

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

Subchapter A. General Provisions

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§4.1 Purpose

This section establishes rules on a variety of topics that apply exclusively to public institutions of higher education.

Source Note: *The provisions of this §4.1 adopted to be effective May 27, 2003, 28 TexReg 4107*

§4.2 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 the Texas system of higher education.

Source Note: *The provisions of this §4.2 adopted to be effective May 27, 2003, 28 TexReg 4107*

§4.3 Definitions

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

- (1) Active military service--Active service in the armed forces of the United States or in the National Guard or the Texas State Guard.
- (2) Associate of Science degree and the Associate of Arts degree--Collegiate degrees consisting of lower-division courses designed to prepare students for transfer to a bachelor's degree program.
- (3) Associate of Applied Science degree and the Associate of Applied Arts degree--Technical certificates issued to students who complete workforce education curricula of collegiate level.
- (4) Associate of Arts in Teaching degree--Board-approved collegiate degree programs consisting of lower-division courses intended for transfer to baccalaureate programs that lead to initial Texas teacher certification.
- (5) Bachelor of General Studies degree--A program designed principally for mature students who seek a flexible degree program and who do not desire or may not meet prerequisites of a highly structured traditional degree program, and to permit students to plan, with advisement, an individualized program with access to a wide range of academic disciplines and fields of professional study.
- (6) Bachelor of Applied Arts and Sciences degree--A program designed to provide a path to a bachelor's degree for students who have earned previous collegiate credit through workforce education curricula. The degree program combines general education requirements and a professional component designed to complement the student's technical or vocational competence.
- (7) Board--The Texas Higher Education Coordinating Board.
- (8) Commissioner--The Commissioner of Higher Education.
- (9) Common calendar--Dates and information pertaining to the beginning and ending (and lengths) of academic semesters and sessions, applicable to all Texas public universities and community, technical and state colleges.
- (10) Consulting or testifying expert witness--Any non-fact witness whose name must be disclosed during litigation as required by the Texas Rules of Civil Procedure.

- (11) Dropped Course--A course in which an undergraduate student at an institution of higher education has enrolled for credit, but did not complete, under these conditions:
- (A) the student was able to drop the course without receiving a grade or incurring an academic penalty;
 - (B) the student's transcript indicates or will indicate that the student was enrolled in the course past the census date; and
 - (C) the student is not dropping the course in order to withdraw from the institution.
- (12) Degree program--Any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle the student to a degree from an institution of higher education.
- (13) Faculty or professional staff of an institution of higher education--A non-classified, full-time employee who is a member of the faculty or staff and whose duties include teaching, research, administration or performing professional services, including professional library services.
- (14) Fiscal year--The State of Texas' fiscal year, September 1 through August 31.
- (15) 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.
- (16) Interdisciplinary baccalaureate degrees--The Bachelor of General Studies degree (defined in paragraph (4) of this section) and such general degrees as liberal arts or humanities. These broad-based degrees vary in the amount of prescriptive structure but share the characteristics of flexibility for the student and interdisciplinary course selection.
- (17) Non-classified--An employee whose position is not controlled by the institution's classified personnel system or a person employed in a similar position if the institution does not have a classified personnel system.
- (18) Religious holy day--A holy day observed by a religion whose places of worship are exempt from property taxation under the Texas Tax Code, §11.20.

Source Note: *The provisions of this §4.3 adopted to be effective May 27, 2003, 28 TexReg 4107; amended to be effective August 11, 2004, 29 TexReg 7670; amended to be effective November 22, 2005, 30 TexReg 7724; amended to be effective November 19, 2006, 31 TexReg 9286; amended to be effective February 18, 2007, 32 TexReg 526; amended to be effective November 28, 2007, 32 TexReg 8483*

§4.4 Student Absences on Religious Holy Days

- (a) Under Texas Education Code, §51.911, all institutions of higher education shall excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence.
- (b) Each institution of higher education shall develop and include in its official bulletins, catalogs, and other appropriate publications a statement regarding its policies and procedures for all excused absences. Policies and procedures for absences due to religious holy days shall be consistent with (or no more arduous than) the institution's policies and procedures relating to other excused absences.
- (c) Texas Education Code, §51.911 defines a religious holy day. If a student and an instructor disagree about the nature of the absence being for the observance of a religious holy day as defined therein, or if there is similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution or his or her designee. The student and instructor shall abide by the decision of the chief executive officer or his/her designee.
- (d) Each institution may exclude from these policies and procedures any student absence for religious holy days which

may interfere with patient care.

Source Note: The provisions of this §4.4 adopted to be effective May 27, 2003, 28 TexReg 4107; amended to be effective February 24, 2004, 29 TexReg 1659

§4.5 Common Calendar

(a) The Commissioner shall establish and periodically update a common calendar for Texas public universities and community, technical and state colleges.

(b) The Commissioner may grant waivers to the common calendar to benefit students and/or to improve the efficient operations of the institutions.

(c) A semester normally shall include 15 weeks for instruction and one week for final examinations or a total of 16 weeks instruction and examinations combined. Every fall semester will end before Christmas, but not later than December 23.

(d) The summer session shall be considered an integral part of the college year and maximum use should be made of the summer session. Each of the two summer terms shall include no less than 5 1/2 calendar weeks, including registration, instructions, and final examinations. Colleges may register students for a six semester credit hour load for each 5 1/2-week summer term. Colleges and universities may schedule summer terms longer or shorter than 5 1/2 weeks, but the amount of credit students are allowed to enroll for must be proportional.

(e) Each college and university shall establish its own dates for orientation, registration, holidays, final examinations, and the end of each semester and summer term consistent with subsections (c) and (d) of this section.

(f) The Texas Education Agency shall be notified of the calendar adopted and be encouraged to communicate with the Board about possible further coordination of school and college calendar.

(g) Nothing in this section shall be interpreted to preclude experimentation and innovation by any institution looking toward full utilization of facilities on a year-round basis.

Source Note: The provisions of this §4.5 adopted to be effective May 27, 2003, 28 TexReg 4107

§4.6 Minimum Length of Courses and Limitation on the Amount of Credit that a Student May Earn in a Given Time Period

(a) Traditionally-delivered three-semester-credit-hour courses should contain 15 weeks of instruction (45 contact hours) plus a week for final examinations so that such a course contains 45 to 48 contact hours depending on whether there is a final exam.

(b) Every college course is assumed to involve a significant amount of non-contact hour time for out-of-class student learning and reflection. To ensure the quality of student learning, institutions should not allow students to carry more courses in any term (that is, regular or shortened semester), which would allow them to earn more than one semester credit hour per week over the course of the term. For example, in a five and a half week summer term, students should not generally be allowed to enroll for more than six semester credit hours.

(c) Institutions should have a formal written policy for addressing any exceptions to subsection (b) of this section.

(d) Courses delivered in shortened semesters are expected to have the same number of contact hours and the same requirement for out-of-class learning as courses taught in a normal semester.

(e) Institutions may offer a course in a non-traditional way (for example, over the internet, or through a shortened, intensive format) that does not meet these contact hour requirements, if the course has been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

Source Note: The provisions of this §4.6 adopted to be effective May 27, 2003, 28 TexReg 4107

§4.7 Student Transcripts

(a) Student transcripts shall contain a record of each state funded course attempted by a student at the transcribing

institution after January 1, 1998. This includes all courses for which the student was enrolled as of the official census date each term, including developmental education courses, courses that were not completed, courses that were dropped, and courses that were repeated.

(b) The student transcript or an addendum to the transcript certified by the appropriate institutional official shall contain a record of the student's status in regard to the Texas Success Initiative (TSI). The document should include the status for each section of a test taken for TSI purposes (reading, mathematics, writing) with information as to how the student met the TSI requirement. The information provided should enable receiving institutions to use the transcript or the addendum as a single source of information to determine the student's TSI status.

(c) Student transcripts created after September 1, 2000 should be maintained by the institutions in a format suitable for electronic interchange. The format of transcripts shall be the format that is used to store the most transcripts by Texas institutions of higher education as of September 1, 1998 or another format adopted by a majority of the members of the Texas Association of Collegiate Registrars and Admissions Officers.

(d) Student transcripts or an addendum to the transcript certified by the appropriate institutional official shall identify all courses completed in satisfaction of the core curriculum as specified in §4.28(h) of this title (relating to Transfer of Credit, Core Curriculum and Field of Study Curricula).

Source Note: *The provisions of this §4.7 adopted to be effective May 27, 2003, 28 TexReg 4107; amended to be effective February 22, 2005, 30 TexReg 834*

§4.8 Expert Witnesses

(a) Under Texas Education Code, §61.0815, the president of an institution of higher education shall file a written report with the Board regarding members of the faculty or professional staff who received compensation for serving as consulting or testifying expert witnesses during the prior fiscal year in lawsuits in which the state is a party.

(b) The report shall be filed with the Board no later than September 30 of each year and shall contain:

(1) the number of hours spent by faculty or professional staff members serving as consulting or testifying expert witnesses during the prior fiscal year;

(2) the names of the parties, cause number and county where the cause is filed, for each case in which qualifying expert witness services was rendered; and

(3) the outcome of the case, including the amount of:

(A) any judgment entered against the state;

(B) any prejudgment or postjudgment interest awarded against the state; and

(C) any attorney's fees of another party ordered to be paid by the state.

(c) The information regarding the number of hours spent by faculty or staff serving as consulting or testifying expert witnesses shall be reported to the Board in the aggregate without identifying specific individuals.

(d) In the event an institution cannot provide the information specified in subsection (b) of this section, the Texas Attorney General's Office shall be requested to provide the information to the Board.

Source Note: *The provisions of this §4.8 adopted to be effective May 27, 2003, 28 TexReg 4107*

§4.9 Excused Absence for a Person Called to Active Military Service

(a) Upon notice from a student required to participate in active military service, an institution shall excuse a student from attending classes or engaging in other required activities, including examinations.

(b) A student shall not be penalized for an absence which is excused under this subsection and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence.

(c) Each institution shall adopt a policy under this subsection which includes:

- (1) the retention of a student's course work completed during the portion of the course prior to the student being called to active military service;
- (2) the course syllabus or other instructional plan, so that the student will be able to complete the course without prejudice and under the same course requirements that were in effect when the student enrolled in the course;
- (3) a definition of a reasonable time after the absence for the completion of assignments and examinations;
- (4) procedures for failure of a student to satisfactorily complete the assignment or examination within a reasonable time after the absence; and
- (5) an institutional dispute resolution process regarding the policy.

(d) The maximum period for which a student may be excused under this section shall be no more than 25% (twenty-five percent) of the total number of class meetings or the contact hour equivalent (not including the final examination period) for the specific course or courses in which the student is currently enrolled at the beginning of the period of active military service.

(e) Institutions are directed to develop and publish policies and procedures to ensure that students enrolled in distance learning, self-paced, correspondence, and other asynchronous courses receive equivalent consideration for the purposes of determining acceptable duration of excused absences and time limits for the completion of course work following an excused absence under this section.

Source Note: *The provisions of this §4.9 adopted to be effective November 22, 2005, 30 TexReg 7725*

§4.10 Limitations on the Number of Courses That May Be Dropped under Certain Circumstances by Undergraduate Students

(a) Beginning with the fall 2007 academic term, and applying to students who enroll in higher education for the first time during the fall 2007 academic term or any term subsequent to the fall 2007 term, an institution of higher education may not permit an undergraduate student a total of more than six dropped courses, including any course a transfer student has dropped at another institution of higher education, unless:

- (1) the institution has adopted a policy under which the maximum number of courses a student is permitted to drop is less than six; or
- (2) the student shows good cause for dropping more than that number, including but not limited to a showing of:
 - (A) a severe illness or other debilitating condition that affects the student's ability to satisfactorily complete the course;
 - (B) the student's responsibility for the care of a sick, injured, or needy person if the provision of that care affects the student's ability to satisfactorily complete the course;
 - (C) the death of a person who is considered to be a member of the student's family or who is otherwise considered to have a sufficiently close relationship to the student that the person's death is considered to be a showing of good cause;
 - (D) the active duty service as a member of the Texas National Guard or the armed forces of the United States of either the student or a person who is considered to be a member of the student's family or who is otherwise considered to have a sufficiently close relationship to the student that the person's active military service is considered to be a showing of good cause;
 - (E) the change of the student's work schedule that is beyond the control of the student, and that affects the student's ability to satisfactorily complete the course; or
 - (F) other good cause as determined by the institution of higher education.

(b) For purposes of this section, a "member of the student's family" is defined to be the student's spouse, child, grandchild, father, mother, brother, sister, grandmother, grandfather, aunt, uncle, nephew, niece, first cousin, step-parent, step-child, or step-sibling; a "person who is otherwise considered to have a sufficiently close relationship to the student" is defined to include any other relative within the third degree of consanguinity, plus close friends, including but not limited to roommates, housemates, classmates, or other persons identified by the student, for approval by the institution on a case-by-case basis.

(c) For purposes of this section, a "grade" is defined to be the indicator, usually a letter like A, B, C, D, or F, or P (for pass) assigned upon the student's completion of a course. A "grade" indicates either that the student has earned and will be awarded credit, if the student has completed the course requirements successfully; or that the student remained enrolled in the course until the completion of the term or semester but failed to provide satisfactory performance required to be awarded credit. A "grade" under this definition does not include symbols to indicate that the course has been left incomplete, whether those symbols indicate a negotiated temporary suspension of the end-of-term deadline for completion of the course requirements commonly designated as "incomplete" status, a dropped course under the conditions designated for this section, or a withdrawal from the institution.

(d) Each institution of higher education shall adopt a policy and procedure for determining a showing of good cause as specified in subsection (a) of this section and shall provide a copy of the policy to the Coordinating Board.

(e) Each institution of higher education shall publish the policy adopted under this section in its catalogue and other print and Internet-based publications as appropriate for the timely notification of students.

Source Note: *The provisions of this §4.10 adopted to be effective November 28, 2007, 32 TexReg 8484*

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

Subchapter B. Transfer of Credit, Core Curriculum and Field of Study Curricula

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§4.21 Purpose

The purpose of this subchapter is to provide for the development and implementation of policies that encourage the free and appropriate transferability of lower division course credit among institutions of higher education, and especially to provide for the smooth transfer of lower division credit through core curricula, field of study curricula, and a procedure for the resolution of transfer disputes.

Source Note: *The provisions of this §4.21 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.22 Authority

The Board is authorized to adopt rules and establish policies and procedures for the development, adoption, implementation, and evaluation of core curricula, field of study curricula, and a transfer dispute resolution process under Texas Education Code §§61.051(g), and Texas Education Code §§61.821- 832.

Source Note: *The provisions of this §4.22 adopted to be effective May 27, 2003, 28 TexReg 4109; amended to be effective May 23, 2004, 29 TexReg 5056*

§4.23 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) Core Curriculum--the curriculum in the liberal arts, humanities, sciences, and political, social, and cultural history that all undergraduates of an institution of higher education are required to complete before receiving an academic undergraduate degree. Core curriculum provisions apply to public colleges and universities, and to academic degree programs offered at health-related institutions.
- (4) Field of Study Curriculum (FOSC)--a set of courses that will satisfy the lower-division requirements for a baccalaureate degree in a specific academic area at a general academic teaching institution. A field of study curriculum affects academic degree programs at public colleges or universities as designated within the particular field of study curriculum.
- (5) Texas Common Course Numbering System (TCCNS)--a course numbering system for lower-division courses that assigns common course numbers to lower-division academic courses in order to facilitate the transfer of courses among institutions of higher education by promoting consistency in course designation and identification.
- (6) Course consistent with the Texas Common Course Numbering System (TCCNS)--a lower-division course that meets one of three conditions:
 - (A) it has an assigned a TCCNS number and is listed in the Lower Division Academic Course Guide Manual;
 - (B) a TCCNS number and inclusion in the Lower Division Academic Course Guide Manual have been

requested for the course; or

(C) the institution which offers the course has specified at least one TCCNS course listed in the Lower Division Academic Course Guide Manual that will be accepted in transfer in lieu of the course.

(7) Institution of Higher Education or institution--any public technical institute, public junior college, public senior college or university, medical or dental unit, other agency of higher education as defined in Texas Education Code, §61.003.

(8) The Lower Division Academic Course Guide Manual (ACGM)--an official Board publication that lists a basic core of general academic courses which are freely transferable among all public institutions of higher education in Texas in accordance with the Texas Education Code, §61.051(g). TCCNS numbers are assigned to most courses in the manual.

(9) Faculty member--a person who is employed full-time by an institution of higher education as a member of the faculty whose primary duties include teaching, research, academic service, or administration. However, the term does not include a person holding faculty rank who spends a majority of the person's time for the institution engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate of assistant provost, or dean.

Source Note: *The provisions of this §4.23 adopted to be effective May 27, 2003, 28 TexReg 4109; amended to be effective May 23, 2004, 29 TexReg 5056*

§4.24 General Provisions

(a) All successfully completed lower-division academic courses that are identified by the Texas Common Course Numbering System (TCCNS) and published in the Lower Division Academic Course Guide Manual (ACGM) shall be fully transferable among public institutions and shall be substituted for the equivalent course at the receiving institution. Except in the case of courses belonging to a Board-approved Field of Study Curriculum (FOSC), applicability of transferred courses to requirements for specific degree programs is determined by the receiving institution.

(b) Nothing in this subchapter restricts the authority of an institution of higher education to adopt its own admission standards in compliance with this subchapter or its own grading policies so long as it treats transfer students and native students in the same manner.

(c) Institutional policies regarding acceptance of credit for correspondence courses, credit-by-examination, and other credit-earning instruments must be consistent with Southern Association of Colleges and Schools' guidelines and must treat transfer students and native students in the same manner.

(d) This subchapter applies specifically to academic courses and degree programs, and does not apply to technical courses or technical degree programs.

Source Note: *The provisions of this §4.24 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.25 Requirements and Limitations

(a) Each institution of higher education shall identify in its undergraduate catalog each lower-division course that is substantially equivalent to an academic course listed in the current edition of the Lower Division Academic Course Guide Manual.

(b) Each institution of higher education must offer at least 45 semester credit hours of academic courses that are substantially equivalent to courses listed in the Lower Division Academic Course Guide Manual including those that fulfill the lower-division portion of the institution's Core Curriculum.

(c) All institutions of higher education must accept transfer of credit for successfully completed courses identified in subsections (a) and (b) of this section as applicable to an associate or baccalaureate degree in the same manner as credit awarded to non-transfer students in that degree program.

(d) Each institution shall be required to accept in transfer into a baccalaureate degree program the number of lower-division credit hours in the program which are allowed for their non-transfer students in that program; however,

(1) No institution shall be required to accept in transfer more credit hours in the major area of a degree program

than the number set out in any applicable Board-approved Field of Study Curriculum for that program.

(2) In any degree program for which there is no Board-approved Field of Study Curriculum, no institution shall be required to accept in transfer more lower-division course credit in the major applicable to a baccalaureate degree than the institution allows their non-transfer students in that major.

(3) An institution of higher education may deny the transfer of credit in courses with a grade of "D" as applicable to the student's field of study curriculum courses, core curriculum courses, or major.

(e) All institutions of higher education in Texas shall provide support services appropriate to meet the needs of transfer students. These support services should be comparable to those provided to non-transfer students regularly enrolled at the institutions, including an orientation program similar to that provided for entering freshman enrollees.

(f) No institution of higher education shall be required to accept in transfer, or apply toward a degree program, more than sixty-six (66) semester credit hours of lower-division academic credit. Institutions of higher education, however, may choose to accept additional credit hours.

(g) Each institution of higher education shall permit a student who transfers from another Texas public institution of higher education to choose a catalog for the purpose of specifying graduation requirements, based upon the dates of attendance at the receiving institution and at the transferring institution, in the same manner that a non-transfer student may choose a catalog. Each Texas public institution of higher education shall include information about graduation requirements under a particular catalog in its official publications, including print and electronic catalogs.

Source Note: *The provisions of this §4.25 adopted to be effective May 27, 2003, 28 TexReg 4109; amended to be effective May 12, 2005, 30 TexReg 2660*

§4.26 Penalty for Noncompliance with Transfer Rules

If it is determined by the Board that an institution inappropriately or unnecessarily required a student to retake a course that is substantially equivalent to a course already taken at another institution, in violation of the provisions of §4.25 of this title (relating to Requirements and Limitations), formula funding for credit hours in the repeated course will be deducted from the institution's appropriation.

Source Note: *The provisions of this §4.26 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.27 Resolution of Transfer Disputes for Lower-Division Courses

(a) The following procedures shall be followed by institutions of higher education in the resolution of credit transfer disputes involving lower-division courses:

(1) If an institution of higher education does not accept course credit earned by a student at another institution of higher education, the receiving institution shall give written notice to the student and to the sending institution that transfer of the course credit is denied, and shall include in that notice the reasons for denying the credit. Attached to the written notice shall be the procedures for resolution of transfer disputes for lower-division courses as outlined in this section, accompanied by clear instructions outlining the procedure for appealing the decision to the Commissioner.

(2) A student who receives notice as specified in paragraph (1) of this subsection may dispute the denial of credit by contacting a designated official at either the sending or the receiving institution.

(3) The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with Board rules and guidelines.

(4) If the transfer dispute is not resolved to the satisfaction of the student or the sending institution within 45 days after the date the student received written notice of denial, the sending institution may notify the Commissioner in writing of the request for transfer dispute resolution, and the institution that denies the course credit for transfer shall notify the Commissioner in writing of its denial and the reasons for the denial.

(b) The Commissioner or the Commissioner's designee shall make the final determination about a dispute concerning

the transfer of course credit and give written notice of the determination to the involved student and institutions.

(c) Each institution of higher education shall publish in its course catalogs the procedures specified in subsections (a), (b), (d), and (e) of this section.

(d) The Board shall collect data on the types of transfer disputes that are reported and the disposition of each case that is considered by the Commissioner or the Commissioner's designee.

(e) If a receiving institution has cause to believe that a course being presented by a student for transfer from another school is not of an acceptable level of quality, it should first contact the sending institution and attempt to resolve the problem. In the event that the two institutions are unable to come to a satisfactory resolution, the receiving institution may notify the Commissioner, who may investigate the course. If its quality is found to be unacceptable, the Board may discontinue funding for the course.

Source Note: *The provisions of this §4.27 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.28 Core Curriculum

(a) General. In accordance with Texas Education Code, §§61.821 - 61.831, each general academic institution, community college, and health-related institution shall design and implement a core curriculum, including specific courses composing the curriculum, of no less than 42 lower-division semester credit hours. Health-related institutions should encourage their students to complete their core curriculum requirement at a general academic institution or community college.

(b) Component Areas. Each institution's core curriculum must be designed to satisfy the exemplary educational objectives specified for the component areas of the "Core Curriculum: Assumptions and Defining Characteristics" adopted by the Board; all lower-division courses included in the core curriculum must be consistent with the "Texas Common Course Numbering System," and must be consistent with the framework identified in Charts I and II of this subsection. Chart I specifies the minimum number of semester credit hours required in each of five major component areas that a core curriculum must include (with sub-areas noted in parentheses). Chart II specifies options available to institutions for the remaining 6 - 12 semester credit hours.

Figure: 19 TAC §4.28(b)

Chart I - Institutions must select 36 semester credit hours of the core curriculum according to the parameters described below:

Component Area	Required Semester Credit Hours
010** Communication (English rhetoric/composition)	6
020** Mathematics (logic, college-level algebra equivalent, or above)	3
030** Natural Sciences	6

Humanities & Visual and Performing Arts Must include: 050** Visual/Performing Arts 040** Other (literature, philosophy, modern or classical language/literature and cultural studies*)	6 (3) (3)
Social/Behavioral Sciences Must include: 060** U.S. History (legislatively mandated) 070** Political Science (legislatively mandated) 080** Social/Behavioral Science	15 (6) (6) (3)
Total Minimum Requirements	36

*** Humanities**

application of language skills includes a study of literature in the original language, and/or the cultural studies related to a modern or classical language.

** Identifying numbers recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) for use on students transcripts, in order to indicate courses utilized to satisfy core curriculum component area requirements. Student transcripts should also indicate whether a student has completed the core curriculum satisfactorily.

Chart II - To complete the required 42-semester-credit-hour core curriculum, institutions shall select an additional 6 semester credit hours from one or more of the following:

Component Area	Possible Additional Semester Credit Hours (6 Minimum)
011*** Communication (composition, speech, modern language communication skills*)	Up to 6
021*** Mathematics (finite math, statistics, calculus, or above)	Up to 3
031*** Natural Sciences	Up to 3
041*** Humanities (literature, philosophy, modern or classical language/literature and cultural studies**) & 051*** Visual and Performing Arts	Up to 3
081*** Social and Behavioral Sciences	Up to 3
090*** Institutionally Designated Option (may include additional semester credit hours in the categories listed above, computer literacy, health/wellness, kinesiology, capstone or interdisciplinary courses, etc.	Up to 6
Total Additional Hours	6

* **Communication** application of a modern language means the basic proficiency skills acquired during introductory courses and including a working competency in grammar, writing, speaking, and listening/comprehension in a foreign language.

** **Humanities** application of language skills includes a study of literature in the original

language, and/or the cultural studies related to a modern or classical language.

*** Identifying numbers recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) for use on students transcripts, in order to indicate courses utilized to satisfy core curriculum component area requirements. Student transcripts should also indicate whether a student has completed the core curriculum satisfactorily.

(c) Transfer of Credit--Completed Core Curriculum. If a student successfully completes the 42 semester credit hour core curriculum at a Texas public institution of higher education, that block of courses may be transferred to any other Texas public institution of higher education and must be substituted for the receiving institution's core curriculum. A student shall receive academic credit for each of the courses transferred and may not be required to take additional core curriculum courses at the receiving institution unless the Board has approved a larger core curriculum at that institution.

(d) Concurrent Enrollment.

(1) A student concurrently enrolled at more than one institution of higher education shall follow the core curriculum requirements in effect for the institution at which the student is classified as a degree-seeking student.

(2) A student who is concurrently enrolled at more than one institution of higher education may be classified as a degree-seeking student at only one institution.

(3) If a student maintains continuous enrollment from a spring semester to the subsequent fall semester at an institution at which the student has declared to be seeking a degree, the student remains a degree-seeking student at that institution regardless of the student's enrollment during the intervening summer session(s) at another institution.

(e) Transfer of Credit--Core Curriculum Not Completed. Except as specified in subsection (f) of this section, a student who transfers from one institution of higher education to another without completing the core curriculum of the sending institution shall receive academic credit within the core curriculum of the receiving institution for each of the courses that the student has successfully completed in the core curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy the remaining course requirements in the core curriculum of the receiving institution.

(f) Satisfaction of Component Areas. Each student must meet the minimum number of semester credit hours in each component area; however, an institution receiving a student in transfer is not required to accept component core course semester credit hours beyond the maximum specified in a core component area.

(g) Exemplary Educational Objectives From More Than One Component Area. An institution may include within its core curriculum a course or courses that combine exemplary educational objectives from two or more component areas of the exemplary educational objectives defined in this section.

(h) Transcripts. Each institution must note core courses on student transcripts as recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO).

(i) Notice. Each institution must publish and make readily available to students its core curriculum requirements stated in terms consistent with the "Texas Common Course Numbering System."

(j) Substitutions and Waivers. No institution or institutional representative may approve course substitutions or waivers of the institution's core curriculum requirements for any currently enrolled student. For students who transfer to a public institution from a college or university that is not a Texas public institution of higher education, evaluation of the courses the student completed prior to admission should apply to the fulfillment of the core curriculum component areas only those courses the institution has accepted for transfer that can demonstrate fulfillment of the exemplary educational objectives for the appropriate component area or areas.

(k) Accommodations.

(1) The Commissioner or the Commissioner's designated staff representative may, on a case-by-case basis, approve an accommodation of a specific core curriculum component area requirement for a student with a

medically-documented learning disability, including but not limited to dyslexia, dysgraphia, or Asperger's Syndrome.

(2) Accommodation shall not include a waiver or exemption of any core curriculum requirement.

(3) In requesting an accommodation under this subsection, an institution may request approval of core curriculum applicability for a course the institution offers but that is not approved as a part of that institution's core curriculum, if the institution demonstrates that the course has been approved to fulfill the same specific core curriculum component area requirement at five or more other Texas public colleges or universities. The Texas Common Course Numbering System course number may be used as evidence of the suitability of the course under this subsection.

Source Note: *The provisions of this §4.28 adopted to be effective May 27, 2003, 28 TexReg 4109; amended to be effective August 15, 2006, 31 TexReg 6325*

§4.29 Core Curricula Larger than 42 Semester Credit Hours

(a) An institution may adopt a core curriculum under this subchapter in excess of 42 semester credit hours, but no more than 48 semester credit hours, if the courses in excess of 42 semester credit hours are selected from the first five component areas of Chart II of §4.28(b) of this title (relating to Core Curriculum) (excluding additional credit in the Institutionally Designated Option) and are approved by the institution's governing board.

(b) No institution may adopt a core curriculum of more than 42 semester credit hours without approval by the Board if the courses in excess of 42 semester credit hours are selected from component areas other than the first five component areas of Chart II of §4.28(b) of this title (relating to Transfer of Credit, Core Curriculum and Field of Study Curricula). The Board may approve a core curriculum under this section if:

(1) It has been previously approved by the institution's governing board;

(2) The institution has provided to the Board a narrative justification of the need and appropriateness of a larger core curriculum that is consistent with its role and mission; and

(3) No proposed upper-division core course is substantially comparable in content or depth of study to a lower-division course listed in the "Texas Common Course Numbering System."

Source Note: *The provisions of this §4.29 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.30 Criteria for Evaluation of Core Curricula

(a) Each public institution of higher education shall review and evaluate its core curriculum every five years and report the results of that evaluation to the Board. The evaluation should include:

(1) the extent to which the core curriculum is consistent with the elements of the core curriculum recommended by the Board;

(2) the extent to which the core curriculum is consistent with the Texas Common Course Numbering System (TCCNS);

(3) the extent to which the core curriculum is consistent with the elements of the core curriculum component areas, intellectual competencies, and perspectives as expressed in Core Curriculum: Assumptions and Defining Characteristics adopted by the Board; and

(4) the extent to which the institution's educational goals and the exemplary educational objectives of the core curriculum recommended by the Board are being achieved;

(b) Each institution's evaluation report must contain at least the following:

- (1) a table that compares the institution's core curriculum with the core component areas and exemplary educational objectives of the core curriculum recommended by the Board;
- (2) a brief description of the purpose and substance of the institution's core curriculum;
- (3) a description of the processes and procedures used to evaluate the institution's core curriculum; and
- (4) a description of the ways in which the evaluation results are being or will be utilized to improve the core curriculum at the institution.

Source Note: *The provisions of this §4.30 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.31 Revision of Existing Approved Core Curricula

(a) Each public institution of higher education that does not already have a Board-approved core curriculum on file must submit its proposed core curriculum to the Board for staff review and approval. The request for approval should include a description of the goals of the core curriculum, a table showing the institution's core curriculum by component area (based on the model found in Charts I and II in §4.28(b) of this title, relating to Core Curriculum), and a complete listing of courses approved by the institution to fulfill core component requirements, organized to reflect each required and supplemental component area of the core curriculum as detailed in the document Core Curriculum: Assumptions and Defining Characteristics, adopted by the Board. Courses should be selected to fulfill component requirements in a core curriculum based at least in part on their ability to meet most of the exemplary educational outcome statements for the component area as described in the document Core Curriculum: Assumptions and Defining Characteristics, adopted by the Board.

(b) An institution should follow these procedures to modify its core curriculum to add or delete courses, change the total number of semester credit hours in a non-required component area, or change the total number of semester credit hours required in its core curriculum:

- (1) submit to the Board a letter documenting each change to be made, the component area(s) affected, and a rationale for the change;
- (2) requests that involve changing the overall number of semester credit hours in the core curriculum or the number in a given component area require documentation of prior approval by the institution's governing board;
- (3) the institution shall receive a letter from the Board staff giving notice of acceptance of the proposed changes and/or indicating any changes that do not meet Board-approved criteria.

(c) Upon receiving an approval letter from Board staff, the institution shall make any required changes to its core curriculum and will document those changes in institutional publications.

Source Note: *The provisions of this §4.31 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.32 Field of Study Curricula

(a) In accordance with Texas Education Code, §61.823, the Board approves field of study curricula for certain fields of study/academic disciplines. Field of study curricula shall be developed with the assistance of advisory committees whose membership includes at least a majority of members who are teaching faculty (as defined by §4.23(8) of this title, relating to Definitions for Core Curriculum and Field of Study Curricula) within the field of study under consideration.

(b) If a student successfully completes a field of study curriculum developed by the Board, that block of courses may be transferred to a general academic teaching institution and must be substituted for that institution's lower-division requirements for the degree program for the field of study into which the student transfers, and the student shall receive full academic credit toward the degree program for the block of courses transferred.

(c) A student who transfers from one institution of higher education to another without completing the field of study

curriculum of the sending institution shall receive academic credit in the field of study curriculum of the receiving institution for each of the courses that the student has successfully completed in the field of study curriculum of the sending institution. Following receipt of credit for these courses, the student may be required to satisfy the remaining course requirements in the field of study curriculum of the receiving institution, or to complete additional requirements in the receiving institution's program, as long as those requirements do not duplicate course content already completed through the field of study curriculum.

(d) A student concurrently enrolled at more than one institution of higher education shall follow the field of study curriculum requirements of the institution at which the student is classified as a degree-seeking student.

(e) Each institution must note field of study curriculum courses on student transcripts as recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO).

(f) Each institution must review and evaluate its procedures for complying with field of study curricula at intervals specified by the Board and shall report the results of that review to the Board. These reports shall be submitted following the same timetable as the regular reports of core curriculum evaluations.

Source Note: *The provisions of this §4.32 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.33 Criteria for Evaluation of Field of Study Curricula

(a) Every five years, each public institution of higher education shall review and evaluate its policies and practices regarding the acceptance and application of credit earned as part of a Board-approved field of study curriculum, and reports the results of that evaluation to the Board. The evaluation should include:

(1) the extent to which the institution's compliance with the acceptance of transfer credit through field of study curricula is being achieved;

(2) the extent to which the institution's application to the appropriate degree program of credit earned as part of a Board-approved field of study curriculum facilitates academic success;

(3) the effectiveness of field of study curricula in the retention and graduation of transfer students in those degree programs that have Board-approved field of study curricula.

(b) Each institution's evaluation report must contain at least the following:

(1) a listing of the institution's degree programs that have Board-approved field of study curricula;

(2) a description of the institution's policies and practices regarding applicable Board-approved field of study curricula, including admission-point evaluation of transfer credit, advising practices (including catalogue and website information on existing field of study curricula and advising/counseling practices for enrolled students), and transcripting practices to show field of study participation and completion;

(3) a chart or table showing the number of total transfer students for each degree program that has a Board-approved field of study curriculum, for each of the last five years; the chart should indicate year-by-year the percentage of students who transferred having completed the applicable field of study curriculum, the percentage of students who transferred without having completed the applicable field of study curriculum, and any information about progress toward graduation or graduation rates that can compare transfer student performance with non-transfer student performance during the evaluation period.

Source Note: *The provisions of this §4.33 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.34 Revision of Existing Approved Field of Study Curricula

(a) The Board shall have the authority to modify or revise a Board-approved field of study curriculum when a need for such a revision is identified, as specified in current Board policy and procedures.

(b) The need for a revision or modification to a Board-approved field of study curriculum may be identified by one the following methods, or by other methods that are similarly appropriate:

- (1) notice of a change in licensure, certification, or accreditation standards that would affect the field of study curriculum and lower-division requirements for a field of study or academic discipline;
- (2) notice of a change in curricular structure or content that is part of a pervasive change in the academic discipline served by the field of study curriculum, as documented by national or regional professional organizations, faculty organizations, or other indicators of best practices in the discipline;
- (3) receipt of a request from at least three public institutions of higher education that are affected by the field of study curriculum under consideration for modification, including at least one two-year and one four-year academic-degree-granting institution. The request and justifications for the request should be made by the chief academic officers of the institutions, in a joint memorandum sent to the Commissioner.

(c) Any proposed modification or revision to a Board-approved field of study curriculum should be evaluated by an advisory committee convened under the conditions cited in §4.30(a) of this title (relating to Criteria for Evaluation of Core Curricula). Recommendations for modifications or revisions to a Board-approved field of study curriculum should reflect the advice and wisdom of an advisory committee made up primarily of teaching faculty from the academic discipline(s) affected by the field of study curriculum under consideration.

Source Note: *The provisions of this §4.34 adopted to be effective May 27, 2003, 28 TexReg 4109*

§4.35 Texas Common Course Numbering System

(a) Each institution shall include the applicable course numbers from the TCCNS in its printed and electronic catalogs, course listings, and any other appropriate informational resources, and in the application of the provisions of this subchapter. Institutions that do not use the TCCNS taxonomy as their sole means of course numbering shall publish the following information in their printed and electronic catalogs, course listings, and any other appropriate informational resources:

(1) The TCCNS prefix and number must be displayed immediately adjacent to the institutional course prefix and number (e.g. ENG 101 (ENGL 1301) at the beginning of each course description; and

(2) The printed and electronic catalogs shall include a chart, table, or matrix, alphabetized by common course prefix, listing all common courses taught at the institution by both the common and local course number. For printed catalogs, the chart, table, or matrix should be referenced in a table of contents and/or a subject index.

(b) Each institutional catalog shall include an explanation of the TCCNS and the significance of TCCNS courses for transfer purposes.

(c) Each institution shall comply with the requirements of sections (a) and (b) no later than September 1, 2005.

(d) For good cause, the Commissioner may approve an exemption from the requirements of this section.

Source Note: *The provisions of this §4.35 adopted to be effective May 23, 2004, 29 TexReg 5057*

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

Subchapter C. Texas Success Initiative

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.

§4.51 Purpose

The purpose of this subchapter is to implement the Texas Success Initiative for Texas public institutions of higher education. It is the intent of the Texas Higher Education Coordinating Board that Texas public institutions of higher education use the flexibility and responsibility granted under these rules to improve individualized programs to ensure the success of students in higher education.

Source Note: *The provisions of this §4.51 adopted to be effective December 3, 2003, 28 TexReg 10753*

§4.52 Authority

Under Texas Education Code, §51.307, the Board is authorized to adopt rules to implement the provisions of Texas Education Code, §51.3062. Texas Education Code, §51.403(e), authorizes the Board to establish guidelines and reporting requirements.

Source Note: *The provisions of this §4.52 adopted to be effective December 3, 2003, 28 TexReg 10753*

§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) Assessment--the use of a Board-approved instrument to determine the academic skills of each entering undergraduate student and the student's readiness to enroll in freshman-level academic coursework.
- (2) Board--The Texas Higher Education Coordinating Board.
- (3) Developmental Coursework--non-degree-credit coursework designed to address a student's deficiencies.
- (4) Developmental Education--developmental courses, tutorials, laboratories, and other means of assistance that are included in a plan to ensure the success of a student in performing freshman-level academic coursework.
- (5) 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).
- (6) Minimum Passing Standards--The minimum scores which must be attained by a student in reading, writing, and mathematics that indicates the student's readiness to enroll in freshman-level academic coursework.
- (7) Non-Degree Credit Course--A course which may not be counted toward a degree or certificate. The term includes developmental, pre-collegiate and continuing education courses.

Source Note: *The provisions of this §4.53 adopted to be effective December 3, 2003, 28 TexReg 10753*

§4.54 Exemptions/Exceptions

(a) The following students shall be exempt from the requirements of this title:

(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:

(A) ACT: composite score of 23 with a minimum of 19 on the English test and/or the mathematics test shall be exempt for those corresponding sections;

(B) Scholastic Assessment Test (SAT): a combined verbal and mathematics score of 1070 with a minimum of 500 on the verbal test and/or the mathematics test shall be exempt for those corresponding sections; or

(2) For a period of three (3) years from the date of testing, a student who is tested and performs on the Texas Assessment of Academic Skills (TAAS) with a minimum scale score of 1770 on the writing test, a Texas Learning Index (TLI) of 86 on the mathematics test and 89 on the reading test.

(3) For a period of three (3) years from the date of testing, a student who is tested and performs 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 assessment required under this title for those corresponding sections.

(4) A student who has graduated with an associate or baccalaureate degree from an institution of higher education.

(5) A student who transfers to an institution from a private or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college-level coursework as determined by the receiving institution.

(6) A student who has previously attended any institution and has been determined to have met readiness standards by that institution.

(7) A student who is enrolled in a certificate program of one year or less (Level-One certificates, 42 or fewer semester credit hours or the equivalent) at a public junior college, a public technical institute, or a public state college.

(8) A student who is serving on active duty as a member of the armed forces of the United States, the Texas National Guard, or as a member of a reserve component of the armed forces of the United States and has been serving for at least three years preceding enrollment.

(9) A student who on or after August 1, 1990, was honorably discharged, retired, or released from active duty as a member of the armed forces of the United States or the Texas National Guard or service as a member of a reserve component of the armed forces of the United States.

(b) An institution may exempt a non-degree-seeking or non-certificate-seeking student.

Source Note: *The provisions of this §4.54 adopted to be effective December 3, 2003, 28 TexReg 10753; amended to be effective May 17, 2004, 29 TexReg 4868; amended to be effective August 15, 2004, 29 TexReg 7971*

§4.55 Assessment

(a) An institution shall assess, by an instrument approved in §4.56 of this title (relating to Assessment Instruments), the academic skills of each entering undergraduate student prior to enrollment of the student. Under exceptional circumstances, an institution may permit a student to enroll in freshman-level academic coursework without assessment but shall require the student to be assessed not later than the end of the first semester of enrollment in freshman-level academic coursework.

(b) 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.

(c) An institution may not use the assessment or the results of the assessment as a condition of admission to the institution.

Source Note: *The provisions of this §4.55 adopted to be effective December 3, 2003, 28 TexReg 10753*

§4.56 Assessment Instruments

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.

Source Note: *The provisions of this §4.56 adopted to be effective December 3, 2003, 28 TexReg 10753*

§4.57 Minimum Passing Standards

(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 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) An institution may require higher passing standards.

Source Note: *The provisions of this §4.57 adopted to be effective December 3, 2003, 28 TexReg 10753*

§4.58 Advisement and Plan for Academic Success

(a) For each student who fails to meet the minimum passing standards described in §4.57 of this title (relating to Minimum Passing Standards), an institution shall:

- (1) Establish a program to advise the student regarding developmental education necessary to ensure the readiness of that student in performing freshman-level academic coursework.
- (2) Determine a plan, working with the student, for academic success, which shall include developmental education and may include provisions for enrollment in appropriate non-developmental coursework.

(b) Each plan for academic success shall:

- (1) Be designed on an individual basis to provide the best opportunity for each student to succeed in performing

freshman-level academic coursework.

(2) Provide to the student a description of the appropriate developmental education considered necessary to ensure the readiness of that student to perform freshman-level academic coursework.

(3) Provide to the student an appropriate measure for determining readiness to perform freshman-level academic coursework, as described in §4.59 of this title (relating to Determination of Readiness to Perform Freshman-level Academic Coursework).

(c) Institutions shall consider all federal laws pertaining to individuals with disabilities when assessing and advising such students.

Source Note: *The provisions of this §4.58 adopted to be effective December 3, 2003, 28 TexReg 10753*

§4.59 Determination of Readiness to Perform Freshman-level Academic Coursework

(a) An institution shall determine when a student is ready to perform freshman-level academic coursework on an individual basis according to the needs of the student.

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

(1) Performance in developmental education.

(2) Performance in appropriate non-developmental coursework.

(3) Performance on an assessment instrument described in § 4.56 of this title (relating to Assessment Instruments) or performance on an institutionally selected assessment.

(4) Performance on an assessment retake for those students who perform at or below the following scores:

(A) ASSET: Reading Skills - 35; Elementary Algebra - 30; and Writing Skills (objective) - 35.

(B) COMPASS: Reading Skills - 64; Algebra - 23; Writing Skills (objective) - 44.

(C) ACCUPLACER: Reading Comprehension - 61; Elementary Algebra - 42; Sentence Skills - 62.

(D) THEA: Reading - 201; Mathematics - 206; Writing - 205.

(E) An essay with a score of 5 will meet these criteria if the student meets the objective writing test standard.

(5) Other indicators of readiness, as determined by the institution.

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

(d) An institution shall, as soon as practicable and feasible, indicate a student's readiness in reading, mathematics, and writing on the transcript of each student.

Source Note: *The provisions of this §4.59 adopted to be effective December 3, 2003, 28 TexReg 10753; amended to be effective February 21, 2006, 31 TexReg 1022*

§4.60 Evaluation and Reporting

(a) The Board shall evaluate the effectiveness of Texas Success Initiative on a statewide basis and with respect to each institution.

(b) At the end of each semester, institutions shall report to the Board the following information for undergraduate students: Social Security Number (SSN), semester credit hours (SCH), grade points earned, ethnicity, gender, date of

birth, Texas Success Initiative status, initial assessment instrument, score on initial assessment, type of developmental education received for each area (reading, mathematics, writing), grade in first related non-developmental course, and the results of any subsequent assessment.

(c) On or before January 1, 2004, each institution shall submit to the Board a revised developmental education plan to reflect the Texas Success Initiative.

Source Note: *The provisions of this §4.60 adopted to be effective December 3, 2003, 28 TexReg 10753*

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

Subchapter D. Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges

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.

§4.81 Purpose

This subchapter provides rules and regulations for public two-year associate degree-granting institutions and for public universities to engage in dual credit partnerships with secondary schools. (See Chapter 9, Subchapter H of this title (relating to Partnerships Between Secondary Schools and Public Two-Year Associate Degree-Granting Institutions) for high school credit only partnerships, Tech-Prep partnerships, and remedial or developmental instruction for high school graduation partnerships.)

Source Note: *The provisions of this §4.81 adopted to be effective May 27, 2003, 28 TexReg 4114*

§4.82 Authority

Texas Education Code, §§29.182, 29.184, 61.027, 61.076(J), 130.001(b)(3) - (4), 130.008, 130.090, and 135.06(d) provide the Board with the authority to regulate dual credit partnerships between public two-year associate degree-granting institution and public universities with secondary schools.

Source Note: *The provisions of this §4.82 adopted to be effective May 27, 2003, 28 TexReg 4114*

§4.83 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) College--Public two-year associate degree-granting institutions and public universities.
- (3) Commissioner--The Commissioner of Higher Education.
- (4) Dual credit--A process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and the high school. While dual credit courses are often taught on the secondary school campus to high school students only, applicable sections of these rules, §4.84(a) and §4.85(a), (b), (g), (h), (i) of this title (relating to Dual Credit Partnerships), also apply when a high school student takes a course on the college campus and receives both high school and college credit. Dual credit is also referred to as concurrent course credit; the terms are equivalent. However, dual (or concurrent) enrollment refers to a circumstance in which a student is enrolled in more than one educational institution (including a high school and a college).
- (5) College Board Advanced Placement--College-level courses and exams available to secondary students under the auspices of the College Board. A College Board-approved Advanced Placement (AP) Program must adhere to the AP course descriptions, include administration of official AP exams, foster teacher professional development, and provide access to AP courses for all students who are willing to enroll in the rigorous academic curriculum of AP courses as prescribed by the College Board.
- (6) Public two-year associate degree-granting institution--A community college, a technical college, or a state college.
- (7) Texas Assessment of Knowledge and Skills--The criterion-referenced assessment instruments required under Texas Education Code, §39.023, designed to assess essential knowledge and skills in reading, writing,

mathematics, social studies, and science in grades three through twelve.

Source Note: *The provisions of this §4.83 adopted to be effective May 27, 2003, 28 TexReg 4114; amended to be effective May 25, 2004, 29 TexReg 5057; amended to be effective November 23, 2004, 29 TexReg 10770*

§4.84 Institutional Agreements

(a) Need for Institutional Agreements. For any dual credit partnership between a secondary school and a public college, an agreement must be approved by the governing boards or designated authorities (e.g., principal and chief academic officer) of both the public school district or private secondary school and the public college prior to the offering of such courses.

(b) Elements of Institutional Agreements. The dual credit partnership must address the following elements:

- (1) Eligible Courses;
- (2) Student Eligibility;
- (3) Location of Class;
- (4) Student Composition of Class;
- (5) Faculty Selection, Supervision, and Evaluation;
- (6) Course Curriculum, Instruction, and Grading;
- (7) Academic Policies and Student Support Services;
- (8) Transcribing of Credit; and
- (9) Funding.

Source Note: *The provisions of this §4.84 adopted to be effective May 27, 2003, 28 TexReg 4114*

§4.85 Dual Credit Requirements

(a) Eligible Courses.

- (1) Courses offered for dual credit by public two-year associate degree granting institutions must be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual adopted by the Board or as college-level workforce education courses in the current edition of the Workforce Education Course Manual adopted by the Board.
- (2) Courses offered for dual credit by public universities must be in the approved undergraduate course inventory of the university.
- (3) Public colleges may not offer remedial and developmental courses for dual credit.

(b) Student Eligibility.

(1) A high school student is eligible to enroll in dual credit courses in the eleventh and/or twelfth grade if the student:

- (A) demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative as set forth in §4.57 of this title (relating to Minimum Passing Standards) on relevant section(s) of an assessment instrument approved by the Board as set forth in §4.56 of this title

(relating to Assessment Instruments); or

(B) demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth §4.54 of this title (relating to Exemptions/Exceptions).

(2) An eleventh grade high school student is also eligible to enroll in dual credit courses under the following conditions;

(A) a student achieves a score of 2200 on Mathematics and/or a score of 2200 on English Language Arts with a writing subsection score of at least 3 on the tenth grade TAKS relevant to the courses to be attempted. An eligible high school student who has enrolled in dual credit courses in the eleventh grade under this provision shall not be required to demonstrate further evidence of eligibility to enroll in dual credit courses in the twelfth grade; or

(B) the student achieves a combined score of 107 on the PSAT/NMSQT with a minimum of 50 on the critical reading and/or mathematics test relevant to the courses to be attempted. An eligible high school student who has enrolled in dual credit under this provision must demonstrate eligibility to enroll in dual credit courses in twelfth grade; or

(C) the student achieves a composite score of 23 on the PLAN with a 19 or higher in mathematics and English. An eligible high school student who has enrolled in dual credit under this provision must demonstrate eligibility to enroll in dual credit courses in twelfth grade.

(3) A high school student is eligible to enroll in workforce education dual credit courses in the eleventh and/or twelfth grade if the student demonstrates that he or she has achieved the minimum high school passing standard on the Mathematics section and/or the English/Language Arts section on the tenth or eleventh grade TAKS.

(A) A student may enroll only in those workforce education dual credit courses for which the student has demonstrated eligibility.

(B) A student who is exempt from taking TAKS may be otherwise evaluated by an institution to determine eligibility for enrolling in workforce education dual credit courses.

(4) Students who are enrolled in private or non-accredited secondary schools or who are home-schooled must satisfy paragraphs (1) - (3) of this subsection.

(5) To be eligible for enrollment in a dual credit course offered by a public college, students must meet all the college's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

(6) To be eligible for enrollment in a dual credit course offered by a public college, students must have at least junior year high school standing. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by grade-point average, PSAT/NMSQT scores, PLAN or other assessment indicators) may be approved by the principal of the high school and the chief academic officer of the college. Students with less than junior year high school standing must demonstrate eligibility as outlined under subsection (b)(1) of this section.

(7) High school students shall not be enrolled in more than two dual credit courses per semester. Exceptions to this requirement for students with demonstrated outstanding academic performance and capability (as evidenced by grade-point average, ACT or SAT scores, or other assessment indicators) may be approved by the principal of the high school and the chief academic officer of the college.

(8) An institution may impose additional requirements for enrollment in courses for dual credit that do not conflict with this section.

(9) An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.

(c) Location of Class. Dual credit courses may be taught on the college campus or on the high school campus. For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught electronically, public colleges shall comply with applicable rules and procedures for offering courses at a distance in §§4.101 - 4.108 of this title (relating to Distance Education and Off-Campus Instruction). In addition, dual credit courses taught electronically shall comply with the Board's adopted Principles of Good Practice for Courses

Offered Electronically.

(d) **Composition of Class.** Dual credit courses may be composed of dual credit students only or of dual and college credit students. Exceptions for a mixed class, which would also include high school credit-only students, may be allowed only under one of the following conditions:

- (1) If the course involved is required for completion under the State Board of Education Recommended or Distinguished Achievement High School Program graduation requirements, and the high school involved is otherwise unable to offer such a course.
- (2) If the high school credit-only students are College Board Advanced Placement students.
- (3) If the course is a career and technology/college workforce education course and the high school credit-only students are earning articulated college credit.

(e) **Faculty Selection, Supervision, and Evaluation.**

- (1) The college shall select instructors of dual credit courses. These instructors must be regularly employed faculty members of the college or must meet the same standards (including minimal requirements of the Southern Association of Colleges and Schools) and approval procedures used by the college to select faculty responsible for teaching the same courses at the main campus of the college.
- (2) The college shall supervise and evaluate instructors of dual credit courses using the same or comparable procedures used for faculty at the main campus of the college.

(f) **Course Curriculum, Instruction, and Grading.** The college shall ensure that a dual credit course and the corresponding course offered at the main campus of the college are equivalent with respect to the curriculum, materials, instruction, and method/rigor of student evaluation. These standards must be upheld regardless of the student composition of the class.

(g) **Academic Policies and Student Support Services.**

- (1) Regular academic policies applicable to courses taught at the college's main campus must also apply to dual credit courses. These policies could include the appeal process for disputed grades, drop policy, the communication of grading policy to students, when the syllabus must be distributed, etc.
- (2) Students in dual credit courses must be eligible to utilize the same or comparable support services that are afforded college students on the main campus. The college is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible.

(h) **Transcribing of Credit.** For dual credit courses, high school as well as college credit should be transcribed immediately upon a student's completion of the performance required in the course.

(i) **Funding.**

- (1) The state funding for dual credit courses will be available to both public school districts and colleges based on the current funding rules of the State Board of Education and the Board.
- (2) The college may claim funding for all students getting college credit in dual credit courses.
- (3) All public colleges, universities, and health-related institutions may waive all or part of tuition and fees for a Texas high school student enrolled in a course for which the student may receive dual course credit.

Source Note: *The provisions of this §4.85 adopted to be effective May 27, 2003, 28 TexReg 4114; amended to be effective December 3, 2003, 28 TexReg 10754; amended to be effective February 26, 2004, 29 TexReg 1659; amended to be effective May 25, 2004, 29 TexReg 5058; amended to be effective December 19, 2004, 29 TexReg 11591; amended to be effective May 14, 2007, 32 TexReg 2637; amended to be effective August 15, 2007, 32 TexReg 4972*

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

Subchapter E. Approval of Distance Education, Off-Campus, and Extension Courses and Programs for Public 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.

§4.101 Purpose

This subchapter provides guidance to all public institutions of higher education in Texas regarding the delivery of distance education, off-campus, and on-campus extension courses and programs. The Board's goals are to ensure the quality of these courses and programs and to provide Texas residents with access to distance education, off-campus, and extension courses and programs that meet their needs. The rules are designed to assure the adequacy of the technical and managerial infrastructures necessary to support these courses and programs.

Source Note: *The provisions of this §4.101 adopted to be effective August 21, 2005, 30 TexReg 4642*

§4.102 Authority

Authority for these provisions is provided by Texas Education Code, §61.051(j), which provides the Board with the authority to approve courses for credit, distance education, and extension programs.

Source Note: *The provisions of this §4.102 adopted to be effective August 21, 2005, 30 TexReg 4642*

§4.103 Definitions

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

- (1) Academic credit course--A college-level course that, if successfully completed, can be applied toward the number of courses required for achieving a degree, diploma, certificate, or other formal award.
- (2) Area institution--A university, health-related institution, independent institution, or higher education center which is within a 50-mile radius of a proposed off-campus instruction site.
- (3) Board--The Texas Higher Education Coordinating Board.
- (4) Commissioner of Higher Education or Commissioner--The chief executive officer of the Texas Higher Education Coordinating Board.
- (5) Community College--Any public community college as defined in Texas Education Code, §§61.003 and 130.005, and whose role, mission, and purpose is outlined in Texas Education Code, §§130.0011 and 130.003.
- (6) Continuing Education Unit or CEU--Ten contact hours of participation in an organized educational experience under responsible sponsorship, capable direction, and qualified instruction and not offered for academic credit.
- (7) Correspondence course--An academic credit course delivered through distance education that is either paper-based or electronic and that is largely self-paced.
- (8) Degree--Any title or designation, mark, abbreviation, appellation, or series of letters or words, including "associate", "bachelor's", "master's", and "doctor's" and their equivalents and foreign cognates, which signifies satisfactory completion of the requirements of a program of study which is generally regarded and accepted as an academic degree-level program by accrediting agencies recognized by the Board.
- (9) Distance education course--Course in which the majority of the instruction occurs when the students and

instructor are not in the same physical setting. A course is considered to be offered by distance education if students receive more than one-half of the instruction at a different location than the instructor. A distance education course can be delivered synchronously or asynchronously to any single or multiple location(s) through electronic, correspondence, or other means. The course may be formula-funded or offered through extension, and it may be delivered to on-campus students and those who do not take courses on the main campus.

(10) Distance education degree or certificate program--A program in which a student may complete more than one-half of the semester credit hours required for the program through any combination of electronic and off-campus delivery methods.

(11) Electronic delivery--A mode of delivery for distance education courses and programs using electronic telecommunication technology systems.

(12) Extension courses and programs--Academic credit courses and programs delivered face-to-face or by distance education, including correspondence, whose semester credit hours are not submitted for formula funding. Face-to-face, academic credit extension courses and programs may be delivered on-campus or off-campus. This term does not apply to courses and programs delivered by community colleges to an extension center or extension facility unless the semester credit hours in the courses are not formula funded.

(13) Extension Center or Extension Facility--Any single or multiple locations other than the main campus of a community college district and outside the boundaries of the taxing authority of a community college district.

(14) First-Professional Degree--An award that requires completion of a program that meets all of the following criteria:

(A) completion of the academic requirements to begin practice in the profession;

(B) at least 2 years of college work prior to entering the program; and

(C) a total of at least 6 academic years of college work to complete the degree program, including prior required college work plus the length of the professional program itself. First-Professional degrees are discipline-specific, including, but not limited to, degrees such as: Dentistry (D.D.S. or D.M.D.); Medicine (M.D.); Veterinary Medicine (D.V.M.); Law (L.L.B, J.D.); and Pharmacy (PharmD).

(15) Formula funding--The method used to allocate appropriated sources of funds among institutions of higher education.

(16) Formula-funded course--An academic credit course delivered face-to-face or by distance education, including correspondence, whose semester credit hours are submitted for formula funding.

(17) Governing board--The body charged with policy direction of any public community college district; the technical college system; public state college; public senior college, university, or health-related institution; career school or college; or other educational agency including but not limited to boards of directors, boards of regents, boards of trustees, and independent school district boards.

(18) Institution of higher education or Institution--Any public technical institute, public community college, public senior college or university, medical or dental unit, or other agency of higher education as defined in Texas Education Code, §61.003.

(19) Higher education center--A Multi-Institutional Teaching Center, University System Center, or single institution center established by the Legislature or approved by the Board for the specific purpose of offering upper-division and graduate 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.

(20) Higher education teaching site--An off-campus, upper-division and graduate 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. Institutions do not own the facilities for teaching sites nor do they receive state support to acquire or build facilities for them. Board approval or recognition is not required.

- (21) Private or independent institution of higher education or Independent Institution--A private or independent college or university as defined in the Texas Education Code, §61.003(15).
- (22) Institutional Report--A report describing distance education and off-campus instruction delivered for academic credit.
- (23) Main campus--The headquarters of an institution and the location where the principal or chief executive's offices are located, also referred to as on-campus.
- (24) Off-campus course--Course in which one-half or more of the instruction is delivered with the instructor and student in the same physical location and which meets one of the following criteria: for public senior colleges and universities, Lamar state colleges, or public technical colleges, off-campus locations are locations away from the main campus; for public community colleges, off-campus locations are sites outside the taxing district. The course may receive formula-funding or be given by extension.
- (25) Off-campus degree or certificate program--A program for which a student may complete more than one-half of the required credit hours by taking off-campus courses.
- (26) Out-of-state/out-of-country courses and programs--Academic credit courses and programs delivered outside Texas to individuals or groups who are not regularly enrolled, on-campus students. Out-of-state and out-of-country courses do not receive formula funding and are a type of academic credit extension offering. They may be offered through distance education or face-to-face instruction.
- (27) Program or Program of study--Any grouping of courses which are represented as entitling a student to a degree or certificate.
- (28) Public health-related institution or Health-related institution--a medical or dental unit as defined by the Texas Education Code, §61.003(5).
- (29) Public university or University--a general academic teaching institution as defined by the Texas Education Code, §61.003(3).
- (30) Regional Council--A cooperative arrangement among representatives of all public, private or independent institutions of higher education within a Uniform State Service Region, as established under Texas Education Code, §51.662.
- (31) Regular on-campus student--A student who is admitted to an institution, the majority of whose semester credit hours are reported for formula funding, and whose coursework is primarily taken at an institution's main campus.
- (32) Semester credit hour--A unit of measure of instruction consisting of 60 minutes, of which 50 minutes must be direct instruction, over a 15-week period in a semester system or a 10-week period in a quarter system.
- (33) Service area--The territory served by a community college district as defined in Texas Education Code, §130.161.
- (34) Study-in-America courses--Off-campus, academic credit instruction which is delivered outside Texas but in the United States primarily to regular on-campus students.
- (35) Study-Abroad courses--Off-campus, academic credit instruction which is delivered outside the United States primarily to regular on-campus students.
- (36) Workforce continuing education course--A course of ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as outlined in the Guidelines for Instructional Programs in Workforce Education with an occupationally specific objective and supported by state appropriations. Workforce continuing education courses are offered by community and technical colleges and differs from a community service course which is not eligible for state reimbursement and is offered for recreational or avocational purposes.

§4.104 General Provisions

(a) This subchapter governs the following types of instruction offered by institutions of higher education:

- (1) Academic credit courses, degree and certificate programs, and formula-funded workforce continuing education provided by a community college through distance education or outside of the boundaries of its taxing district through off-campus instruction;
- (2) Academic credit courses, and degree and certificate programs provided by a senior college or university or health-related institution through distance education; off-campus instruction; or on-campus, off-campus or electronic extension;
- (3) Academic credit courses, degree and certificate programs, and formula-funded workforce continuing education provided by a public technical college or Lamar state college through distance education or off-campus instruction;
- (4) Academic credit courses and programs offered outside Texas by institutions of higher education, including Study-Abroad, Study-in-America, out-of-state, and out-of-country courses;
- (5) Extension courses and programs that are offered through distance education or off-campus instruction are covered under this subchapter's provisions concerning distance education or off-campus instruction, even though they may not be submitted for formula funding.

(b) This subchapter does not apply to the following types of instruction:

- (1) Non-credit adult and continuing education courses provided through distance education, off-campus delivery, or given by on-campus extension by a senior college or university or health-related institution;
- (2) Continuing education, except formula-funded workforce continuing education, provided by community colleges, Lamar state colleges, and public technical colleges.

Source Note: The provisions of this §4.104 adopted to be effective August 21, 2005, 30 TexReg 4642

§4.105 Functions of Regional Councils

(a) Universities, health-related institutions, public technical colleges, and Lamar state colleges shall submit for Regional Council review all off-campus lower-division courses proposed for delivery to sites in the Council's Service Region.

(b) Public community colleges shall submit for the appropriate Regional Council's review all off-campus lower-division courses proposed for delivery to sites outside their service areas.

(c) In the event of a dispute arising from electronic delivery of lower-division courses, any institution party to the disagreement may appeal first to the Regional Council, and then to the Commissioner and the Board.

(d) Regional Councils in each of the ten Uniform State Service Regions shall make recommendations to the Commissioner and shall resolve disputes regarding plans for lower-division courses and programs proposed by public institutions.

(e) Each Regional Council shall make recommendations to the Commissioner regarding off-campus courses and programs proposed for delivery within its Uniform State Service Region in accordance with the consensus views of Council members, except for courses and programs proposed to be offered by public community colleges in their designated service areas.

(f) Regional Councils shall advise the Commissioner on appropriate policies and procedures for effective state-level administration of off-campus lower-division instruction.

Source Note: The provisions of this §4.105 adopted to be effective August 21, 2005, 30 TexReg 4642

§4.106 Institutional Report for Distance Education, Off-Campus Instruction, and On-Campus Extension Programs

(a) Prior to offering any distance education, off-campus, or on-campus extension courses or programs for the first time, institutions of higher education shall submit an Institutional Report for Distance Education, and Off-Campus and On-Campus Extension Instruction to the Board for approval. The Commissioner shall provide guidelines for development of the report and a schedule for periodic submission of updated reports.

(b) Institutional academic and administrative policies shall reflect a commitment to maintain the quality of distance education, off-campus, and on-campus extension courses and programs in accordance with the provisions of this subchapter. An Institutional Report shall conform to Board guidelines and criteria of the Commission on Colleges of the Southern Association of Colleges and Schools in effect at the time of the Report's approval. These criteria shall include provisions relating to:

- (1) Institutional Issues;
- (2) Educational Programs;
- (3) Faculty;
- (4) Student Support Services; and
- (5) Distance Education Facilities and Support.

Source Note: *The provisions of this §4.106 adopted to be effective August 21, 2005, 30 TexReg 4642*

§4.107 Standards and Criteria for Distance Education, Off-Campus Instruction, and On-Campus Extension Courses and Programs

(a) The following provisions apply to all programs and courses covered under this subchapter, unless otherwise specified:

- (1) Each course and program offered under the provisions of this subchapter shall be within the role and mission of the institution responsible for offering the instruction. Each course shall be on the offering institution's inventory of approved courses, and each program shall be on the offering institution's inventory of approved programs.
- (2) Prior approval may be required before an institution may offer courses and programs under the provisions of this subchapter in certain subject area disciplines or under other conditions specified by the Board or Commissioner.
- (3) The Commissioner shall establish procedures governing the quality, review and approval of distance education, off-campus, and on-campus extension courses and programs.
- (4) The Commissioner may require institutions to provide special reports on distance education, off-campus, out-of-state/country, and on-campus extension courses and programs.

(b) The following provisions apply to all programs covered under this subchapter, unless otherwise specified:

- (1) An institution shall not offer doctoral or first-professional degree programs by distance education, off-campus, and/or on-campus extension instruction without specific prior approval by the Board. The Commissioner may approve for delivery to other off-campus sites or by other delivery modes doctoral and special professional degree programs that have previously been approved by the Board for electronic or off-campus delivery.
- (2) An institution offering a degree or certificate program under the provisions of this subchapter shall comply with relevant procedures and rules of the appropriate regulatory or accrediting agency or professional

certification board.

(3) Each degree program offered by distance education, off-campus instruction, or on-campus extension shall be approved by an institution's governing board. A certification concerning each of these degree programs shall be submitted to the Board. The certification shall be provided in accordance with provisions and schedules determined by the Commissioner. For baccalaureate and graduate off-campus programs and for on-campus extension programs, the parent institution shall notify all potentially affected area institutions as determined by the Commissioner.

(4) Institutions shall require that students (except for students in out-of-country programs) enrolled in a distance education, off-campus, or on-campus extension degree program satisfy the same requirements for admission to the institution and the program as required of regular on-campus students. Students in degree programs to be offered collaboratively shall meet the admission standards of their home institution. Out-of-country students shall meet equivalent standards for admission into programs.

(c) The following provisions apply to all courses covered under this subchapter, unless otherwise specified:

(1) Except for out-of-state/country courses, institutions shall provide notification of each course offered by distance education, off-campus, or on-campus extension instruction under the provisions of this subchapter in accordance with provisions and schedules determined by the Commissioner.

(2) Institutions shall report distance education and off-campus courses submitted for formula funding in accordance with the Board's uniform reporting system and the reporting provisions of this subchapter.

(3) Institutions may submit for formula funding the following types of academic credit courses: distance education courses delivered to Texas and non-Texas residents located on-campus or at another location in Texas, distance education courses delivered to Texas residents located out of state or out of country; Study-Abroad courses, and Study-in-America courses.

(4) Institutions shall not submit the following types of courses for formula funding:

(A) distance education courses taken by non-resident students who are located out of state or out of country,

(B) courses in out-of-state or out-of-country programs, as defined above, taken by any student, or

(C) extension courses.

(5) For courses not eligible to be submitted for formula funding, institutions shall charge fees that are equal to or greater than Texas resident tuition and applicable fees, and that are sufficient to cover the total cost of instruction and overhead, including administrative costs, benefits, computers and equipment, and other related costs.

(6) Study-in-America and Study-Abroad courses offered by institutions of higher education, or by an approved consortium composed of Texas public institutions, shall be approved by the Commissioner in order for the semester credit hours or contact hours generated in those courses to receive formula funding. The Commissioner shall develop procedures and standards for Study-in-America and Study-Abroad offerings.

(7) All courses covered under this subchapter shall meet the quality standards applicable to on-campus courses. They shall also adhere to the following guidelines and standards:

(A) Courses which offer either academic credit or Continuing Education Units shall do so in accordance with the standards of the Commission on Colleges of the Southern Association of Colleges and Schools.

(B) Except for students in out-of-country courses, students shall satisfy the same requirements for enrollment in an academic credit course as required of on-campus students. Out-of-country students shall be assessed for academic guidance purposes.

(C) Faculty shall be selected and evaluated by equivalent standards, review, and approval procedures used by the institution to select and evaluate faculty responsible for on-campus courses.

(D) Institutions shall provide training and support to enhance the added skills required of faculty teaching courses through electronic means.

(E) The instructor of record shall bear responsibility for the delivery of instruction and for evaluation of student progress.

(F) Faculty for graduate-level courses shall be approved in the same manner as graduate faculty for on-campus courses.

(G) All courses shall be appropriately integrated with the entity or entities administering the corresponding on-campus courses. The supervision, monitoring, and evaluation processes for instructors shall be equivalent to those for on-campus courses.

(H) Students shall be provided academic support services appropriate for distance education and off-campus learners, such as academic advising, career counseling, library and other learning resources, and financial aid.

(I) Facilities (other than homes as distance education reception sites) shall be comparable in quality to those for on-campus courses.

(J) Institutions shall adhere to additional criteria outlined in the Guidelines for Institutional Reports for Distance Education and Off-Campus Instruction.

Source Note: *The provisions of this §4.107 adopted to be effective August 21, 2005, 30 TexReg 4642*

§4.108 Non-Formula-Funded (Extension) Course and Program General Provisions

(a) Institutions shall not submit non-state-funded lower-division credit courses to Regional Councils.

(b) Institutions shall not submit distance education courses delivered outside the state to non-Texas residents for formula funding.

(c) The Commissioner shall develop standards for institutions offering out-of-state/country courses and programs.

(d) Institutions shall not jeopardize or diminish the status of formula-funded on-campus courses and programs in order to offer extension courses. Extension courses shall not be a substitute for offering a sufficient number of formula-funded on-campus courses.

(e) Institutions shall report fees received for extension and out-of-state/country courses in accordance with general institutional accounting practices.

(f) Institutions shall report enrollments, courses and graduates associated with extension offerings as required by the Commissioner.

Source Note: *The provisions of this §4.108 adopted to be effective August 21, 2005, 30 TexReg 4642*

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

Subchapter F. Texas State Science and Engineering Fair

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.

§4.131 Purpose, Scope, and Authority

(a) Purpose. The purpose of the Texas State Science and Engineering Fair (TSSEF) is to promote an appreciation for and interest in science, mathematics, and engineering among precollege students; to assist schools and school districts in fulfilling their mission in science, mathematics, and engineering education; and to promote workforce development in the fields of science, mathematics, and engineering by providing students with an opportunity to interact with higher education and corporate institutions.

(b) Scope. The TSSEF is the pathway for 9th through 12th grade students to advance from regional-level science fairs to state-level opportunities. The TSSEF provides access to the International Science and Engineering Fair for Texas precollege students.

(c) Authority. The Texas Education Code, Chapter 61, §61.088 authorizes the Board to establish rules for the organization and operation of the State Fair.

Source Note: *The provisions of this §4.131 adopted to be effective May 27, 2003, 28 TexReg 4116*

§4.132 Eligible Students

The TSSEF may accept 1st through 3rd place winners in each of the 15 divisions recognized by the International Science & Engineering Fair (Behavioral and Social Sciences, Biochemistry, Botany, Chemistry, Computer Science, Earth and Space Science, Engineering, Environmental Science, Gerontology, Mathematics, Medicine and Health, Microbiology, Physics, Zoology, and Team Projects in any science disciplines) from the Regional Fairs in the state.

Source Note: *The provisions of this §4.132 adopted to be effective May 27, 2003, 28 TexReg 4116*

§4.133 Awards

The TSSEF may award prizes to 1st through 5th place winners in each of the 15 divisions recognized by the ISEF. In addition, a number of special awards, including industry and society awards, may be given.

Source Note: *The provisions of this §4.133 adopted to be effective May 27, 2003, 28 TexReg 4116*

§4.134 Organizations and Operations

The Board may contract with public or private entities to conduct the State Fair. The Board shall coordinate the TSSEF with regional science and engineering fairs held in the state.

Source Note: *The provisions of this §4.134 adopted to be effective May 27, 2003, 28 TexReg 4116*

§4.135 Dissemination of Information and Rules

The TSSEF shall operate under the rules of the International Science and Engineering Fair (ISEF) and its publication International Rules for Precollege Science Research: Guidelines for Science and Engineering Fairs.

Source Note: *The provisions of this §4.135 adopted to be effective May 27, 2003, 28 TexReg 4116*

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

Subchapter G. Early College High Schools and Middle Colleges

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§4.151 Authority

The purpose of this subchapter is to provide appropriate oversight by the Board for public colleges or universities to engage in early college high schools or middle colleges.

Source Note: *The provisions of this §4.151 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.152 Authority

Texas Education Code, §§29.908, 61.076, 130.001(b)(3) - (4), 130.008, and 130.090 provide the Board with the authority to regulate courses and programs offered by public institutions of higher education in cooperation with secondary schools.

Source Note: *The provisions of this §4.152 adopted to be effective August 21, 2005, 30 TexReg 4646; amended to be effective November 22, 2005, 30 TexReg 7725*

§4.153 Definitions

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

- (1) Assessment--The criterion-referenced assessment instruments adopted by the Board to assess a student's readiness to enroll in college-level coursework or curricula.
- (2) Board--The Texas Higher Education Coordinating Board.
- (3) Colleges or Universities, or C/U--Texas public two-year colleges or public universities.
- (4) Commissioner--The Commissioner of Higher Education.
- (5) Early College High School or Middle College, or ECHS/MC--The institution or entity that provides the outreach, curricula, and student learning and support programs for students who attain the Recommended or Advanced High School Program diploma and up to two years of college credit simultaneously.
- (6) Recommended or Advanced High School Program--The curriculum specified in the Texas Education Code, §28.025, and the rules promulgated there under by the State Board of Education.

Source Note: *The provisions of this §4.153 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.154 Notification of Institutional Intent to Develop an Early College High School/Middle College Entity

Texas public colleges and universities (C/U) are eligible to enter into agreements with Texas public schools to create an ECHS/MC. Any C/U that participates in the creation of an ECHS/MC shall notify the Board in accordance with provisions and schedules determined by the Commissioner.

Source Note: *The provisions of this §4.154 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.155 Student Eligibility

(a) An ECHS/MC shall assess each student for readiness to engage in any college-level curriculum offered for college credit prior to the student's enrollment in such curriculum.

(b) For this assessment, an ECHS/MC may use any instrument otherwise approved by the Board for Texas Success Initiative purposes in accordance with § 4.54 (relating to Exemptions/Exceptions) and §4.56 (relating to Assessment Instrument) of this title including, but not limited to, Texas Assessment of Knowledge and Skills (TAKS) scores, ACT scores, and SAT scores.

(c) After assessment, the ECHS/MC, using guidelines established by the C/U, shall determine what forms of assistance and remediation, if any, are necessary prior to a student's enrollment in any college-level curriculum based on the results of the assessment and other indicators of student readiness.

Source Note: *The provisions of this §4.155 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.156 Faculty Selection, Supervision, and Evaluation

(a) The C/U shall select instructors of all college-level curricula offered for college credit in an ECHS/MC. These instructors must be regularly employed faculty members of the C/U or meet the same standards, including but not limited to, minimal requirements of the Commission on Colleges of the Southern Association of Colleges and Schools.

(b) The C/U shall supervise and evaluate instructors of college-level curricula offered for college credit using the same or comparable procedures used for faculty at the C/U.

Source Note: *The provisions of this §4.156 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.157 Course Curriculum, Instruction, and Grading

The C/U shall ensure that curricula offered for college credit and comparable courses offered by the C/U are equivalent with respect to the curriculum, materials, instructional activity, and method/rigor of evaluation of student performance.

Source Note: *The provisions of this §4.157 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.158 Transcribing of Credit

The C/U shall determine when the college credit for each ECHS/MC student should appear on the C/U transcript.

Source Note: *The provisions of this §4.158 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.159 Evaluation and Accountability

Each ECHS/MC and sponsoring C/U shall be responsible for the development and implementation of an evaluation process to determine the effectiveness of the ECHS/MC. Measures of effectiveness shall include, but are not limited to, student results on the K-12 accountability assessments (e.g., TAKS) and success indicators of graduates at Texas public institutions of higher education (e.g., participation rates, grade point average, retention rates, and graduation rates).

Source Note: *The provisions of this §4.159 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.160 Funding

(a) State funding for high school and college credit will be available to the public school district and the C/U based on the current funding rules of the State Board of Education and the Board.

(b) The C/U may claim funding for all ECHS/MC students receiving college credit.

Source Note: *The provisions of this §4.160 adopted to be effective August 21, 2005, 30 TexReg 4646*

§4.161 Exemption from Certain Dual Credit Restrictions

A student enrolled in ECHS/MC may enroll in more than two dual credit courses per semester, and may enroll in dual credit coursework with freshman, sophomore, junior, or senior high school standing.

Source Note: *The provisions of this §4.161 adopted to be effective August 21, 2005, 30 TexReg 4646*

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

Subchapter H. P-16 College Readiness and Success

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.

§4.171 Purpose

The purpose of this subchapter is:

- (1) To establish rules, in cooperation with the commissioner of education, for the implementation of the P-16 College Readiness and Success Strategic Action Plan recommended by the statewide P-16 Council and adopted by the board;
- (2) To establish the composition and duties of the statewide discipline-based college readiness vertical teams that have the responsibility to develop and recommend college readiness standards to the commissioner and the commissioner of education; and
- (3) To establish the criteria for student participation, public school eligibility, and institutional eligibility for implementing programs to enhance student success.

Source Note: *The provisions of this §4.171 adopted to be effective November 19, 2006, 31 TexReg 9287; amended to be effective February 18, 2007, 32 TexReg 526*

§4.172 Authority

- (a) Texas Education Code, §61.0761 provides the board with the authority to adopt rules to implement the P-16 College Readiness and Success Strategic Action Plan, in cooperation with the commissioner of education,
- (b) Texas Education Code, §28.008 provides the commissioner with the authority to determine, in cooperation with the commissioner of education, the composition of statewide discipline-based college readiness vertical teams.
- (c) Texas Education Code, §61.0762 provides the board with the authority to adopt rules to implement programs to enhance student success.

Source Note: *The provisions of this §4.172 adopted to be effective November 19, 2006, 31 TexReg 9287; amended to be effective February 18, 2007, 32 TexReg 526*

§4.173 Definitions

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

- (1) Closing the Gaps by 2015--The master plan for higher education for the state of Texas, adopted in October 2000 by the Texas Higher Education Coordinating Board, directed at closing educational gaps within Texas, as well as between Texas and other states, and which has four goals: to close the gaps in student participation, student success, excellence, and research.
- (2) College entrance assessment--The ACT and SAT or other assessments as determined by the commissioner that serve as indicators of student college readiness.
- (3) College readiness assessment--The ACT PLAN and College Board Preliminary SAT or other assessments as determined by the commissioner that serve as early indicators of student college readiness.

(4) College readiness standards--The knowledge and skills expected of students to perform successfully in the workplace and in entry-level courses offered at institutions of higher education.

(5) College ready student--One who has the knowledge and skills necessary to begin entry-level college courses with a reasonable likelihood of success and does not require developmental education.

(6) Commissioner--The commissioner of higher education.

(7) Faculty--A person who is employed by an institution of higher education on a full- or part-time basis as a member of the faculty or staff and whose duties including teaching, research, administration (including professional librarians), or the performance of professional services. The term does not include a person employed in a position which is in the institution's classified personnel system, or a person employed in a similar type of position if the institution does not have a classified personnel system.

(8) 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.

(9) Statewide discipline-based college readiness vertical teams--Teams composed of public school educators and higher education faculty whose duties are consistent with those provided under §28.008(b) of the Texas Education Code.

Source Note: *The provisions of this §4.173 adopted to be effective February 18, 2007, 32 TexReg 527*

§4.174 P-16 College Readiness and Success Strategic Action Plan

(a) To increase student success and decrease the number of students enrolling in developmental course work in institutions of higher education, the board, in cooperation with the commissioner of education, shall implement the P-16 College Readiness and Success Strategic Action Plan as recommended by the statewide P-16 Council and adopted by the board pursuant to Texas Education Code, §61.0761(a).

(b) The initiatives and activities to be implemented under the P-16 College Readiness and Success Strategic Action Plan include the creation of statewide discipline-based vertical teams outlined in Texas Education Code, §28.008, and programs to enhance student success outlined in Texas Education Code, §61.0762.

Source Note: *The provisions of this §4.174 adopted to be effective February 18, 2007, 32 TexReg 527*

§4.175 Composition and Duties of Statewide Discipline-Based College Readiness Vertical Teams

(a) There shall be a total of four statewide discipline-based college readiness vertical teams: one each in English/Language Arts, Mathematics, Science, and Social Studies. All teams shall be composed of a minimum of 8 and a maximum of 20 members per subject area who represent the following:

(1) All levels of public school educators;

(2) Faculty from higher education to include public junior colleges, public community colleges, public technical institutes, public state colleges, public senior colleges or universities, and private or independent institutions of higher education as defined in Texas Education Code, §61.003;

(3) A balance between small and large districts;

(4) Various geographic regions of the state; and

(5) Overall demographics of the state.

(b) A maximum of 60 percent of the statewide discipline-based college readiness vertical teams shall be composed of faculty from institutions of higher education.

(c) The statewide discipline-based college readiness vertical teams shall develop college readiness standards as defined in Texas Education Code, §28.008(b)(1). The teams may create an interdisciplinary vertical team composed of one public education member and one higher education member from each discipline-based college readiness vertical team to review the standards and determine commonalities among the disciplines. The statewide discipline-based college readiness vertical teams shall recommend the college readiness standards to the commissioner of education and the commissioner.

(d) Upon completion of the development of college readiness standards, the statewide discipline-based college readiness vertical teams shall develop recommendations for curriculum alignment with college readiness standards and other materials as defined in Texas Education Code, §28.008(b)(2) - (5). The teams shall be re-constituted at that time to ensure that a maximum of 60 percent of each of the re-constituted statewide discipline-based college readiness vertical teams shall be composed of secondary public education teachers employed full-time in Texas public school districts.

Source Note: *The provisions of this §4.175 adopted to be effective February 18, 2007, 32 TexReg 527; amended to be effective May 14, 2007, 32 TexReg 2638*

§4.176 Appointment of Higher Education Faculty to the Statewide Discipline-Based College Readiness Vertical Teams

(a) The commissioner shall determine the criteria for selecting faculty from institutions of higher education for appointment to the four statewide discipline-based college readiness vertical teams.

(b) The commissioner shall solicit recommendations for appointment from institutions of higher education and appropriate higher education organizations.

(c) Appointments by the commissioner to the statewide discipline-based college readiness vertical teams outlined in §4.173(a) shall be made no later than December 29, 2006.

(d) Members representing institutions of higher education on the statewide discipline-based college readiness vertical teams outlined in §4.173(a) may be removed or replaced at the discretion of the commissioner.

Source Note: *The provisions of this §4.176 adopted to be effective February 18, 2007, 32 TexReg 527*

§4.177 Criteria for Student Participation and Institutional and Public School Eligibility for Implementing Programs to Enhance Student Success

(a) Summer higher education bridge programs. The purpose of this program is for institutions of higher education to provide public high school students who are not college-ready with appropriate instruction and other activities during summer programs to ensure eligible students achieve college readiness.

(1) Only institutions offering summer bridge programs outlined under Texas Education Code, §61.0762, shall be subject to this subsection.

(2) Each year for which state appropriations or other funding is available, the commissioner or his/her designee shall issue a request for proposal/application, memorandum of understanding, or other agreement for institutions to implement summer bridge programs under this subsection. The focus of these programs shall include mathematics, science, and/or English language arts for the following categories of public high school students:

(A) Exiting 12th grade students, in the summer following their senior year, who have not met the minimum passing standards for college readiness as outlined under §4.57 of this title (relating to Minimum Passing Standards) or who are not exempt from requirements of the Texas Success Initiative as outlined under §4.54 of this title (relating to Exemptions/Exceptions); or

(B) 10th and 11th grade students, in the summer following their sophomore and junior year, respectively, who have not achieved the predicted score for college readiness on the Texas Assessment of Knowledge and Skills, or appropriate college readiness predictors or scores on other assessments of college readiness as determined by the commissioner.

(3) Other qualifications or requirements for student participation, public school eligibility, and institutional eligibility for implementing summer bridge programs shall be outlined in the request for proposal/application, memorandum of understanding, or other agreement.

(b) Developmental education initiatives. The purpose of this program is to provide incentive funding to institutions who commit to implementing research-based and/or innovative developmental education initiatives.

(1) Only institutions offering developmental education initiatives under Texas Education Code, §61.0762, shall be subject to this subsection.

(2) Each year for which state appropriations or other funding is available, the commissioner or his/her designee shall issue a request for proposal/application, memorandum of understanding, or other agreement for institutions to implement developmental education initiatives under this subsection. The focus of these programs shall include mathematics, science, and/or English language arts for students who have not met the minimum passing standards for college readiness as outlined under §4.57 of this title (relating to Minimum Passing Standards) or who are not exempt from requirements of the Texas Success Initiative as outlined under §4.54 of this title (relating to Exemptions/Exceptions).

(c) Financial aid for college readiness and college entrance assessments. The purpose of this program is to obtain early assessments of college readiness and preparation of high school students.

(1) Financial aid shall be provided for each eligible high school student on an annual basis as determined by the commissioner.

(2) Each year for which state appropriations or other funding is available, the commissioner or his/her designee shall determine the college readiness and college entrance assessments that will be funded under this subsection.

(d) Professional development for higher education faculty. The purpose of this program is to provide higher education faculty with professional development programs or activities on college readiness standards and the implications of these standards on instruction.

(1) Only institutions offering professional development for faculty outlined under Texas Education Code, §61.0762, shall be subject to this subsection.

(2) Each year for which state appropriations or other funding is available, the commissioner or his/her designee shall issue a request for proposal/application, memorandum of understanding, or other agreement for institutions to implement activities or programs of professional development for faculty under this subsection. The focus of these programs shall be limited to faculty who have responsibilities for developmental education and entry-level courses and to the knowledge and skills, reflected in the college readiness standards, that faculty can reasonably expect students to have achieved who are entering those courses from public schools.

(3) Other qualifications or requirements for institutional eligibility for implementing faculty professional development activities and programs shall be outlined in the request for proposal/application, memorandum of understanding, or agreement.

(e) Other programs that support the participation and success goals of Closing the Gaps by 2015. Additional programs may be identified by the commissioner to address the participation and success goals of Closing the Gaps by 2015. As programs are identified, qualifications and requirements for student participation and institutional or public school eligibility shall be determined by the commissioner or his/her designee.

Source Note: *The provisions of this §4.177 adopted to be effective February 18, 2007, 32 TexReg 527*

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

Subchapter I. Nursing Education Performance Initiative

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.

§4.181 Purpose and Authority

The purpose of this subchapter is to describe the Board's initiative to promote the retention and graduation of students enrolled in initial licensure nursing programs and to recognize those programs that achieve a graduation rate of 85 percent or more. The Board is authorized to establish rules for this initiative under Texas Education Code §61.0901.

Source Note: *The provisions of this §4.181 adopted to be effective November 28, 2007, 32 TexReg 8485*

§4.182 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--Commissioner of Higher Education.
- (3) Initial RN licensure program--A sequence of nursing courses and learning experiences that prepares students for initial licensure as registered nurses.
- (4) Nursing school--An educational entity of an institution of higher education or hospital that offers the courses and learning experiences of the initial licensure program.
- (5) Institution of Higher Education--A public or independent university, community college or health-related institution that offers an initial RN licensure program that is approved by the Texas Board of Nursing.
- (6) Hospital--A public or private hospital that offers an initial RN licensure program that is approved by the Texas Board of Nursing.
- (7) Graduation rate--A calculation by the Texas Higher Education Coordinating Board that represents the percentage of first-time full-time students enrolled in an initial licensure program in a predefined academic cohort who are reported as graduates of the initial RN licensure program within:
 - (A) 36 months of initial enrollment for two-year programs.
 - (B) 18 months of initial enrollment for one year programs.
- (8) Best practices--Strategies, activities or approaches that have been shown through research and evaluation to be effective and/or efficient.

Source Note: *The provisions of this §4.182 adopted to be effective November 28, 2007, 32 TexReg 8485*

§4.183 Nursing Education Performance Recognition Program

The Board shall recognize nursing schools that are successful in retaining and graduating students from initial RN licensure programs:

- (1) Eligibility for Recognition. To be eligible for Board recognition, a nursing school must:

(A) have an 85 percent or higher graduation rate for the most current year for which rates are calculated by the Board.

(B) have an 85 percent NCLEX pass rate or higher for the most current period for which pass rates are available from the Texas Board of Nursing.

(C) demonstrate best practices for retaining and graduating students from initial RN licensure programs as determined by the Board.

(2) Calculation of Graduation Rate. Board shall calculate graduation rates each year using admission and graduation data submitted by the Registrar of each institution of higher education. Institutions may review the preliminary results of the Board's calculation but may not submit revised data for calculation unless approved by the Commissioner.

(3) Demonstration of Best Practices:

(A) The nursing school shall:

(i) demonstrate to the Board through data collection efforts and analysis the specific strategies and activities that have contributed to a graduation and NCLEX pass rate of 85 percent or higher.

(ii) submit a plan for disseminating information about the best practices to nursing programs in the state.

(B) The Commissioner shall make the final determination of whether or not the program has demonstrated best practices.

(4) Method of Recognition. Nursing schools that meet eligibility requirements for recognition will be reported to the Texas Board of Nursing, Governor, and Texas Legislature each year and the names of their institutions will be posted on the Board's website. Recognized nursing programs are also eligible for incentive funding that shall be used only to increase enrollments and the number of graduates from initial RN licensure programs and to promote best practices in the state.

(5) Acknowledgement of Increased Retention Rates. The Board shall acknowledge by letter nursing schools that have not obtained an 85 percent graduation rate or higher, but have otherwise increased graduation rates in their initial RN licensure programs above 50 percent and by more than 10 percent from the previous year to the current year.

Source Note: The provisions of this §4.183 adopted to be effective November 28, 2007, 32 TexReg 8485

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

Subchapter J. Work-Study Student Mentorship Program

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.

§4.191 Purpose

The purpose of this subchapter is to establish rules for implementation of the Work-Study Student Mentorship Program, separate and distinct from the Texas College Work-Study Program outlined under Chapter 22, Subchapter M of this title (relating to Texas College-Work Study Program).

Source Note: *The provisions of this §4.191 adopted to be effective November 27, 2007, 32 TexReg 8487*

§4.192 Authority

Texas Education Code, §56.077 authorizes the Coordinating Board to adopt rules to enforce the requirements, conditions, and limitations of §56.079 concerning the Work-Study Mentorship Program.

Source Note: *The provisions of this §4.192 adopted to be effective November 27, 2007, 32 TexReg 8487*

§4.193 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, the Chief Executive Officer of the Board.
- (3) Financial need--An indication of a student's inability to meet the full cost of attending a college or university, measured by an income methodology, which considers a student to have financial need if his or her adjusted gross annual income is less than income levels set annually by the Commissioner. If the student is a dependent, the family's adjusted gross family income is considered; if the student is independent, only the student's income (and the income of the student's spouse, if he or she is married) are considered.
- (4) Mentor--An eligible student employed to:
 - (A) help students at participating eligible institutions or to help high school students in participating school districts; or
 - (B) counsel high school students at GO Centers or similar high school-based recruiting centers designed to improve access to higher education.
- (5) Participating Entity--An eligible institution, a school district, or a nonprofit organization that has filed a memorandum of understanding with the Coordinating Board under this subchapter.
- (6) Program--The Work-Study Student Mentorship Program.

Source Note: *The provisions of this §4.193 adopted to be effective November 27, 2007, 32 TexReg 8487*

§4.194 Eligibility and Program Requirements

(a) Eligible Institution. The following Texas institutions of higher education are eligible to participate in the Program:

- (1) any public technical college, public junior or community college, public senior college or university, medical or dental unit, or other agency of higher education as defined in Texas Education Code, §61.003; or

(2) a private or independent institution of higher education, as defined by Texas Education Code §61.003(15), other than a private or independent institution of higher education offering only professional or graduate degrees.

- (b) Eligible Student Mentors. To be eligible for employment in the Program, a student mentor shall:
- (1) be a Texas resident determined in accordance with §§21.727 - 21.736 of this title (relating to Determining Residence Status);
 - (2) be enrolled for at least one-half of a full course load in a program of study;
 - (3) establish financial need as set forth under §4.193 of this subchapter; and
 - (4) not receive an athletic scholarship or not be enrolled in a seminary or other program leading to ordination or licensure to preach for a religious sect or to be a member of a religious order; and
 - (5) receive appropriate training as determined by the Commissioner or Coordinating Board staff.

(c) Participating Entities. To participate in the Program, an eligible institution and one or more school districts or nonprofit organizations shall file with the Coordinating Board a memorandum of understanding detailing the roles and responsibilities of each participating entity.

(d) Criteria for Participation and Program Requirements. Additional criteria for participation and program requirements shall be determined in consultation with participating entities and set forth in Commissioner's policies. The Commissioner's policies shall be reviewed periodically to determine the effectiveness and success of the Program.

Source Note: *The provisions of this §4.194 adopted to be effective November 27, 2007, 32 TexReg 8487*

§4.195 Allocations and Disbursement of Funds

(a) Allocations. The Board shall allocate Program funds to participating institutions according to criteria established by the Commissioner. At the beginning of each academic year, the year's full allocation will be provided to each participating institution.

(b) Reallocations. Institutions shall have until a date specified by the Commissioner to encumber all funds allocated. On that date, institutions lose claim to unencumbered funds and the unencumbered funds are available to the Commissioner for reallocation to other institutions. If necessary for ensuring the full use of funds, subsequent reallocations may be scheduled until all funds are awarded and disbursed.

(c) Program funds may be used during any academic period for which mentorship opportunities are needed by participating entities as long as student mentors meet eligibility requirements as outlined under §4.194(b).

Source Note: *The provisions of this §4.195 adopted to be effective November 27, 2007, 32 TexReg 8487*

§4.196 Reporting

(a) Not later than November 1 of each year, each institution participating in the Program shall report to the Coordinating Board on the progress made by students being assisted through the Program. The report shall include:

- (1) the number of students employed as mentors in the preceding year;
- (2) the number of students from the participating institution receiving mentoring in the preceding year;
- (3) the number of high school students receiving mentoring or counseling from students of the participating institution in the preceding year;
- (4) information relating to the costs of the program; and
- (5) the academic progress made by student mentors, students of the participating institution receiving mentoring, and high school students receiving mentoring or counseling from students of the participating institution in the preceding year.

(b) The Coordinating Board shall establish reporting requirements and forms to be completed by participating institutions in the Program.

Source Note: *The provisions of this §4.196 adopted to be effective November 27, 2007, 32 TexReg 8487*

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

Subchapter K. Instructional Material for Blind and Visually Impaired Students and Students with Dyslexia

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§4.201 Purpose

The purpose of this subchapter is to implement the provisions of Texas Education Code, §51.970, relating to providing certain electronic copies of instructional material for blind and visually impaired students and students with dyslexia who are enrolled at public institutions of higher education.

Source Note: *The provisions of this §4.201 adopted to be effective November 29, 2007, 32 TexReg 8488*

§4.202 Authority

Under Texas Education Code, §51.307, the Board is authorized to adopt rules to implement the provisions of Texas Education Code, §51.970. Texas Education Code, §51.970(h) and (i), authorizes the Board to impose reasonable administrative penalties against publishers and manufacturers, the method for identifying instructional material considered to be required or essential for a student's success in a course, the procedures and standards relating to distribution of electronic copies of instructional material under this section; and any other matter considered necessary or appropriate establish guidelines and reporting requirements.

Source Note: *The provisions of this §4.202 adopted to be effective November 29, 2007, 32 TexReg 8488*

§4.203 Definitions

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

- (1) Blind or visually impaired student--Includes any student whose visual acuity is impaired to the extent that the student is unable to read the print in the standard instructional material used in a course in which the student is enrolled.
- (2) Coordinating Board--The Texas Higher Education Coordinating Board.
- (3) Dyslexia--A condition of dyslexia considered to be a disability under the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) or §504 of the Rehabilitation Act of 1973 (29 U.S.C. §794).
- (4) Institution of higher education--Has the meaning assigned by §61.003(8) of the Texas Education Code.
- (5) Instructional material--A printed textbook or other printed instructional material or a combination of a printed book and supplementary printed instructional material sold through a Texas bookstore that:
 - (A) conveys information to or otherwise contributes to the learning process of a student; and
 - (B) was first printed with a new copyright date on or after January 1, 2004.
- (6) Special instructional material--Instructional material in Braille, large print, audio format, digital text, or any other medium or any apparatus that conveys information to or otherwise contributes to the learning process of a blind or visually impaired student or a student with dyslexia.

Source Note: *The provisions of this §4.203 adopted to be effective November 29, 2007, 32 TexReg 8488*

§4.204 Exemptions/Exceptions

This section applies only to instructional material that is:

- (1) written and published primarily for postsecondary instruction of students; and
- (2) required or essential for a student's completion of a course or program requirement at an institution of higher education, as identified by the instructor of the course for which the instructional material will be used, in consultation with the person at the institution with primary responsibility for services for students with disabilities and in accordance with rules adopted under §4.205 of this chapter (relating to Method for Identifying Instructional Material Considered to be Required or Essential for a Student's Success in a Course).

Source Note: *The provisions of this §4.204 adopted to be effective November 29, 2007, 32 TexReg 8488*

§4.205 Method for Identifying Instructional Material Considered to be Required or Essential for a Student's Success in a Course

(a) Materials that are considered required or essential for a course or program requirement are those materials that are:

- (1) identified in writing by an academic department or instructor as being essential for the student to complete a course and/or program requirements;
- (2) listed on a course syllabus, or other written format used to describe course, or
- (3) identified by agreement between instructor and student as essential for completing a program requirement not part of a specific course, such as an independent research project.

(b) In order to facilitate students getting their materials in a timely manner, instructors and academic departments shall comply with their institution's procedures for turning in materials and reading lists by the established deadlines

Source Note: *The provisions of this §4.205 adopted to be effective November 29, 2007, 32 TexReg 8488*

§4.206 The Procedures and Standards Relating to Distribution of Electronic Copies of Instructional Material Under this Section

(a) Students who qualify to receive instructional materials under this provision will submit their request to the publisher or manufacturer through their institution. To assist the institution in producing special instructional material, a publisher or manufacturer of instructional material assigned by an institution of higher education for use by students in connection with a course at the institution shall provide to the institution on the institution's request in accordance with this section a copy in an electronic format of the instructional material. The publisher or manufacturer, as applicable, shall provide the electronic copy not later than the 15th business day after the date of receipt of the request or 15th business day after publication of the material, whichever comes later.

(b) A request made by an institution of higher education under this provision must:

- (1) certify that for each blind or visually impaired student or student with dyslexia who will use specialized instructional material based on the requested copy of the material in an electronic format for a course in which the student is enrolled at the institution, either the institution or the student has purchased a printed copy of the instructional material;
- (2) be signed by the person at the institution with primary responsibility for services for students with disabilities or his designee; and
- (3) include all available identifying information related to the material, to include but not limited to ISBN number.

(c) A publisher or manufacturer may require that a request made by an institution of higher education under this section include from each student for whom the institution is mailing the request a signed statement in which the student agrees:

- (1) to use the requested electronic copy and related special instructional material only for the student's own educational purposes;
- (2) not to copy or otherwise distribute in a manner that violates 17 U.S.C. §101 et seq. the requested electronic copy or the instructional material on which the requested electronic copy is based;
- (3) agree to return electronic copy of instructional material to the institution's disability services office upon

re-selling the original printed material, dropping the course for which the material was requested, or withdrawing from the institution; and

(4) attest that any violation of provisions contained in the signed statement may jeopardize future provision of electronic formats by the manufacturer or publisher for the student under this section, and may result in further disciplinary measures from the institution.

(d) Each electronic copy of instructional material must:

(1) be in a format that:

(A) except as provided by this subsection, contains all of the information that is in the instructional material, including any text, sidebar, table of contents, chapter headings, chapter subheadings, footnotes, index, glossary, and bibliography, and is approved by the publisher or manufacturer, as applicable, and the institution of higher education as a format that will contain that material; and

(B) is compatible with commonly used Braille translation and speech synthesis software; and

(C) includes any correction or revision available at the time the electronic copy is provided.

(2) If the publisher or manufacturer and the institution of higher education are not able to agree on a format as required by paragraph (1) of this subsection, the publisher or manufacturer, as applicable, shall provide the electronic copy of the instructional material in a format that can be read by a word processing application and that contains as much of the material specified by that subsection as is practicable.

(3) Materials provided under this section may be delivered by traditional mail, by email or via a File Transfer Protocol site with notification provided to an institution as to the availability of the material.

(e) The Coordinating Board may impose a reasonable administrative penalty, not to exceed \$250 per violation, against a publisher or manufacturer that knowingly violates this section. The Coordinating Board shall provide for a hearing to be held, in accordance with Chapter 1, Subchapter B (relating to Dispute Resolution) of Coordinating Board rules, to determine whether a penalty is to be imposed and the amount of any penalty. The Coordinating Board shall base the amount of any penalty on:

(1) the seriousness of the violation;

(2) any history of a previous violation;

(3) the amount necessary to deter a future violation;

(4) any effort to correct the violation; and

(5) any other matter justice requires.

(f) Notwithstanding any other provision of this section, a publisher or manufacturer is not required to comply with subsection (a) or (d) of this section, as applicable, if the coordinating board, using procedures and criteria adopted by coordinating board rule and based on information provided by the publisher or manufacturer, determines that:

(1) compliance by the manufacturer or publisher would violate a law, rule, or regulation relating to copyrights; or

(2) the instructional material on which the requested electronic copy is based is:

(A) out of print; or

(B) in a format that makes it impracticable to convert the material into an electronic format.

(g) The manufacturer or publisher has the sole discretion to allow an institution to maintain a repository of electronic formats of previously requested instructional materials for re-use in order to comply with this Section. An institution that is authorized to re-use previously requested instructional materials must comply with provisions in subsections (b) and (c) of this section related to requesting instructional material and all other provisions outlined in this section.

(h) A manufacturer or publisher may deliver an electronic format authorized under this section with electronic security measures (to include encryption) so long as the measures do not interfere with access for the institution or the student who requested the materials.

Source Note: The provisions of this §4.206 adopted to be effective November 29, 2007, 32 TexReg 8488

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

Subchapter L. Intensive Summer Program Grants

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.

§4.210 Purpose and Authority

In accordance with the Texas Education Code, §29.098, the purpose of the Intensive Summer Program is to create pilot programs in which institutions of higher education provide intensive academic instruction for students who are identified as being at risk of dropping out of school or college. The areas for intensive instruction are English/language arts, mathematics and science. The Intensive Summer Programs pilot will identify best practices and strategies that work to help prepare students for college and workforce readiness.

Source Note: *The provisions of this §4.210 adopted to be effective May 22, 2008, 33 TexReg 3938*

§4.211 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. 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).
3. Intensive Summer Programs--A pilot program authorized by the Texas Legislature in the Texas Education Code, §29.098 under which participating institutions of higher education receive grants to provide intensive academic instruction in English/language arts, mathematics and science to facilitate the student's transition from high school to a postsecondary institution.
4. Applicant--An institution submitting a proposal in response to the Board's request.

Source Note: *The provisions of this §4.211 adopted to be effective May 22, 2008, 33 TexReg 3938*

§4.212 Eligible Students

(a) A grant may be awarded to an institution of higher education for an Intensive Summer Program only if at least 50 percent of the students served in the program:

1. have a score on the Scholastic Assessment Test (SAT) or American College Test (ACT) that is equal to a score less than the national mean score;
2. have been awarded a grant under the federal Pell grant program;
3. are at least 20 years of age on the date the student initially enrolls in the institution of higher education; or
4. have enrolled or will initially enroll as a part-time student.

(b) The remaining 50 percent of students served by the program may include at-risk students as determined by:

1. the criteria described in subsection (a) of this section;

2. the Texas Success Initiative criteria as set forth in §§4.54, 4.57, and 4.59 of this title (relating to Exemptions/Exceptions; Minimum Passing Standards; and Determination of Readiness to Perform Freshman-Level Academic Coursework); or
3. other indicators of college or workforce readiness or means of identifying a student as being at risk of dropping out of school or college as determined by the institution.

Source Note: *The provisions of this §4.212 adopted to be effective May 22, 2008, 33 TexReg 3938*

§4.213 Eligible Institutions

To be eligible to participate in the pilot program, applicants shall:

1. be a Texas public institution of higher education as defined in the Texas Education Code, §61.003(8); and
2. meet all deadlines, requirements and guidelines outlined in the Request for Proposals.

Source Note: *The provisions of this §4.213 adopted to be effective May 22, 2008, 33 TexReg 3938*

§4.214 Grant Administration

(a) Notification. The Board will notify each applicant in writing of its selection or non-selection for participation in the pilot program.

(b) Program Evaluation. The Board will establish specific evaluation procedures and requirements for the pilot program in the Request for Proposals.

(c) Program funding. The Board will distribute funds for the Intensive Summer Program pilots to eligible public institutions of higher education selected by an evaluation process in the Request for Proposals and based on the following factors:

1. the availability of funds, which is contingent on appropriations made by the legislature for that purpose;
2. funding limitations as set forth in the Texas Education Code, §29.098, that a grant awarded for Intensive Summer Programs may not exceed \$750 for each participating student and must be matched by not less than \$250 for each participating student in other federal, state or local funds, including private donations; and
3. uses of funding as set forth in the Texas Education Code, §29.098, that to the extent practicable, an institution of higher education shall create work-study opportunities for students enrolled in teacher preparation programs to assist in providing instruction in Intensive Summer Programs.
4. The Board may revoke an institution's participation in the pilot program based on the following factors:
 - A. noncompliance with requirements and assurances outlined in the Request for Proposals and/or the provisions of this section;
 - B. lack of program success as evidenced by progress reports and program data;
 - C. failure to meet performance standards specified in the Request for Proposals;
 - D. failure to provide accurate, timely, and complete information as required by the Board to evaluate the effectiveness of the pilot program; and
 - E. refusal to serve participants in Intensive Summer Programs.

Source Note: *The provisions of this §4.214 adopted to be effective May 22, 2008, 33 TexReg 3938*

