

Chapter 5. Rules Applying to Public Universities and/or Health-Related Institutions of Higher Education in Texas

Subchapter A. General Provisions

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§5.1 Purpose

This subchapter establishes rules on a variety of topics that apply exclusively to public universities and/or health-related institutions.

Source Note: *The provisions of this §5.1 adopted to be effective May 28, 2003, 28 TexReg 4124*

§5.2 Authority

Unless otherwise noted in a section, the authority for these provisions is provided by Texas Education Code, §61.051 which describes the Board's role in coordinating higher education in Texas.

Source Note: *The provisions of this §5.2 adopted to be effective May 28, 2003, 28 TexReg 4124*

§5.3 Definitions

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

- (1) Board--The Texas Higher Education Coordinating Board.
- (2) Commissioner--The Commissioner of Higher Education.
- (3) Health-related institution--a medical or dental unit as defined by the Texas Education Code, §61.003 (5).
- (4) Public university--a general academic teaching institution as defined by the Texas Education Code, §61.003 (3).
- (5) Degree program--any grouping of subject matter courses which, when satisfactorily completed by a student, shall entitle the student to a degree from an institution of higher education.
- (6) Support area--a grouping of courses for which an institution does not have degree authority. The number of courses in a support area is limited to fewer than would provide a degree program in that specialty at that level. Support areas may include a single discipline, a subcategory of an approved degree program, or a component of a multi-disciplinary specialty.
 - (A) A variety of terms for subject matter course groupings, such as concentration, track, option, emphasis, specialization, and major are commonly used by institutions. The Coordinating Board does not have formal definitions for these terms, which vary in usage among institutions.
 - (B) Despite various terminologies, the Board considers subject matter course groupings to be degree programs if such groupings are substantially the same as those for a degree in a similar discipline at the institution or in the same discipline specialty (as identified by Texas CIP classification) at similar institutions.
- (7) Degree title--name of the degree and discipline under which one or more degree programs may be offered. A degree title usually consists of the degree designation (e.g., Bachelor of Science, Master of Arts) and the discipline specialty (e.g., History, Psychology).

Source Note: The provisions of this §5.3 adopted to be effective May 28, 2003, 28 TexReg 4124

§5.4 Time Limit on Implementing New Programs or Administrative Changes Approved by the Board or the Commissioner

(a) Staff recommendations on new programs or administrative changes requested by institutions are based on information available at the time recommendations are made; beyond a reasonable period of time, those recommendations may become less valid and Board actions, therefore, less appropriate and/or responsive to the needs of the state and its regions.

(b) Unless otherwise stipulated at the time of approval, if new degree programs approved by the Board or Commissioner are not established within two years of approval, that approval is no longer valid.

(c) Unless otherwise stipulated at the time of approval, if administrative changes approved by the Board or Commissioner are not implemented within two years of approval, that approval is no longer valid.

(d) Provisions of this section apply to general academic institutions and health-related institutions.

Source Note: The provisions of this §5.4 adopted to be effective May 28, 2003, 28 TexReg 4124

§5.5 Uniform Admission Policy

(a) Each public university shall admit first-time freshmen students for each semester in accordance with Texas Education Code, §§51.801 - 51.809.

(b) All applicants from Texas schools accredited by a generally recognized accrediting agency and who graduate in the top 10 percent of their high school class shall be admitted to a general academic institution if the student meets the following conditions:

(1) The student graduated from high school within the two years prior to the academic year for which the student is applying, and;

(2) The student submitted a complete application as defined by the institution before the expiration of the institution's established deadline.

(c) All applicants from high schools operated by the United States Department of Defense and who graduate in the top 10 percent of their high school class shall be admitted to a general academic institution if the student meets the following conditions:

(1) The student graduated from high school within the two years prior to the academic year for which the student is applying;

(2) The student is a Texas resident as defined in Texas Education Code, §54.052 or is entitled to pay tuition and fees at the rate provided for Texas residents for the term or semester to which the student is admitted; and

(3) The student submitted a complete application as defined by the institution before the expiration of the institution's established deadline.

(d) High school rank for students seeking automatic admission to a general academic teaching institution on the basis of their class rank is determined and reported as follows:

(1) Class rank shall be based on the end of the 11th grade, middle of the 12th grade, or at high school graduation, whichever is most recent at the application deadline.

(2) The top 10 percent of a high school class shall not contain more than 10 percent of the total class size.

(3) The student's rank shall be reported by the applicant's high school or school district as a specific number out of a specific number total class size.

(4) Class rank shall be determined by the school or school district from which the student graduated or is expected to graduate.

(e) A general academic teaching institution may limit the number of students admitted under this section if the number of applicants eligible and applying for admission to the institution under this section exceeds by more than 10 percent the average number of first-time freshmen admitted the previous two academic years. If an institution chooses to limit the number of students admitted under this section, it must ensure that:

(1) At least 97 percent of first-time freshmen admitted are in the top 10 percent of their high school class and;

(2) Clear guidelines are established for the selection of students based on one or a specified combination of the following methods:

(A) A lottery in which all students qualified for automatic admission have an equal chance for selection;

(B) Students are selected on a first-come, first-admitted basis following receipt of a complete application;
or

(C) At least four or more criteria identified in Texas Education Code, §51.805 are used to select students admitted.

(f) Each general academic teaching institution shall annually report to the Board the composition of the entering class of first-time freshmen students admitted under this section. The report shall include a demographic breakdown of the class including race, ethnicity, and economic status. Each general academic teaching institution shall provide this report to the Board annually on or before a date set by the Board.

(g) In exercising its discretion in accordance with Texas Education Code, §51.804, whether to adopt an admissions policy for each academic year for first time freshman students, the governing board of each general academic teaching institution may elect to admit students who do not meet the requirements of Texas Education Code, §51.803, but who qualify for admission under one or more of the factors listed in Texas Education Code, §51.805(b). However, the total number of such students who are admitted in an academic year may not exceed 20% of the total number of first-time freshman students admitted by the institution for that academic year. This subsection expires August 31, 2009.

Source Note: *The provisions of this §5.5 adopted to be effective May 28, 2003, 28 TexReg 4124; amended to be effective November 29, 2007, 32 TexReg 8490*

§5.6 Common Admission Application

(a) A common application form for freshman and undergraduate transfer applications is hereby adopted by the Board pursuant to Texas Education Code, §51.762. The form is adopted in both a printed format and in an electronic format. The Board, with the assistance of an advisory committee composed of representatives of general academic teaching institutions, shall review the form and recommend any changes for subsequent academic years.

(b) A general academic teaching institution as defined in Texas Education Code, §61.003, must accept freshman applications using the common admission application form beginning with applications for admission for the 1999-2000 academic year. General academic teaching institutions must accept freshman and undergraduate transfer applications using the common electronic admission application form beginning with applicants for admission for the 1999-2000 academic year.

(c) Each general academic teaching institution shall collect information regarding gender, race/ethnicity, and date of birth as part of the application process and report this information to the Board.

(d) All general academic teaching institutions shall adhere to the following guidelines:

(1) No general academic teaching institution shall pre-print its own name on the common application, and no general academic teaching institution's name or logo shall appear on the form.

(2) When sending the common application to a student along with other supplemental information or when inserting it into a viewbook, it shall be included with no alterations and shall include the instructions for completing the application, the general application information and the list of deadlines for all general academic teaching institutions.

(e) The Coordinating Board shall ensure that copies of the freshman common admission application form and information for its use are available for distribution to appropriate personnel at each public high school. The Coordinating Board shall work with institutions and high schools to ensure that all high schools have access to either the printed or electronic common application form. Participating institutions may charge a reasonable fee for the filing of a common application form.

(f) The Coordinating Board shall enter into a contract with a public institution of higher education to maintain the electronic common application system for use by the public in applying for admission to participating institutions and for distribution of the electronic application to the participating institutions designated by the applicant. Operating costs of the system will be paid for by all institutions required to use the common application plus those institutions that have contracted for use of the electronic application. Each participating institution will pay a portion of the cost based on the percentage of its enrollment compared to the total enrollment of all participating institutions based on the previous year's certified enrollment data. However, the Coordinating Board may, by contract, implement a reduced rate for participating community colleges. The Coordinating Board will monitor the cost of the system and notify the institutions on an annual basis of their share of the cost. Billings for the services for the coming year will be calculated and sent to the institutions in March and payments must be received by September 15.

Source Note: *The provisions of this §5.6 adopted to be effective May 28, 2003, 28 TexReg 4124; amended to be effective November 28, 2004, 29 TexReg 10771; amended to be effective May 15, 2005, 30 TexReg 2661*

§5.7 Uniform Grade-Point Calculation for Admission to Graduate and Professional Schools

Procedures for calculating the grade-point average for students seeking admission to a graduate or post-baccalaureate professional school of an institution of higher education shall be as follows:

- (1) Only official transcripts from accredited institutions of higher education shall be accepted by the graduate and professional schools of an institution of higher education for evaluation and grade-point calculation.
- (2) All academic work undertaken and grades or symbols assigned at each institution shall be reflected on the student's official transcript(s). No student's grade may be expunged from his or her record.
- (3) All grades assigned for academic course work shall be used in calculating the grade-point average, except that an institution may base the calculation on the last 60 semester credit hours (or equivalent) of undergraduate work and any previous work in a graduate or professional school.
- (4) A four-point scale shall be used in computing the grade point average (e.g.: A, 4 points per semester hour; B, 3.0; C, 2.0; D, 1.0; F, 0.0).
- (5) A grade or symbol indicating failure (i.e.: F, WF, NC, or in a pass/fail system, FL equals F) shall count as hours undertaken, but no grade points shall be earned.
- (6) Excluded from the grade-point average shall be any credit by examination (CR); Quit (Q); Withdrew (W); Withdrew Passing (WP); Incomplete (I or X); and a pass grade within a pass/fail system.
- (7) The grade-point average shall be computed by multiplying each grade point (see paragraph (4) and (5) of this subsection) by the semester or quarter credit hours earned per course and totaling the products. The semester or quarter hours of courses undertaken shall then be totaled. The total of the products shall be divided by the total semester or quarter hours. The result is to be calculated to the hundredth place, giving the official cumulative grade-point average.
- (8) Academic work at foreign colleges, universities, or preparatory schools shall be excluded from the calculation. In such cases, the grade-point average and credit shall be evaluated and computed as determined by the graduate or professional school to which the student is applying.

Source Note: *The provisions of this §5.7 adopted to be effective May 28, 2003, 28 TexReg 4124*

Chapter 5. Rules Applying to Public Universities and/or Health-Related Institutions of Higher Education in Texas

Subchapter B. Role and Mission, Tables of Programs, Course Inventories

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§5.21 Purpose

The purpose of this subchapter is to implement rules regarding the development of the role and mission for each public institution of higher education in Texas and for periodic review of the role and mission statements, the table of programs, and all degree and certificate programs offered by a public institution of higher education. Section 5.24(a) of this title (relating to Criteria and Approval of Mission Statements and Tables of Programs) applies to selected Public Colleges.

Source Note: *The provisions of this §5.21 adopted to be effective May 28, 2003, 28 TexReg 4124; amended to be effective November 28, 2007, 32 TexReg 8490*

§5.22 Authority

The authority for this subchapter is found in Texas Education Code, §§130.0012, 61.002(a) and (b) and Texas Education Code, §61.051(d) and (e).

Source Note: *The provisions of this §5.22 adopted to be effective May 28, 2003, 28 TexReg 4124; amended to be effective November 28, 2007, 32 TexReg 8490*

§5.23 Definitions

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

- (1) Preliminary Authority--permission from the State of Texas to propose new degree programs in a given disciplinary area at a given level of instruction. The Table of Programs, defined in paragraph (9) of this section, prescribes the academic areas and levels that are approved by the Board as being appropriate for an institution's existing role and mission.
- (2) Board--The Texas Higher Education Coordinating Board.
- (3) Commissioner--The Commissioner of Higher Education.
- (4) Mission Statement--A narrative description of the general mission of each institution prepared by the institution and approved by its Board of Regents and the Board. The statement should address the fundamental purpose of the institution with respect to its teaching, research, and public service responsibilities. The institution's special concerns for quality and access, liberal arts, admissions, career-oriented programming, extension and articulation with community colleges and public schools, traditional and nontraditional education, and similar issues also may be described. The mission statement must be consistent with the approved Table of Programs and any statutory mission description.
- (5) Organized classes--Classes whose primary mode of instruction is lecture, laboratory, or seminar.
- (6) Program Inventory--The official list of all approved degree and certificate programs approved for a public university or health-related institution.
- (7) Role and Mission or Role and Scope--Equivalent phrases used to refer to the overall purpose of an institution, including its role within the overall system of Texas higher education. The Board-approved role and

mission documents for a university or health-related institution are its Mission Statement and Table of Programs.

(8) Small classes--Undergraduate level classes with less than 10 registrations, and graduate level classes with less than five registrations.

(9) Table of Programs--A table that describes the range of degree and certificate programs currently authorized for an institution using the Texas-CIP classification system. For each category and degree program level, authorization shall be designated by a code. The codes shall indicate whether or not degree programs in a particular subject matter category have been approved for the institution and whether or not they fall within its approved mission.

(10) Texas CIP Classification System--The Texas adaptation of the Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics and used nationally to classify instructional programs and report educational data.

(11) Selected Public Colleges--Those public colleges authorized to offer baccalaureate degrees in Texas.

(12) Statutory mission description--A statement of an institution's mission or purpose that is established directly in statute.

Source Note: *The provisions of this §5.23 adopted to be effective May 28, 2003, 28 TexReg 4124; amended to be effective May 12, 2005, 30 TexReg 2661; amended to be effective November 28, 2007, 32 TexReg 8490*

§5.24 Criteria and Approval of Mission Statements and Tables of Programs

(a) In reviewing a request for preliminary authority to add a program to the institution's Table of Programs, the Board shall consider:

(1) a demonstrated need for a future program in terms of present and future vocational needs of the state and the nation,

(2) whether the proposed addition would complement and strengthen existing programs at the institution,

(3) whether a future program would unnecessarily duplicate other programs within the region, state, or nation, and

(4) whether a critical mass of students and faculty is likely to be available to allow the program to be offered at a high level of quality and to become self-sufficient on the basis of state funding.

(b) In reviewing a request for preliminary authority to add a doctoral program to the institution's Table of Programs, the Board shall consider the criteria set out in subsection (a) of this section and the following additional criteria:

(1) a demonstrated regional, state, or national unmet need for doctoral graduates in the field, or an unmet need for a doctoral program with a unique approach to the field;

(2) evidence that existing doctoral programs in the state cannot accommodate additional students (or accessibility to these programs is restricted), or that expanding existing programs is not feasible or would not best serve the state;

(3) if appropriate to the discipline, the institution has self-sustaining baccalaureate- and master's-level programs in the field and/or programs in related and supporting areas;

(4) the program has the potential to obtain state or national prominence and the institution has the demonstrable capacity, or is uniquely suited, to offer the program and achieve that targeted prominence;

(5) demonstrated current excellence of the institution's existing undergraduate and graduate degree programs

and how this excellence shall be maintained with the development and addition of a high quality doctoral program; measures of excellence include the number of graduates and graduation rates that match or exceed those at peer institutions;

(6) satisfactory placement rates for graduates of the institution's current doctoral programs, with comparison to peer group placement rates when available;

(7) how the program will address Closing The Gaps by 2015; and

(8) institutional resources to develop and sustain a high-quality program.

(9) where appropriate, a demonstration of plans for external accreditation, licensing, or other applicable professional recognition of the program.

(c) Review and Approval Process.

(1) As provided by Texas Education Code, §61.051(e), at least every four years the Board shall review the role and mission statements, the table of programs and all degree and certificate programs offered by each public senior university or health related institution. Requests for preliminary authority for new degree programs shall be presented as part of this review. The review shall include the participation of the institution's board of regents.

(2) The review process shall be determined by the Commissioner, but shall include a review of low-producing degree programs at the institution.

(3) The Board shall approve or re-approve the mission statement and table of programs of each institution following the review described in paragraph (1) of this subsection. Each institution shall be given an opportunity to be heard by the Board about these matters.

(4) Outside the normal review process described in paragraph (1) of this subsection, an institution may request of the Board an amendment to its authorized role and mission and/or preliminary authority for additional degree programs at any time the Commissioner determines that compelling circumstances warrant.

(5) After approval or re-approval, requests for new programs and administrative changes shall be considered in the context of the approved role and mission for the institution.

(6) The Commissioner may approve minor changes to the mission statement or table of programs of an institution during the period between the reviews referenced in paragraph (1) of this subsection.

Source Note: *The provisions of this §5.24 adopted to be effective May 28, 2003, 28 TexReg 4124; amended to be effective May 12, 2005, 30 TexReg 2661; amended to be effective November 22, 2005, 30 TexReg 7726; amended to be effective May 14, 2007, 32 TexReg 2639*

§5.25 Course Approvals at Public Universities

(a) Under the provisions of Texas Education Code, §61.052 (a) and (b), institutions shall report its course offerings and changes to its course offerings following procedures established by the Commissioner.

(b) Institutions may not offer courses at levels or in programs not approved by the Board,

(c) The Commissioner may order the deletion or consolidation of any courses so submitted after giving due notice with reasons for that action and after providing a hearing if one is requested by the governing board of the institution.

Source Note: *The provisions of this §5.25 adopted to be effective May 28, 2003, 28 TexReg 4124*

§5.26 Offering of Small Classes by Public Universities

In accordance with Texas Education Code, §51.403(d), public universities may offer organized small classes which:

- (1) have been approved by the governing board of the university;
- (2) is a required course for graduation (the course is not offered each semester or term, and, if canceled, may affect the date of graduation of those enrolled);
- (3) is a required course for majors in this field and should be completed this semester (or term) to keep proper sequence in courses;
- (4) is a course in a newly established degree program, concentration, or support area;
- (5) is part of an interdepartmental (cross-listed) course taught as a single class by the same faculty at the same station, provided that the combined enrollments do not constitute a small class;
- (6) is a first-time offering of the course;
- (7) is class size-limited by accreditation or state licensing standards;
- (8) is class size-limited by availability of laboratory or clinical facilities; or
- (9) is voluntarily offered by a faculty member in excess of the institutional teaching load requirement and for which the faculty member receives no additional compensation.

Source Note: *The provisions of this §5.26 adopted to be effective May 28, 2003, 28 TexReg 4124*

Chapter 5. Rules Applying to Public Universities and/or Health-Related Institutions of Higher Education in Texas

Subchapter C. Approval of New Academic Programs and Administrative Changes at Public Universities and/or Health-Related Institutions

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§5.41 Purpose

The purpose of this subchapter is to describe the criteria and approval processes for degree and certificate programs and for administrative changes involving academic units. Criteria in §5.45 of this title (relating to Criteria for New Baccalaureate and Master's Degree Programs) apply to selected public colleges.

Source Note: The provisions of this §5.41 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective November 28, 2007, 32 TexReg 8490

§5.42 Authority

Texas Education Code, §61.051(e) provides that no new department, school, degree program, or certificate program may be added at any public institution of higher education except with specific prior approval of the Board. Texas Education Code, §61.055 requires a written certification of adequate financing be made before the Board approves any new department, school, or degree or certificate program. Texas Education Code, §130.0012 applies to selected public colleges.

Source Note: The provisions of this §5.42 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective November 28, 2007, 32 TexReg 8490

§5.43 Definitions

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

- (1) Academic administrative unit--A department, college, school, or other unit at a university or health-related institution, which has administrative authority over degree or certificate programs.
- (2) Administrative change request--A request that involves the creation of or changes to an academic administrative unit at a university or health-related institution.
- (3) Board--The Texas Higher Education Coordinating Board.
- (4) Commissioner--The Commissioner of Higher Education.
- (5) Certificate Program--Any grouping of subject-matter courses which, when satisfactorily completed by a student, shall entitle him to a certificate or documentary evidence, other than a degree, of completion of a post-secondary course of study at a university or health-related institution.
- (6) Degree program--Any grouping of subject matter courses which, when satisfactorily completed by a student, shall entitle him or her to a degree from a public university or health-related institution.
- (7) Graduate-level certificate program--A certificate program at a university or health-related institution that consists primarily of graduate-level courses.
- (8) Lower-division degree or certificate program--A degree or certificate program offered at a university or health-related institution that consists of lower-division courses and is equivalent to a program offered at a

community or technical college.

(9) Selected Public Colleges--Those public colleges authorized to offer baccalaureate degrees in Texas.

(10) Upper-division certificate program--A certificate program at a university or health-related institution that consists primarily of upper-division undergraduate courses.

Source Note: *The provisions of this §5.43 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective November 28, 2007, 32 TexReg 8490*

§5.44 Presentation of Requests and Steps for Implementation

(a) Requests for new degree programs, certificate programs, and administrative units shall be made following procedures specified by the Commissioner.

(b) Requests for new degree and certificate programs and for administrative changes require:

(1) Approval by the Board of preliminary authority, if needed prior to Board consideration; all requests for doctoral programs require preliminary authority prior to Board consideration.

(2) Approval by the governing board of the institution concerned;

(3) Certification of adequate funding by the institution; and

(4) Final approval by the Board, or by the Commissioner if permitted under §5.50 of this title (relating to Approvals by the Commissioner).

Source Note: *The provisions of this §5.44 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective May 12, 2005, 30 TexReg 2662*

§5.45 Criteria for New Baccalaureate and Master's Degree Programs

New baccalaureate and master's degree programs must meet all of the following criteria:

(1) Role and mission. The program must be within the existing role and mission of the institution as indicated by its table of programs or the Board must make the determination that the program is appropriate for the mission of the institution.

(2) Unnecessary duplication. The program must not unnecessarily duplicate a program at another institution serving the same regional population. The offering of basic liberal arts and sciences courses and degree programs in public senior institutions is not considered unnecessary duplication.

(3) Faculty resources.

(A) Faculty resources must be adequate to provide high program quality. With few exceptions, the master's degree should be the minimum educational attainment for faculty teaching in baccalaureate programs. In most disciplines, the doctorate should be the minimum educational attainment for faculty teaching in graduate programs. Faculty should meet the qualitative and quantitative criteria of the Southern Association of Colleges and Schools, and the appropriate accrediting body, if a professional program. There should be sufficient numbers of qualified faculty dedicated to a new program. This number shall vary depending on the discipline, the nature of the program, and the anticipated number of students.

(B) In evaluating faculty resources for proposed degree programs, the Board shall consider only those degrees held by faculty that were issued by:

(i) United States institutions accredited by accrediting agencies recognized by the Board or,

(ii) institutions located outside the United States that have demonstrated that their degrees are equivalent to degrees issued from an institution in the United States accredited by accrediting agencies recognized by the Board. The procedures for establishing that equivalency shall be consistent with the guidelines of the National Council on the Evaluation of Foreign Education Credentials, or its successor.

(4) Library and IT resources. Library and information technology resources must be adequate for the program and meet the standards of the appropriate accrediting agencies.

(5) Facilities, equipment, and clinical placements. Facilities and clinical placements must be adequate to initiate the program. Adequate classroom and laboratory space, equipment, and office space should be available for the proposed program. Arrangements for any essential clinical placements should be made before program approval.

(6) Curriculum design. The curriculum should be up-to-date and consistent with current educational theory. Professional programs and those resulting in licensure must be designed to meet the standards of appropriate regulatory bodies.

(7) Program administration. Administration of the program should not be unduly cumbersome or costly. Ideally, the program should fit into the current administrative structure of the institution. If administrative changes are required, they should be consonant with the organization of the institution as a whole and should necessitate a minimum of additional expense in terms of personnel and office space.

(8) Workforce need. There should be a demonstrated or well-documented need for the program in terms of meeting present and future workforce needs of the state and nation. There should be a ready job market for graduates of the program, or alternatively, it should produce students for master's or doctoral-level programs in fields in which there is a demonstrated need for professionals.

(9) Critical mass of students. In addition to a demonstrated workforce need, a critical mass of qualified students must be available to enter the program and there must be evidence that the program is likely to have sufficient enrollments to support the program into the future. The size of an institution, the characteristics of its existing student body, and enrollments in existing programs should be taken into account when determining whether a critical mass of students shall be available for a proposed new program.

(10) Adequate financing. There should be adequate financing available to initiate the program without reducing funds for existing programs or weakening them in any way. After the start-up period, the program must be able to generate sufficient semester credit hours under funding formulas to pay faculty salaries, departmental operating costs, and instructional administration costs for the program. Three years should be sufficient time for the program to meet these costs through semester credit hour production. If the state funding formulas are not meeting these costs for the program after three years, the institution and the Board should review the program with a view to discontinuance.

Source Note: *The provisions of this §5.45 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective February 22, 2005, 30 TexReg 835*

§5.46 Criteria for New Doctoral Programs

New doctoral programs must meet all of the following criteria:

(1) Design of the Program. A doctoral-level program is designed to prepare a graduate student for a lifetime of teaching creative activity, research, or other professional activity. The administration and the faculty of institutions initiating doctoral-level programs should exhibit an understanding and commitment to the long tradition of excellence associated with the awarding of the traditional doctorate degrees and of the various doctoral-level professional degrees.

(2) Freedom of Inquiry and Expression. Doctoral programs must be characterized by complete freedom of

inquiry and expression.

(3) Strong Programs at the Undergraduate and Master's Levels. Doctoral programs, in most instances, should be undergirded by strong programs in a wide number of disciplines at the undergraduate and master's levels. Quality programs in other related and supporting doctoral areas must also be available.

(4) Need for the Program. There should be a demonstrated and well-documented need for doctorally prepared professionals in the discipline of the proposed program both in Texas and in the nation. It is the responsibility of the institution requesting a doctoral program to demonstrate that such a need exists, preferably through an analysis of national data showing the number of PhD's being produced annually in the area and comparing that to the numbers of professional job openings for PhD's in the discipline in question as indicated by sources such as the main professional journal(s) of the discipline.

(5) Faculty Resources.

(A) There must be a strong core of doctoral faculty, at least four or five, holding the doctor of philosophy degree or its equivalent from a variety of graduate schools of recognized reputation. Professors and associate professors must be mature persons who have achieved national or regional professional recognition. All core faculty must be currently engaged in productive research, and preferably have published the results of such research in the main professional journals of their discipline. They should come from a variety of academic backgrounds and have complementary areas of specialization within their field. Some should have experience directing doctoral dissertations. Collectively, the core of doctoral faculty should guarantee a high quality doctoral program with the potential to attain national prominence. The core faculty members should already be in the employ of the institution. Proposed recruitment of such faculty shall not meet this criterion. No authorized doctoral program shall be initiated until qualified faculty are active members of the department through which the program is offered.

(B) In evaluating faculty resources for proposed degree programs, the Board shall consider only those degrees held by the faculty that were issued by:

(i) United States institutions accredited by accrediting agencies recognized by the Board or,

(ii) institutions located outside the United States that have demonstrated that their degrees are equivalent to degrees issued from an institution in the United States accredited by accrediting agencies recognized by the Board. The procedures for establishing that equivalency shall be consistent with the guidelines of the National Council on the Evaluation of Foreign Education Credentials, or its successor.

(6) Teaching Loads of Faculty. Teaching loads of faculty in the doctoral program should not exceed two or three courses per term, and it must be recognized that some of these shall be advanced courses and seminars with low enrollments. Adequate funds should be available for attendance and participation in professional meetings and for travel and research necessary for continuing professional development.

(7) Critical Mass of Superior Students. Admission standards and enrollment expectations must guarantee a critical mass of superior students. The program must not result in such a high ratio of doctoral students to faculty as to make individual guidance prohibitive.

(8) On-Campus Residency Expectations.

(A) Institutions which offer doctoral degrees must provide through each doctoral program:

(i) significant, sustained, and regular interaction between faculty and students and among students themselves;

(ii) opportunities to access and engage in depth a wide variety of educational resources related to the degree program and associated fields;

(iii) opportunities for significant exchange of knowledge with the academic community;

(iv) opportunities to broaden educational and cultural perspectives; and

(v) opportunities to mentor and evaluate students in depth.

(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 §4.104(c)(3) of this title (relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities).

(9) Adequate Financial Assistance for Doctoral Students. There should be adequate financial assistance for doctoral students so as to assure that most of them can be engaged in full-time study. Initially, funds for financial assistance to the doctoral students usually must come from institutional sources. As the program develops and achieves distinction, it increasingly shall attract support from government, industry, foundations, and other sources.

(10) Carefully Planned Program of Study. There should be a carefully planned and systematic program of study and a degree plan which is clear, comprehensive, and generally uniform but which permits sufficient flexibility to meet the legitimate professional interests and special needs of doctoral-level degree candidates. There should be a logical sequence of stages by which degree requirements shall be fulfilled. The plan should require both specialization and breadth of education, with rules for the distribution of study to achieve both, including interdisciplinary programs if indicated. The plan should include a research dissertation or equivalent requirements to be judged by the doctoral faculty on the basis of quality rather than length.

(11) Physical Facilities. There should be an adequate physical plant for the program. An adequate plant would include reasonably located office space for the faculty, teaching assistants, and administrative and technical support staff; seminar rooms; laboratories, computer and electronic resources; and other appropriate facilities.

(12) Library Resources. There should be an adequate library for the proposed program. Library resources should be strong not only in the doctoral program field but also in related and supporting fields.

(13) Program Evaluation Standards. Proposed programs should meet the standards of the Southern Association of Colleges and Schools, and the accrediting standards and doctoral program criteria of appropriate professional groups and organizations, such as the Council of Graduate Schools in the United States, the Modern Language Association, the American Historical Association, the Accreditation Board for Engineering and Technology or other bodies relevant to the particular discipline. Out-of-state consultants may be used by the institution or the Board to assist in evaluating the quality of a proposed doctoral level program.

(14) First Doctoral Program. When an institution has not previously offered doctoral level work, notification to the executive secretary of the Commission on Colleges, Southern Association of Colleges and Schools, is required at least one year in advance of program implementation.

Source Note: *The provisions of this §5.46 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective February 22, 2005, 30 TexReg 835*

§5.47 Criteria for Administrative Change Requests

(a) The administrative overhead of universities and health-related institutions should be kept low to insure that most of the funds appropriated for higher education go toward the costs of instruction.

(b) The administrative costs of new academic units, particularly colleges and schools, should not be so high as to detract from the quality of the programs the administrative unit contains.

Source Note: *The provisions of this §5.47 adopted to be effective May 28, 2003, 28 TexReg 4125*

§5.48 Criteria for Certificate Programs at Universities and Health-Related Institutions

(a) Universities and health-related institutions are encouraged to develop upper-division and graduate certificate

programs of less than degree length to meet the needs of students and the workforce. These rules are intended to provide a streamlined process for approval of those programs.

(b) Certificate programs for which no academic credit is granted are exempt from the provisions of this section.

(c) Certificate programs for which academic credit is granted at universities and health-related institutions must meet the following criteria:

(1) They must meet identified workforce needs or provide the student with skills and/or knowledge that shall be useful for their lives or careers.

(2) They must be consistent with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools.

(3) They must meet the standards of all relevant state agencies or licensing bodies which have oversight over the certificate program or graduate.

(4) Adequate financing must be available to cover all new costs to the institution five years after the implementation of the program.

(d) The following certificate programs do not require Board approval:

(1) certificate programs for which no collegiate academic credit is given,

(2) certificate programs in areas and at levels authorized by the table of programs of the institution with curricula of the following length:

(A) at the undergraduate level of 20 semester credit hours or less,

(B) at the graduate and professional level of 15 semester credit hours or less.

(e) The following certificate programs require only Board notification and are automatically approved, subject to review:

(1) upper-level undergraduate certificates of 21-36 hours in disciplinary areas where the institution already offers an undergraduate degree program.

(2) graduate-level and professional certificates of 16 - 29 hours in disciplinary areas where the institution already offers a graduate program at the same level as the certificate.

(f) Lower-division certificate programs.

(1) One and two-year, post-secondary workforce education programs should be delivered primarily by community, state, and technical colleges. These institutions are uniquely suited by virtue of their specialized mission, local governance, and student support services to provide such opportunities in an efficient and economical manner. For that reason, new lower-division certification programs shall not generally be approved at public universities and health-related institutions.

(2) Universities and health-related institutions should not develop certificate programs at the upper or graduate level that are equivalent to lower-division certificate programs offered at community, state, and technical colleges.

Source Note: *The provisions of this §5.48 adopted to be effective May 28, 2003, 28 TexReg 4125*

§5.49 Certification of Adequacy of Financing for New Academic Programs and Administrative Changes

(a) Under Texas Education Code, §61.055, each request submitted to the Board for a new department, school, degree or certificate program or administrative change shall be accompanied by a statement regarding the adequacy of funding from the chief executive officer of the requesting institution.

(b) When submitting documentation of costs and sources of funds, sources of funds shall be identified on forms provided by the Division of Universities and Health-Related Institutions as:

- (1) Specific legislative appropriations, where such appropriations can be clearly identified as being appropriated to start a new program for which funds from other sources are not available;
- (2) Funds allocated by the Board;
- (3) Re-allocated funds (funds appropriated by the Legislature for an existing academic program but which are now declared by the institution to be available for the new degree program).
- (4) Other funds provided by the Legislature;
- (5) Anticipated formula funding to be generated by anticipated new enrollments in the program; and/or
- (6) Funds from other sources (e.g., gifts, grants, etc.). The specific source of such funds shall be identified, the reasons for their availability shall be stated, and the length of time such funds shall be available shall be indicated.

(c) The request for a new department, school, degree or certificate program, or administrative change shall also include a statement by the chief executive officer of the requesting institution certifying that the requested program or change shall not reduce the effectiveness or quality of existing programs, departments or schools.

Source Note: *The provisions of this §5.49 adopted to be effective May 28, 2003, 28 TexReg 4125*

§5.50 Approvals by the Commissioner

(a) The Commissioner may approve proposals from the public universities and health-related institutions for new baccalaureate or master's degree programs and academic administrative change requests, and, in very limited circumstances, new doctoral programs, on behalf of the Board in accordance with the procedures and criteria specified in this section.

(b) To be approved by the Commissioner, a proposal for a new degree program must include certification in writing from the Board of Regents of a proposing institution, in a form prescribed by the Commissioner, that the following criteria have been met:

- (1) The proposed degree program is within the Table of Programs previously approved by the Board for the requesting institution.
- (2) The curriculum, faculty, resources, support services, and other components of a proposed degree program are comparable to those of high quality programs in the same or similar disciplines offered by other institutions.
- (3) Clinical or in-service placements, if applicable, have been identified in sufficient number and breadth to support the proposed program.
- (4) The program is designed to be consistent with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools, and with the standards of other applicable accrediting agencies; and is in compliance with appropriate licensing authority requirements.
- (5) The institution has provided credible evidence of long-term student interest and job-market needs for graduates; or, if proposed by a university, the program is appropriate for the development of a well-rounded array of basic baccalaureate degree programs at the institution where the principal faculty and other resources are already in place to support other approved programs and/or the general core curriculum requirements for all undergraduate students.
- (6) The program would not be unnecessarily duplicative of existing programs at other institutions.
- (7) Implementation and operation of the program would not be dependent on future Special Item funding.
- (8) New costs to the institution over the first five years after implementation of the program would not exceed

\$2,000,000.

(c) In addition to the requirements listed in subsection (a) and (b) of this section, a new doctoral program may only be approved by the Commissioner if:

- (1) the institution already offers a doctoral program or programs in a closely related disciplinary area,
- (2) those existing doctoral programs are productive and offered at a high level of quality,
- (3) the core faculty for the proposed program are already active and productive faculty in an existing doctoral program at the institution,
- (4) no other university or health-related institution objects to the program during the 30-day comment period during which the request is posted on the web, and
- (5) there is a very strong link between the program and workforce needs or the economic development of the state.

(d) A proposal for a new degree program or administrative change must include a statement from the institution's chief executive officer certifying adequate financing and explaining the sources of funding to support the first five years of operation of the program or administrative change.

(e) If a proposal meets the criteria specified in this section, the Commissioner may either approve it or forward it to the Board for consideration at an appropriate quarterly meeting.

(f) If a proposal does not meet the criteria specified in this section, the Commissioner may deny approval or forward it to the Board for consideration at an appropriate quarterly meeting. Institutions may appeal the decision to deny approval to the Board.

(g) If a proposed program is the subject of an unresolved grievance or dispute between institutions, the Commissioner must forward it to the Board for consideration at an appropriate quarterly meeting.

(h) At the beginning of each month, the Commissioner shall make available to the public universities, health-related institutions, community/technical colleges, and Independent Colleges of Texas, Inc. a list of all pending proposals for new degree programs and administrative changes. If an institution wishes to provide the Commissioner information supporting a concern it has about the approval of a pending proposal for a new degree program at another institution, it must do so within one month of the initial listing of the proposal, and it must also forward the information to the proposing institution.

(i) The authority given to the Commissioner to approve proposals from public universities and health-related institutions for new degree programs (and other related duties given under this section) may be delegated by the Commissioner to the Assistant Commissioner for Academic Affairs and Research.

(j) Each quarter, the Commissioner shall send a list of his approvals and disapprovals under this section to Board members. A list of the approvals and disapprovals shall also be attached to the minutes of the next quarterly Board meeting.

Source Note: *The provisions of this §5.50 adopted to be effective May 28, 2003, 28 TexReg 4125; amended to be effective May 12, 2005, 30 TexReg 2662*

Chapter 5. Rules Applying to Public Universities and/or Health-Related Institutions of Higher Education in Texas

Subchapter D. Operation of Off-Campus Educational Units of Public Senior Colleges, Universities, and Health-Related Institutions

Please note that The Texas Higher Education Coordinating Board makes every effort to ensure that the information published on this Internet site is secure and accurate; however, due to the limitations of Internet security, the rules published here are for information only, and do not represent legal documentation.

§5.71 Purpose

The provisions of this subchapter define off-campus educational units, establish criteria and procedures applicable to the classification, authorization, operation, and reclassification of these units and establish the supply/demand pathway as a developmental approach to providing access which allows for the gradual increase of resources as demand grows. The provisions of this subchapter are applicable to all units of public senior colleges, universities and health-related institutions which offer instruction for credit but are geographically separate from their institutions' main campuses.

Source Note: *The provisions of this §5.71 adopted to be effective May 28, 2003, 28 TexReg 4126*

§5.72 Authority

The authority for this subchapter is Texas Education Code, §61.051(j).

Source Note: *The provisions of this §5.72 adopted to be effective May 28, 2003, 28 TexReg 4126*

§5.73 Definitions

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

- (1) Board--The Texas Higher Education Coordinating Board.
- (2) Branch campus--A major, secondary location of an institution offering multiple programs, usually with its own administrative structure and usually headed by a Dean. A branch campus must be established by the Legislature or approved by the Coordinating Board.
- (3) Commissioner--The Commissioner of Higher Education.
- (4) FICE--Identification number assigned to each institution by the Federal Interagency Committee on Education for reporting and other purposes.
- (5) FTSE--The full-time student equivalent is determined by dividing the number of semester credit hours (SCH) generated at each level by a full-time standard for the level. For example: undergraduate SCH are divided by 15 (fall or spring semester) or 30 (annual); master's or first-professional SCH are divided by 12 (fall or spring semester) or 24 (annual); and doctoral SCH are divided by 9 (fall or spring semester) or 18 (annual).
- (6) Higher education center--A Multi-Institutional Teaching Center, University System Center, or single institution center established by the Legislature or approved by the Coordinating Board for the specific purpose of offering academic credit courses and programs from the parent institution(s). Higher education centers are of a larger size and offer a broader array of courses and programs than higher education teaching sites. They have minimal administration and (usually) locally provided facilities.
- (7) Higher education teaching site--An off-campus teaching location that promotes access in an area not served by other public universities. Teaching sites offer a very limited array of courses and/or programs and do not entail a permanent commitment for continued service. Teaching sites may not own facilities, nor are they

eligible for state support to acquire or build facilities. Teaching sites do not require Board approval or recognition.

(8) Multi-Institution Teaching Center (MITC)--A higher education center administered under a formal agreement between two or more public higher education institutions. It may also involve one or more private institutions. It has minimal administration and locally provided facilities.

(9) Off-campus educational unit--A subdivision under the management and control of an existing public university, university system, health-related institution or a combination of these units, hereinafter referred to as the parent institution(s), in a geographic setting separate from the parent institution(s). Off-campus education units include teaching sites, higher education centers, university system centers, Multi-Institutional Teaching Centers, regional academic health centers, branch campuses, and all other off-campus educational endeavors.

(10) Parent institution--The general academic institution or health-related institution that offers its courses, programs or training at an off-campus educational unit. Credit hours are reported by the parent institution and degrees are awarded in the name of the parent institution.

(11) Pathway Education Center (PEC)--A higher education center that is on the Supply/Demand Pathway.

(12) Recognized higher education teaching site--A higher education teaching site that is recognized by the Coordinating Board and is included in the Coordinating Board's inventory of statewide teaching sites.

(13) Regional Academic Health Center (RAHC)--A special purpose campus of parent health-related institution(s) that may be used to provide undergraduate clinical education, graduate education, including residency training programs, or other levels of medical education in specifically identified counties.

(14) Special Purpose Campus--A major, secondary location of an institution offering programs related to specific and limited field(s) of study, usually with its own administrative structure and usually headed by a Dean. Regional Academic Health Centers are considered special-purpose campuses. Special Purpose Campuses must be established by the Legislature or approved by the Coordinating Board.

(15) Supply/Demand Pathway (SDP)--The Supply/Demand Pathway is a developmental approach to providing access which allows for the gradual increase of resources as demand grows, operating under the principle of avoiding over-commitment as well as under-commitment of state resources.

(16) Texas CIP Classification System--The Texas adaptation of the Classification of Instructional Programs taxonomy developed by the National Center for Education Statistics. The CIP system is used to classify instructional programs and report educational data.

(17) University System Center (USC)--A higher education center administered by a university system or individual institution in a system. It has minimal administration and locally provided facilities.

Source Note: *The provisions of this §5.73 adopted to be effective May 28, 2003, 28 TexReg 4126; amended to be effective August 11, 2004, 29 TexReg 7671*

§5.76 General Principles for Off-Campus Educational Units

(a) An off-campus educational unit is not a separate general academic institution and therefore is not independent as regards academic, administrative, and fiscal matters, but has varying degrees of dependence upon the parent institution in such matters.

(b) The general purpose of off-campus educational units of all sizes is to meet the education needs of the people of Texas with a level of service that is appropriate for the area and cost effective to offer. Their specific purpose is directly related to the teaching of courses for academic credit from the parent institution(s) and/or for health professions' medical training.

(c) Off-campus educational units are not intended to duplicate the full array and types of offerings available at regular general academic campuses. The intent is to:

(1) Focus on teaching and on delivery of high demand courses and programs. Research conducted at off-campus educational units should be limited to that necessary for the courses and programs offered.

(2) Develop articulation agreements with community colleges in the area for provision of lower-division courses. In general, off-campus educational units are not intended to offer lower-division courses. Lower-division courses can only be offered in accordance with Chapter 4.101-4.108 of this title, relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities, and related Board procedures.

(3) Make extensive use of technology to limit the number of faculty required for the location and take full advantage of technological advances that promise to improve quality of learning, access to programs, and efficient use of existing resources. An off-campus educational unit shall meet the Board's technology standards.

(4) Libraries shall be models of the effective use of technology in libraries and depend heavily on the TexShare electronic resource sharing efforts.

(d) Degree programs offered at off-campus educational units must be offered by and in the name of the parent institution(s).

(1) No program may be offered at an off-campus educational unit that does not have prior approval to be offered at the parent institution, except under unusual and approved circumstances.

(2) The Board must be notified of programs offered at off-campus educational units. The Board shall maintain a list of these degree programs and make that list readily available to the public. The Board reserves the right to order the discontinuance of programs offered at off-campus educational units in accordance with standard Board policies and procedures.

(3) The parent institution must commit to providing a program long enough for a student to have a reasonable opportunity to graduate before the resource is withdrawn or to make other reasonable arrangements for students to complete programs that they have started.

(e) Off-campus educational units shall adhere to quality and approval criteria regarding courses, programs, student services and other academic matters contained in §§4.101-4.108 of this title (relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities) and in the (Notification and Approval Procedures for Distance Education and Off-Campus Programs and Courses and Guidelines for Institutional Plans for Distance Education and Off-Campus Instruction located in Board policies).

(f) Off-campus educational units shall use locally provided facilities, where possible. Except where specifically authorized by the Legislature or the Board, nothing in these sections is to be interpreted as permitting the acquisition by gift or purchase of real property for the purpose of establishing or operating an off-campus educational unit. The facilities of off-campus educational units shall comply with Chapter 17 of this title, relating to Campus Planning.

(g) The following faculty-related provisions apply to all off-campus educational units:

(1) The majority of faculty members at an off-campus educational unit must, by some means, have significant involvement with the parent institution.

(2) Faculty must comply with the provision of §§4.101-4.108 of this title and related Board policies.

(3) Faculty must be hired and evaluated by the same processes and with the same criteria as faculty performing similar duties at the parent institution.

(4) The parent institution should not make a permanent commitment to faculty exclusively working at a teaching site or center, unless the faculty will be transferred to the parent institution should their program be eliminated or consolidated.

(5) Programs offered by an off-campus educational unit's own faculty should have enrollments sufficient to support efficient operations.

(h) An off-campus educational unit is financially dependent upon its parent institution(s) and supported within the budget of the institution(s). It is not eligible to request separate legislative funding. Institutions should not overcommit resources to a geographic area before a sufficient and sustained level of demand is achieved. Formula generated

funds earned at an off-campus educational unit are expected to be applied to financing its operation.

(i) The Commissioner shall establish policies concerning how a location receives designation as a specific type of off-campus educational unit and how to expand educational activities.

(j) Courses offered at off-campus educational units must be reported separately and accurately in required Board reports. Semester credit hours completed at the unit must be reported appropriately by the parent institution(s) and shall be funded as determined by the Legislature.

(k) An off-campus educational unit shall be headed by an appropriate administrator whose title does not suggest that the unit is an independent institution. The number of local administrators and faculty shall be less than that at a free standing general academic institution of comparable size. Additional administrative and academic program support shall be provided by the parent institution(s) and the system(s).

(l) A higher education center's name must be approved by the Board, and may not be changed without prior Board approval. Recognition of a higher education center may be withdrawn by the Board.

Source Note: *The provisions of this §5.76 adopted to be effective May 28, 2003, 28 TexReg 4126*

§5.78 Supply/Demand Pathway

(a) The Board has developed the Supply/Demand Pathway as a particular way to address anticipated large-scale enrollment demand in a specified region. The Supply/Demand Pathway shall be used as the model to address higher education needs in areas without ready geographic access to existing public higher education institutions. The general principles set forth in §5.76 of this title (relating to General Principals for Off-Campus Educational Units) are even more significant in regard to the larger scale efforts designated as Supply/Demand Pathway initiatives.

(b) An off-campus educational unit is on the "Pathway" when it is awarded that designation by the Board.

(c) The supply/demand pathway consists of three categories:

(1) Category A. Institutions temporarily test the market both in terms of demand and staying power by providing off-campus courses and/or programs by one or more institutions. Should demand decrease or not materialize, courses and programs can be discontinued and resources moved to areas of greater demand.

(2) Category B. As demand increases, offerings may be organized through a multi-institution teaching center or as a university system center as a Pathway Education Center. A group of institutions may request that the Board authorize the establishment of a MITC. Alternatively, a university system may request that the Board authorize the establishment of a university system center. In either case, a lead institution shall be designated to provide leadership for the center and facilitate the provision of programs and resources from other institutions.

(3) Category C. After an entity in Category B has attained a full-time equivalent upper-level and graduate enrollment of 3,500 for four fall semesters, the parent institution(s) and Board(s) of Regents may request that the Board review the status of the center and recommend that the Legislature reclassify the unit as an upper-level general academic institution--a university. Reclassification may be considered sooner if the center attains a fall semester full-time equivalent enrollment of 3,500 followed the next fall semester by a full-time equivalent enrollment of 4,000. The 3,500 FTSE standard approximates the headcount enrollment included in the current university funding formula as the minimum size needed to achieve economies of scale.

(d) Counting. The following general criteria and standards will be used to determine enrollments applicable to the Supply/Demand Pathway thresholds.

(1) Upper-division and graduate semester credit hours generated in academic courses delivered by the parent universities or by other institutions to on-site students at a Pathway Education Center (PEC) shall be counted towards the relevant Supply/Demand Pathway (SDP) threshold.

(2) Upper-division and graduate semester credit hours generated in academic courses delivered electronically to students on-site at a Pathway Education Center shall be counted towards the SDP threshold. For interactive video courses that originate at a PEC, only students taking the course at the PEC shall be counted.

(3) Upper-division and graduate semester credit hours generated in academic Internet-based courses and other courses offered in non-traditional formats that do not require the physical presence of the student at a PEC for a normal number of contact hours shall not be counted.

(4) Lower-division semester credit hours generated in academic courses offered at PECs shall not be counted towards the thresholds except when:

(A) the courses are required at the lower-division level for degree programs offered at the PEC,

(B) the courses are not offered by community colleges in the vicinity of the Center,

(C) the courses have been reviewed by Higher Education Regional Councils as described in Chapter 4.107(b) of this title, relating to Approval of Distance Education and Off-Campus Instruction for Public Colleges and Universities, and related Board procedures, and

(D) the Coordinating Board has granted permission to teach the courses at the PEC.

(5) Enrollments in extension courses, continuing education and non-formula funded courses shall not be counted towards the thresholds.

(6) Semester credit hours generated in courses that do not receive formula funding (e.g., military science, theology and religious vocations, some basic skills, personal awareness) shall not be counted toward the thresholds.

Source Note: *The provisions of this §5.78 adopted to be effective May 28, 2003, 28 TexReg 4126; amended to be effective August 11, 2004, 29 TexReg 7671*

Chapter 5. Rules Applying to Public Universities and/or Health-Related Institutions of Higher Education in Texas

Subchapter E. Texas Governor's Schools

Please note that The Texas Higher Education Coordinating Board makes every effort to ensure that the information published on this Internet site is secure and accurate; however, due to the limitations of Internet security, the rules published here are for information only, and do not represent legal documentation.

§5.91 Purpose

The purpose of this subchapter is to set forth requirements for implementation of summer residential Texas Governor's Schools for high achieving high school students.

Source Note: *The provisions of this §5.91 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.92 Authority

Texas Education Code, §61.07621 authorizes the Coordinating Board to adopt rules to administer Texas Governor's Schools.

Source Note: *The provisions of this §5.92 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.93 Definitions

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

- (1) Board or Coordinating Board--The Texas Higher Education Coordinating Board.
- (2) Commissioner--The Commissioner of Higher Education.
- (3) Regional Education Service Centers--The public education centers whose duties are set forth in Texas Education Code, §§8.001 - 8.007.
- (4) Eligible Institution--A Texas public senior college or university as defined in Texas Education Code, §61.003;
- (5) Eligible Student--High-achieving high school students who are residents of Texas and can demonstrate intellectual curiosity about and a commitment to a rigorous and challenging academic program in the area(s) of a program offered by an eligible institution selected as a Texas Governor's School.
- (6) Rising 11th or 12th Grade Students--Students who in a given academic year will complete the 10th or 11th grade and be promoted to the 11th or 12th grade, respectively, in the following academic year.

Source Note: *The provisions of this §5.93 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.94 Institutional and Student Eligibility

(a) An eligible institution or institutions shall be selected to be a Texas Governor's School under procedures outlined by the Commissioner and set forth in a Request for Proposals or other competitive process soliciting proposals for Texas Governor's Schools.

(b) An approved Texas Governor's School must offer a summer residential program to eligible students that, at a minimum,

- (1) has a duration of at least three weeks;

- (2) includes an educational curricula in the area(s) of
- (A) mathematics and science;
 - (B) humanities;
 - (C) fine arts; and/or
 - (D) leadership and public policy.

(c) Eligible students shall be selected based upon criteria outlined by the Commissioner and in accordance with Texas Education Code, §61.07621. Selected students shall reflect the same percentage of rising 11th and/or rising 12th grade students as are attending public high schools in each of the 20 regional education service centers.

Source Note: *The provisions of this §5.94 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.95 Award of Credit

(a) An approved Texas Governor's School may offer college credit courses as part of its program according to guidelines established by the Commissioner and set forth in a Request for Proposals or other competitive process soliciting proposals for Texas Governor's Schools.

(b) An approved Texas Governor's School may not award high school credit.

(c) The home high school of a participating student in an approved Texas Governor's School may award high school credit to a student who successfully completes a Texas Governor's School course only through compliance with §74.26(a)(2) of this title (relating to Award of Credit).

Source Note: *The provisions of this §5.95 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.96 Funding

(a) The amount and use of funding awarded to each approved Texas Governor's School shall be determined by the Commissioner.

(b) The funds shall be distributed to each approved Texas Governor's School in a manner and time to be prescribed by the Commissioner.

Source Note: *The provisions of this §5.96 adopted to be effective November 27, 2007, 32 TexReg 8491*

Chapter 5. Rules Applying to Public Universities and/or Health-Related Institutions of Higher Education in Texas

Subchapter F. Math, Science, and Technology Teacher Preparation Academies

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§5.111 Purpose

The purpose of this subchapter is to set forth requirements for implementation of mathematics, science, and technology teacher preparation academies.

Source Note: *The provisions of this §5.111 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.112 Authority

Texas Education Code, §21.462 authorizes the Coordinating Board to adopt rules to establish mathematics, science, and technology teacher preparation academies at institutions of higher education that have a State Board for Educator Certification approved teacher preparation program or are affiliated with a program approved by the Board.

Source Note: *The provisions of this §5.112 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.113 Definitions

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

- (1) Board or Coordinating Board--The Texas Higher Education Coordinating Board.
- (2) Commissioner--The Commissioner of Higher Education.
- (3) Eligible Institution or Institution--A Texas institution of higher education as defined in Texas Education Code, §61.003, that either the State Board for Educator Certification approved teacher preparation program, or is affiliated with a teacher preparation program approved by the Coordinating Board.
- (4) Eligible Teacher--An experienced teacher that meets the requirements set forth under Texas Education Code, §21.462 (d), and meets other requirements determined by the Commissioner.
- (5) State Board for Educator Certification or SBEC--The entity with authority to oversee all aspects of the preparation, certification, and standards of conduct of Texas public school educators.
- (6) Mathematics, Science, and Technology Teacher Preparation Academy or Academy--A program approved by the Coordinating Board to be offered at select institutions of higher education to improve the instructional skills of teachers certified under Texas Education Code, Chapter 21, Subchapter B, and train students enrolled in teacher preparation programs to perform at the highest levels in mathematics, science, and technology.

Source Note: *The provisions of this §5.113 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.114 Institutional Eligibility

Under a competitive process, an eligible institution or institutions shall be selected by the Board to establish an Academy or Academies under procedures outlined by the Commissioner and in accordance with Texas Education Code, §21.462.

Source Note: *The provisions of this §5.114 adopted to be effective November 27, 2007, 32 TexReg 8491*

§5.115 Funding

(a) The amount and use of funding awarded to each institution approved by the Board to offer an Academy or Academies shall be determined by the Commissioner.

(b) The funds shall be distributed to each institution approved by the Board to offer an Academy or Academies in a manner and time to be prescribed by the Commissioner.

Source Note: *The provisions of this §5.115 adopted to be effective November 27, 2007, 32 TexReg 8491*