program is at the mean for those comparable regions.

Staff response: No changes are being recommended. Staff will work with the institutions to determine how to evaluate relevant measures for the approval of temporary exemptions based upon the revised standards.

Comment: The University of Texas at El Paso and Texas Tech University recommend that consideration be given in the evaluation of exemptions to the regional isolation of an institution.

Staff response: Staff will work with the institutions to determine how to evaluate relevant measures for the approval of temporary exemptions based upon the revised standards.

Comment: Texas Tech University questions the lack of comparable evidence behind raising the standards for the minimum number of degrees awarded in a program. The institution also expresses concern about the negative effect on the institution's status with Phi Beta Kappa and the American Association of Universities, alumni relationships, and the unknown beneficial impacts of the proposed amendments.

Staff response: Staff will consider, as a part of the temporary exemption request, arguments which the institution feels are relevant to the low-producing program and which can be justified by supporting information.