

PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~[Square brackets and strikethrough]~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 16. ECONOMIC REGULATION

PART 3. TEXAS ALCOHOLIC BEVERAGE COMMISSION

CHAPTER 33. LICENSING

SUBCHAPTER A. APPLICATIONS

16 TAC §33.5

The Texas Alcoholic Beverage Commission (TABC) proposes amended Rule §33.5, Food and Beverage Certificates. These amendments were originally adopted on an emergency basis and are set to expire on February 23, 2021. At this time, the TABC proposes to make the rule amendments permanent through the regular rulemaking process under the Administrative Procedure Act (Tex. Gov't Code Ch. 2001).

Background and Purpose

Amendments to Rule §33.5 were adopted on an emergency basis in September 2020 to facilitate the issuance of food and beverage certificates to licensees adding food service to their business model in response to COVID-19. After implementing the amended rule on an emergency basis, the TABC has determined that the qualifications for a food and beverage certificate, as modified, are sufficient to ensure regulatory compliance and protect public safety, while also providing the regulated community greater flexibility and reducing regulatory barriers.

Fiscal Note: Costs to State and Local Government

Shana Horton, Rules Attorney, has determined that for each year of the first five years that the proposed amendments will be in effect, they are not expected to have a significant fiscal impact upon the agency. There are no foreseeable economic implications anticipated for other units of state or local government due to the proposed amendments.

Rural Communities Impact Assessment

The proposed amendments will not have any material adverse fiscal or regulatory impacts on rural communities. The amendments will apply statewide and have the same effect in rural communities as in urban communities. Likewise, the proposed amendments will not adversely affect a local economy in a material way.

Small Business and Micro-Business Assessment/Flexibility Analysis

The proposed amendments will benefit small and micro-businesses by removing regulatory barriers to obtaining TABC approval to serve alcoholic beverages with a food and beverage certificate. Due to the proposed amendments, businesses are no longer required to have sophisticated, often expensive

kitchen equipment installed on-site to qualify, making the certificate more attainable for businesses with limited space and budgets.

Takings Impact Assessment

The proposed amendments do not affect a taking of private real property, as described by Attorney General Paxton's Private Real Property Rights Preservation Act Guidelines. The rulemaking would impose no burdens on private real property because it neither relates to, nor has any impact on, the use or enjoyment of private real property and there is no reduction in value of property as a result of this rulemaking.

Public Benefits and Costs

Ms. Horton has determined that for each year of the first five years that the proposed amendments would be in effect, the public would benefit from additional food service options at licensed businesses, such as bars. Increased consumption of food with alcoholic beverages may also result in public safety benefits. There is no increase in costs to the public.

Government Growth Impact Statement

This paragraph constitutes the commission's government growth impact statement for the proposed amendments. The analysis addresses the first five years the proposed amendments would be in effect. The proposed amendments neither create nor eliminate a government program. The proposed amendments do not require the creation of new employee positions or the elimination of existing employee positions. Implementation of the proposed amendments requires neither an increase nor a decrease in future legislative appropriations to the commission. The proposed amendments are not expected to result in a significant change in fees paid to the agency. The proposed amendments do not create new regulations. The proposed amendments do not expand the applicability of any rules or increase the number of individuals subject to existing rules' applicability beyond current rule requirements.

The proposed amendments are not anticipated to have any material impact on the state's overall economy.

Comments on the proposed amendments may be submitted in writing to Shana Horton, Rules Attorney, Texas Alcoholic Beverage Commission, attention Shana Horton, at P.O. Box 13127, Austin, Texas 78711-3127, by facsimile transmission to (512) 206-3498, or by email to rules@tabc.texas.gov. Written comments will be accepted for 30 days following publication in the *Texas Register*.

Statutory Authority

The proposed amendments are authorized by Alcoholic Beverage Code §5.31, which authorizes the TABC to prescribe and publish rules necessary to carry out the provisions of the Code.

The proposed amendments do not impact any other statutes or rules.

§33.5. *Food and Beverage Certificate.*

(a) This rule relates to §§25.13, 28.18, 32.23 and 69.16 of the Texas Alcoholic Beverage Code.

(b) Each applicant for an original or renewal food and beverage certificate shall include all information required by the commission to ensure compliance with all applicable statutes and rules. Further, each applicant for an original or renewal food and beverage certificate shall comply with all applicable executive orders of the Governor and all minimum standard health protocols in the Governor's Open Texas Checklist for restaurants.

(c) Application for the certificate shall be upon forms prescribed by the commission.

(d) The biennial certificate fee for each location is \$200.00 and must be submitted in the form of a cashier's check, U.S. postal money order, or company check made payable to the Texas Alcoholic Beverage Commission. A certificate expires upon expiration or cancellation of the primary permit or license. No prorated certificate fees will be given and no refunds made for issuance of the food and beverage certificate for less than two years.

(e) The following words and terms, when used in this section, shall have the following meaning unless the context clearly indicates otherwise:

(1) Food service--~~the cooking, preparing, serving, or assembling of food on the location [primarily for consumption at the location].~~ Commercially pre-packaged items purchased off of the location [~~which require no cooking or assembly~~] do [~~not~~] constitute food service under this section.

(2) Entree--main dish or course of a meal.

(3) Food service facilities--a designated permanent portion of the licensed location [~~; including commercial cooking equipment,~~] where food is stored and/or prepared [~~primarily~~] for consumption at the location.

(4) Premises--the designated area at a location that is licensed by the commission for the sale, service or delivery of alcoholic beverages.

(5) Location--the designated physical address of a premises, but also including all areas at that address where the permit or license holder may sell, serve or deliver alcoholic beverages for immediate consumption at the address, regardless of whether some of those areas are occupied by other businesses, as long as those businesses are contiguous.

(f) An applicant is qualified for a food and beverage certificate if the following conditions, in addition to other requirements, are satisfied:

(1) multiple entrees are available to customers; and

(2) permanent food service facilities are maintained at the location.

(g) The hours of operation for sale and service of food and of alcoholic beverages are the same except that food may be sold or served before or after the legal hours for sale of alcoholic beverages.

(h) If the applicant is a hotel that maintains separate area restaurants, lounges or bars, food service facilities must exist for each of the designated licensed premises.

(i) An applicant for an original food and beverage certificate shall furnish the following, as well as any other information requested by the commission to ensure compliance:

(1) the menu or, if no menu is available, a listing of the food and beverage items;

(2) hours of operation of food service and hours of operation for sale or service of alcoholic beverages;

(3) sales data (including complimentary drinks, as recorded pursuant to subsection (n)(3) of this section) or, if not available, a projection of sales. The sales data or projection of sales should include sufficient breakdown of revenues of food, alcoholic beverages and all other [~~major~~] sales categories (e.g. tickets, merchandise, retail goods, etc.) at the location; and

~~[(4) listing of commercial cooking equipment used in the preparation and service of food; and]~~

(4) [~~(5)~~] copies of floor plans of the location indicating the licensed premises and permanent areas devoted [~~primarily~~] to food service [~~the preparation and service of food~~].

(j) Applicants for renewal of food and beverage certificates shall submit sales data described in subsection (n) of this section. The commission may request additional information or documentation to indicate that the licensed location has permanent food service facilities for the preparation and service of multiple entrees.

(k) The commission may review the operation at the location to determine that food service with food service facilities for the preparation and service of multiple entrees is maintained. In doing so the commission may review such items as required in the original or renewal application as well as advertising, promotional items, changes in operations or hours, changes in floor plans, [~~prominence of food items on the menu as compared to alcoholic beverages,~~] name of the business at the location, [~~number of transactions with food components,~~] copies of city or county permits or certificates relating to the type of business operation, and any other item deemed necessary or applicable.

(l) Failure to provide documentation requested or accurately maintain required records is prima facie evidence of non-compliance.

(m) In verifying that food service is being maintained at the location, the commission may examine all books, papers, records, documents, supplies and equipment of the certificate holder.

(n) The following recordkeeping requirements apply to certificate holders:

(1) records must be maintained to reflect separate totals for alcoholic beverage sales or service, food sales, and all other [~~major~~] sales categories at the location;

(2) purchase invoices must be maintained to reflect the total purchases of alcoholic beverages, food and other major purchase categories at the location;

(3) complimentary alcoholic beverages must be recorded and included in the total alcoholic beverage sales as if they were sold and clearly marked as being complimentary; and

(4) all records must be maintained for four years and made available to authorized representatives of the commission upon reasonable request.

(o) In considering alcoholic beverage sales, the dollar value of complimentary drinks shall be added to total sales or service of alcoholic beverages in determining the percentage of alcoholic beverage sales or service on the licensed premises.

(p) In determining the permanent food service facilities requirement under subsection (f)(2), the gross receipts of all business entities sharing the location [(as identified in the original or a supplemental application)] will be considered. For audit purposes, it shall be the responsibility of the food and beverage certificate holder to provide financial and accounting records related to food, alcohol, and other [major] sales categories of all business entities sharing the location. For audit purposes, if such information that is provided is deemed insufficient to determine if a permit or license holder qualifies for issuance of a food and beverage certificate at the location, the computation and determination of the percentage of alcohol sales or service fees to total gross receipts at the licensed location may be based upon any available records of information.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Shana Horton

Rules Attorney

Texas Alcoholic Beverage Commission

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For further information, please call: (512) 487-9905



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION SUBCHAPTER V. TEXAS TRANSFER ADVISORY COMMITTEE AND DISCIPLINE- SPECIFIC SUBCOMMITTEES

19 TAC §§1.237 - 1.243

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Chapter 1, Subchapter V, §§1.237-1.243. Specifically, the new rules create the Texas Transfer Advisory Committee and Discipline-Specific Subcommittees as part of the implementation of Texas Education Code §61.823.

In conjunction with this rulemaking, the Coordinating Board is repealing Chapter 27 of the Board Rules that previously implemented the advisory committee requirements of §61.823. These proposed rules replace the existing advisory committee structure.

Agency staff conducted more than twenty-four meetings, over a span of six months, using an informal stakeholder workgroup to develop a conceptual framework for both the substantive revisions of the transfer rules and to develop an advisory committee structure to implement Texas Education Code §61.823. The stakeholder workgroup was composed of an equal number of representatives from public junior colleges and general academic teaching institutions. The proposed rules in this subchapter and the Texas Transfer Advisory Committee rules in Title 19, Chapter 4, Subchapter B, address longstanding challenges in the transfer system to enable students to earn and reliably

transfer credits among institutions of higher education. These rules create additional certainty for students and institutions toward the goal of reducing the cost of higher education for Texas families.

Rule 1.237 defines the purpose and authority for the rules.

Rule 1.238 defines terms used in this subchapter. The terms are defined with reference to the rules proposed in the repeal and re-adoption of Chapter 4, Subchapter B. Using cross-references to Chapter 4, Subchapter B, will ensure that the definitions are consistent between the two chapters and that people and institutions affected by the rules will understand the relationship between the two chapters.

Rule 1.239 sets out the duties of the new advisory committee, Texas Transfer Advisory Committee (TTAC), that will advise the Commissioner of Higher Education (Commissioner) on the development of the courses in the Field of Study Curricula and transfer efficiency. The stakeholder workgroup recommended the creation of a central advisory committee to oversee the development of Field of Study Curricula through the use of Discipline-Specific Subcommittees that will report back to the TTAC. The TTAC will then make recommendations to the Commissioner who may approve or deny Field of Study Curricula as defined in new the Chapter 4, Subchapter B rules. The TTAC's composition of an equal number of members from public junior colleges and general academic teaching institutions is anticipated to create more confidence in the feasibility and efficiency of transfer of Field of Study Curricula.

The agency developed the proposed duties through the six months of informal stakeholder meetings addressing the areas that public junior colleges and general academic teaching institutions felt were in need of greater input and guidance to resolve on-going challenges in transfer credits, such as preparing students to meet the academic demands of all institutions while creating predictability and consistency for two-year institutions and their students. Allowing one advisory committee, TTAC, to have oversight of the Discipline-Specific Subcommittees that will advise on the specific courses that should be included in each Field of Study Curriculum, will allow for greater consensus and consistency in the development of Field of Study Curricula. The stakeholder workgroup set out various activities that the TTAC should review, assess, and advise the Commissioner on in conjunction with the development of the Field of Study Curricula.

Rule 1.240 sets out the composition, terms, and officers of the TTAC to meet the requirements of Texas Education Code §61.823.

Rule 1.241 provides that TTAC shall meet at least annually. The rule also defines a quorum of the advisory committee as a majority of the representatives of each the public junior colleges and general academic teaching institutions. This rule is intended to ensure equal representation and voting power between the sending and receiving institutions affected by the development and implementation of the Field of Study Curricula.

Rule 1.242 sets out the duties of the subcommittees, which include recommending to the TTAC specific courses for inclusion in each Field of Study Curriculum. Their meetings and processes are set out more fully in the Texas Transfer Framework Rules in Chapter 4, Subchapter B.

Rule 1.243 sets out the composition, terms, and officers of the subcommittees. While the subcommittees are not independent

advisory committees they will be composed of an equitable and representative combination of subject matter experts from public junior colleges and academic teaching institutions.

Dr. Stacey Silverman, Assistant Commissioner, Academic Quality and Workforce, has determined that for each of the first five years the rules are in effect there would be no fiscal implications for state or local governments as a result of adopting these the rules. There are no estimated reductions in costs to the state or to local governments as a result of replacing Chapter 27 with these rules. There is no estimated loss or increase in revenue to the state or to local governments as a result of adopting Chapter 27 with these rules.

There is no impact on small businesses, micro businesses, or rural communities. There is no anticipated impact on local employment.

Dr. Silverman has also determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of administering these sections will be greater clarity in the transfer process and long-term reduced cost of education for students who enter higher education at a two-year institution. There are no anticipated economic costs to persons who are required to comply with the rules as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will create rules 1.237-1.243;
- (6) the rules will replace current rules in chapter 27;
- (7) the rules will not change the number of individuals subject to the rules; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Stacey Silverman, Ph.D., Assistant Commissioner, Academic Quality and Workforce, P.O. Box 12788, Austin, Texas 78711, or via email at AQW@highered.texas.gov. Comments will be accepted for thirty days following publication of the proposal in the *Texas Register*.

The rules are proposed under the Texas Education Code, §§61.821 and 61.823, which provide for Field of Study Curricula and authorize the Board to utilize advisory committees to assist the Board. Texas Education Code §61.028(a) authorizes the Board to delegate duties to the Commissioner of Higher Education.

The proposed rules affect Texas Education Code, §§61.059, 61.0593, 61.821-61.823, and 61.824-61.827. The rules are not subject to Government Code §2001.0045 because they do not have a fiscal impact.

§1.237. Authority and Purpose.

(a) The authority for the Texas Transfer Advisory Committee is Texas Education Code §61.823.

(b) The purpose of the Texas Transfer Advisory Committee is to advise the Commissioner on development of the Field of Study Curricula.

§1.238. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings:

- (1) Board--The Texas Higher Education Coordinating Board.
- (2) Commissioner--The Commissioner of Higher Education.
- (3) Core Curriculum or Texas Core Curriculum (TCC)--a required curriculum for an undergraduate degree, as defined in Title 19, Chapter 4, Subchapter B, §4.23(3) (relating to Definitions).
- (4) Directed Electives--a component of the Field of Study Curriculum, as defined in Title 19, Chapter 4, Subchapter B, §4.23(4).
- (5) Discipline Foundation Courses (DFC)--a component of the Field of Study Curriculum, as defined in Title 19, Chapter 4, Subchapter B, §4.23(5).

(6) Discipline-Specific Subcommittee--a subcommittee comprised of faculty from general academic teaching institutions and public junior colleges in a single discipline. The Chief Academic Officer of each university system or institution of higher education which offers a degree program for which a Field of Study Curriculum is proposed may submit a recommended nominee. A Discipline-Specific Subcommittee is formed at the request of the Texas Transfer Advisory Committee to aid and advise the development of a Field of Study Curriculum in a specific discipline. A Discipline Specific Subcommittee is not an advisory committee.

(7) 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 or assistant provost, or dean.

(8) Field of Study Curriculum--a set of courses that satisfy baccalaureate degree requirements in a specific academic area, as defined in Title 19, Chapter 4, Subchapter B, §4.23(7).

(9) General academic teaching institution--an institution of higher education as defined in Texas Education Code, §61.003(3).

(10) 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).

(11) Public junior college--an institution of higher education as defined in Texas Education Code, §61.003(2).

(12) Texas Transfer Advisory Committee (TTAC)--the advisory committee with responsibility for advising the Commissioner and Board on Field of Study Curricula, including their establishment and revision. The TTAC may request to form a Discipline-Specific Subcommittee to assist in the development of a Field of Study Curriculum.

§1.239. Duties of the Texas Transfer Advisory Committee.

(a) The Texas Transfer Advisory Committee (TTAC) shall advise the Commissioner and Board on the following:

(1) Oversight of the Field of Study Curricula, review of relevant data, coordination of the schedule of discipline-specific reviews, and recommending discipline-specific curricula;

(2) Recommendations for Field of Study Curricula to be approved by the Commissioner, including recommendations of Texas Core Curriculum courses relevant to specific disciplines and courses for the Discipline Foundation Courses and the Directed Electives components;

(3) Reviewing and making recommendations to the Commissioner to optimize the transferability and applicability of credits and increase transfer students' success within majors;

(4) Development and coordination of a Field of Study Curricula review schedule for the Discipline-Specific Subcommittees based on reasonable factors, including prioritizing development of frameworks in high-enrollment and high-need disciplines;

(5) Convening and reviewing the work of Discipline-Specific Subcommittees, in accordance with the established Field of Study Curricula review schedule;

(6) Monitoring curricular changes at general academic teaching institutions and student course enrollment patterns within and across public junior colleges and general academic teaching institutions;

(7) Developing the Discipline Foundation Courses component of the Field of Study Curriculum, with consideration for the most frequently used transfer pathways; and

(8) Recommendations regarding the timing and structure of transfer policy-related agency surveys and data collection from institutions of higher education, and the timely and appropriate dissemination of information to help inform institutional decisions about curriculum and program design.

(b) The agency shall provide a 30-day informal notice and comment period to all impacted institutions prior to the Commissioner's approval or denial of a set of Discipline Foundation Courses.

(c) At least annually, the TTAC will report on the recommendations of the Discipline-Specific Subcommittees, the status of these subcommittees, and other recommendations as appropriate to improve student transfer and success across the state.

§1.240. Texas Transfer Advisory Committee Composition, Officers, and Terms.

(a) The Texas Transfer Advisory Committee (TTAC) shall be composed of no more than twenty-four (24) members. The committee will be equally composed of representatives of public junior colleges and general academic teaching institutions.

(1) At least a majority of the members of the TTAC shall be faculty members of an institution of higher education. The Chief Academic Officer of an institution shall consult with the faculty of the institution before nominating or recommending a person to the Board as the institution's representative on the TTAC.

(2) The TTAC shall also include student and academic advisor representatives as ex-officio members who are not included among the 24 committee members.

(3) The Commissioner will consider the appropriate representation of higher education sectors, including representation from the Board Accountability Peer Groups, in selecting members of TTAC.

(4) The Commissioner has final authority to appoint TTAC membership.

(b) Members shall serve staggered terms of up to three years.

(c) The TTAC will have co-chairs appointed by the Commissioner: one from a public junior college and one from a general academic teaching institution. The Commissioner may appoint a chair to serve not more than three terms.

§1.241. Meetings of the Texas Transfer Advisory Committee.

(a) The Texas Transfer Advisory Committee will meet at least twice a year and may do so more frequently as needed if both co-chairs agree.

(b) All meetings will be open to the public and broadcast on the web.

(c) A quorum of the TTAC requires presence of a majority of the twelve members representing the public junior colleges and a majority of the twelve members representing the general academic teaching institutions.

§1.242. Duties of the Discipline-Specific Subcommittees.

The Discipline-Specific Subcommittees shall advise the Texas Transfer Advisory Committee (TTAC) as requested by TTAC on course curricular issues, including the following:

(1) Current structures of and recent changes in degree program requirements, student course enrollment patterns, and student success within and across public junior colleges and general academic teaching institutions for a given discipline, at the direction of the TTAC.

(2) Recommendations for the list of courses to be included in a Field of Study Curriculum for a discipline, including identifying discipline-related courses within the Texas Core Curriculum and a recommended set of Discipline Foundation Courses.

§1.243. Discipline-Specific Subcommittees Composition, Officers, and Terms.

(a) The Discipline-Specific Subcommittees shall be composed of an equal representation of public junior college faculty and general academic teaching institution faculty from nominees recommended by the Chief Academic Officer of every college or university that chooses to participate on that discipline-specific workgroup. The Commissioner has final authority to select members of the Discipline-Specific Subcommittees.

(b) Members shall serve staggered terms of up to three years but may be replaced upon nomination of a new representative by their institution's Chief Academic Officer.

(c) Each subcommittee shall select two co-chairs from its membership to preside over the subcommittee. The co-chairs must include one co-chair from the public junior college members and one co-chair from the general academic teaching institution members.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 4, 2021.

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6206



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

19 TAC §§4.21 - 4.36

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter B, §4.21-4.36 concerning Transfer of Credit, Core Curriculum and Field of Study Curricula. Specifically, the repeal of Subchapter B is in anticipation of establishing a new Subchapter B rules in Title 19, Chapter 4.

In conjunction with this rulemaking, the Coordinating Board is repealing Chapter 27 of the Board Rules that previously implemented the advisory committee requirements of §61.823, and replacing that chapter with new Chapter 1, Subchapter V. The Board proposes to repeal existing Chapter 4, Subchapter B, and, via separate rulemaking, proposes to re-adopt Chapter 4, Subchapter B.

Agency staff conducted more than twenty-four meetings, over a span of six months, using an informal stakeholder workgroup to develop a conceptual framework for both the substantive revisions of rules governing Field of Study Curriculum and transfer of credit between institutions. The stakeholder workgroup was composed of an equal number of representatives from public junior colleges and general academic teaching institutions. The Coordinating Board proposes the repeal of existing Chapter 4, Subchapter B, to implement the proposed new Chapter 4, Subchapter B rules, along with the Texas Transfer Advisory Committee rules in Title 19, Chapter 1, Subchapter V. These rulemakings will address longstanding challenges in the transfer system to enable students to earn and reliably transfer credits among institutions of higher education. These rules create additional certainty for students and institutions toward the ultimate goal of reducing the cost of higher education for Texas families.

Dr. Stacey Silverman, Assistant Commissioner, Academic Quality and Workforce, has determined that for the first five years the repeal is in effect there would be no fiscal implications for state or local governments as a result of repealing the rules.

There is no fiscal impact on small businesses, micro businesses, or rural communities. There is no anticipated impact on local employment.

Dr. Silverman has also determined that for each year of the first five years after the repeal of the rules the public benefit anticipated as a result of administering the sections will be greater clarity in the transfer process and movement toward the long-term goal of reduced cost of education for students who enter higher education at a two-year institution. There are no anticipated economic costs to persons who are required to comply with the rules.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule but will be replaced by proposed new Subchapter B rules in Title 19, Chapter 4;

(6) the rules will not limit existing rules;

(7) the rules will not change the number of individuals subject to the rules; and

(8) the rules have no affect on the state's economy.

Comments on the proposed repeal may be submitted to Stacey Silverman, Ph.D., Assistant Commissioner, Academic Quality and Workforce, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711 or via email at AQW@highered.texas.gov. Comments will be accepted for thirty days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code §61.027, which provides the Coordinating Board with general rulemaking authority; Texas Education Code §61.002, which establishes the Coordinating Board as the agency charged to provide leadership and coordination for the Texas higher education system; Texas Education Code §61.051, which provides the Coordinating Board with authority to coordinate institutions of public higher education in promoting quality education; and Texas Education Code §§61.821, 61.8221, 61.823-61.828, 61.830, 61.059(l), 61.059(p), and 61.0593, which provide for the development and implementation of field of study curricula, authorize the Board to form advisory committees to assist the Board, and authorize the Board to adopt rules as necessary. Texas Education Code §61.028(a) authorizes the Board to delegate duties to the Commissioner of Higher Education.

The proposed repeal affects Texas Education Code §61.822.

§4.21. *Purpose.*

§4.22. *Authority.*

§4.23. *Definitions.*

§4.24. *General Provisions.*

§4.25. *Requirements and Limitations.*

§4.26. *Penalty for Noncompliance with Transfer Rules.*

§4.27. *Resolution of Transfer Disputes for Lower-Division Courses.*

§4.28. *Core Curriculum.*

§4.29. *Core Curricula Larger than 42 Semester Credit Hours.*

§4.30. *Institutional Assessment and Reporting.*

§4.31. *Implementation and Revision of Core Curricula.*

§4.32. *Field of Study Curricula.*

§4.33. *Criteria for Evaluation of Field of Study Curricula.*

§4.34. *Revision of Existing Approved Field of Study Curricula.*

§4.35. *Texas Common Course Numbering System.*

§4.36. *Undergraduate Academic Certificate.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Texas Higher Education Coordinating Board
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For further information, please call: (512) 427-6206



19 TAC §§4.21 - 4.38

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Chapter 4, Subchapter B, §§4.21 - 4.36 and new rules in Chapter 4, Subchapter B, §§4.21 - 4.38. Specifically, the repeal and new rules are part of the implementation of Texas Education Code §§61.821 and 61.823.

In conjunction with this rulemaking, the Coordinating Board is repealing Chapter 27 of the Board Rules that previously implemented the advisory committee requirements of §61.823, and replacing that chapter with new Chapter 1, Subchapter V. The Board is repealing existing Chapter 4, Subchapter B, and proposes new rules as detailed below. The Coordinating Board proposes Chapter 4, Subchapter B, rules 4.21, 4.24, 4.26, 4.28 - 4.31 without changes to current rules which are being proposed for repeal. Rule 4.37 as proposed is renumbered without changes from current rule 4.35 which is being proposed for repeal. Rule 4.38 as proposed is renumbered with only typographical corrections from current rule 4.36 which is being proposed for repeal.

Agency staff conducted more than twenty-four meetings, over a span of six months, using an informal stakeholder workgroup to develop a conceptual framework for both the substantive revisions of rules governing Field of Study Curriculum and transfer of credit between institutions. The stakeholder workgroup was composed of an equal number of representatives from public junior colleges and general academic teaching institutions. The proposed rules in this subchapter and the Texas Transfer Advisory Committee rules in Title 19, Chapter 1, Subchapter V, address longstanding challenges in the transfer system to enable students to earn and reliably transfer credits among institutions of higher education. These rules create additional certainty for students and institutions toward the ultimate goal of reducing the cost of higher education for Texas families.

The Coordinating Board proposes a new advisory committee structure to implement Texas Education Code §61.823 that utilizes one advisory committee (the new Texas Transfer Advisory Committee or "TTAC") that works with the assistance of subcommittees to lend expertise and make recommendations to the Texas Transfer Advisory Committee on courses that should be included in Discipline Foundation Courses, selected discipline-relevant Texas Core Curriculum courses, and the development of the Field of Study Curricula.

The Texas Transfer Advisory Committee is composed of an equal number of representatives from groups representing public junior colleges and general academic teaching institutions, not to exceed a total of 24 members. A quorum of the Texas Transfer Advisory Committee is defined as a majority of members from each group. The Texas Transfer Advisory Committee will convene Discipline-Specific Subcommittees to recommend Discipline Foundation Courses in each Field of Study Curriculum that the Texas Transfer Advisory Committee proposes to develop and recommend to the Commissioner of

Higher Education. The Texas Transfer Advisory Committee must have a super-majority of the representatives of each of the public junior colleges and general academic teaching institutions in order to recommend a Field of Study Curriculum to the Commissioner for approval. The TTAC may vote by simple majority to send a proposed Field of Study Curriculum back to the subcommittee for revision if they do not vote to approve it as proposed.

The Field of Study Curriculum is composed of three components that together will fulfill the requirement of Education Code §61.823: discipline-relevant courses selected from the existing Texas Core Curriculum, the Discipline Foundation Courses, and Directed Electives. With the assistance of the Discipline-Specific Subcommittees, the TTAC will develop and recommend the set of recommended discipline-relevant Texas Core Curriculum courses and the Discipline Foundation Courses to the Commissioner.

The Discipline Foundation Courses are a set of courses within a major course of study, consisting of up to twelve (12) semester credit hours, selected for inclusion in a Field of Study Curriculum for that discipline. These courses will apply toward undergraduate degrees within the Field of Study Curriculum at all Texas public institutions that offer a corresponding major or track, except for those institutions approved to require alternative Discipline Foundation Courses under Title 19, Chapter 4, Subchapter B, §4.35.

Directed Electives are a set of courses that apply toward a major course of study within a Field of Study Curriculum at a specific general academic teaching institution. The Directed Electives for each Field of Study Curriculum must consist of at least six (6) semester credit hours. The Directed Electives and Discipline Foundation Courses components combined may not exceed eighteen (18) semester credit hours in total. Each institution will submit its Directed Electives to the Board in addition to posting them on the institution's website. This established list and its publication will allow students to ensure that they can enroll in courses that are applicable to a bachelor's degree. The publication requirements allow a general academic teaching institution to assist transfer students in becoming well-prepared to complete the institution's upper-division course work and earn a degree. By creating a definite list of Discipline Foundation Courses, and combining those with the selected discipline-relevant Texas Core Curriculum, and a published set of Directed Electives for each Field of Study Curriculum at a receiving institution, the Board anticipates the reliability of transfer and certainty for students and sending institutions will be greatly improved. The collaborative process, which includes super-majority voting requirements, will create the opportunity for two- and four-year institutions to work together to improve outcomes and ultimately reduce cost for Texas students. The rules also revise the credit transfer dispute resolution process by improving transparency for students about the procedure and allowing students or sending institutions to appeal to the Commissioner as an option of last resort.

Each general academic teaching institution will determine whether a student is Field of Study Curriculum complete. Each general academic teaching institution must transfer the credit and substitute that block of courses for that institution's lower-division courses upon enrollment of a student who is Field of Study Curriculum complete. A student who is Field of Study Curriculum complete can then move on to the upper-division courses required of students native to that institution. The rules

meet the requirement of Texas Education Code §61.823, by requiring a general academic teaching institution to transfer applicable credits for partial completion of a Field of Study Curriculum upon enrollment of a transfer student.

The rules also provide for a data-driven evaluation process by requiring institutions to report certain data to the Coordinating Board so that the institution and the Board can determine whether and how the new processes and Field of Study Curricula improve transfer pathways in Texas over time.

Rule 4.21 is proposed without changes to current rule 4.21 which is being proposed for repeal.

Rule 4.22 states the authorities for the rules in subchapter B to reflect new provisions governing Field of Study Curricula.

Rule 4.23 includes definitions for terms used in Chapter 4, Subchapter B, and cross-referenced to Chapter 1, Subchapter V.

Rule 4.23(4) "Directed Electives" is defined as at least six credit hours that each general academic teaching institution may require as one component of Field of Study Curriculum for completion at that institution. The general academic teaching institution must publish the Directed Electives on its website and cross-list the courses using the Texas Common Course Numbering System course number. These courses are limited to those in the Lower-Division Academic Course Guide Manual.

Rule 4.23(5) defines "Discipline Foundation Courses" as courses within a major course of study that form one component of Field of Study Curriculum. Each institution must apply the credits toward the student's corresponding major or track offered by the institution for that Field of Study.

Rule 4.23(6) defines "Discipline-Specific Subcommittee" as a subcommittee formed by the Texas Transfer Advisory Committee (TTAC). These subcommittees are charged with recommending to the TTAC courses that should be included in a Field of Study Curriculum developed by TTAC.

Rule 4.23(7) implements Field of Study Curriculum set out in Education Code §61.823. The Field of Study Curriculum has three components: (a) selected discipline-relevant Texas Core Curriculum courses, (b) the Discipline Foundation Courses, and (c) the Directed Electives. Each receiving institution must apply the credit for any Field of Study Curriculum courses completed by the student to the required coursework for the degree program to the corresponding degree program offered by the receiving institution.

Rule 4.23(8) and (9) defines types of institutions of higher education to conform to Education Code §61.003.

Rule 4.23(11) defines the new Texas Transfer Advisory Committee (TTAC), which replaces the advisory committees in Chapter 27, being repealed in conjunction with this rulemaking. The TTAC has responsibility for advising the Commissioner on Field of Study Curricula, including their establishment and revision. The TTAC may request to form a Discipline-Specific Committee to assist in the development of a Field of Study Curriculum.

Rule 4.24 is proposed without changes to current rule 4.24 which is being proposed for repeal.

Rule 4.25 relates to general transfer of credit requirements and prohibitions.

Rule 4.26 is proposed without changes to current rule 4.26 which is being proposed for repeal.

Rule 4.27 provides clarity and specificity around the resolution of credit transfer disputes among institutions. The rules require a receiving institution that proposes to deny a student's transfer credits to provide notice to the student and under certain timelines. If the sending and receiving institutions are unable to resolve the dispute, the student or the sending institution may appeal to the Commissioner. The Commissioner or his designee will make the final determination about the transfer of credit. Each institution must publish the transfer credit dispute process in its course catalog. The Board is required to keep and track data on transfer credit dispute resolutions.

Rules 4.28 - 4.31 governing the Texas Core Curriculum are proposed without changes to current rules 4.28 - 4.31 which are being proposed for repeal and will be reviewed in a future negotiated rulemaking.

Rule 4.32 as proposed describes the creation and implementation of Field of Study Curricula in detail. The rule provides that the Commissioner will appoint the TTAC and the TTAC may request the assistance of a Discipline-Specific Subcommittee to assist the Texas Transfer Advisory Committee. The TTAC will recommend a new Field of Study Curriculum to the Commissioner who is authorized to approve or deny the Field of Study Curriculum. Consistent with rule 4.23(7), the rule sets out the three components of a new Field of Study Curriculum and sets out the mandatory provisions of the Discipline Foundation Courses and Directed Electives. Subsection (b)(2)(E) creates a process by which a general academic teaching institution may seek approval from the Commissioner to create an alternative list of Discipline Foundation Courses for the institution in exceptional circumstances, specified in the rule. The rule sets out the process for approval of the alternative Discipline Foundation Courses. This rule sets out the requirements for reporting and publication of the Discipline Foundation Courses.

Subsection (b)(3) describes the process governing an institution's selection, reporting, and publication of its Directed Electives. The rule specifies that each institution must have at least six hours of Directed Electives for each Field of Study Curriculum and that the Directed Electives and Discipline Foundation Courses must total eighteen (18) credit hours for each institution.

Subsection (c), as proposed, provides that a receiving general academic teaching institution shall determine whether a transfer student is Field of Study Curriculum complete upon the transfer student's enrollment. If a student successfully completes an approved Field of Study Curriculum, a general academic teaching institution must substitute that block of courses for the receiving institution's lower-division requirements for the degree program for the corresponding Field of Study Curriculum into which the student transfers.

Subsection (d) describes the acceptance and application of credit when a student has achieved only partial completion of a Field of Study Curriculum prior to enrollment in a receiving general academic teaching institution.

The rule sets out the requirements for publication of the Field of Study Curricula and transcription requirements.

Subsection (g) of the proposed rule establishes transition provisions that govern the expiration of Field of Study Curricula and how institutions should "teach out" students who, on or before August 31, 2022, have earned credit in a Field of Study Curriculum that exists on March 1, 2021.

Rule 4.33 as proposed sets out the process for approval of the Field of Study Curricula, including Texas Transfer Advisory Committee's use of Discipline-Specific Subcommittees, the TTAC's process for voting on approval to recommend a Field of Study Curriculum to the Commissioner and the Commissioner's authority to approve or deny the Field of Study Curriculum.

The rule provides that the Texas Transfer Advisory Committee's approval of a Field of Study Curriculum requires approval by a supermajority vote of two-thirds of the general academic teaching institution representatives who are present and voting and two-thirds of the public junior college representatives who are present and voting.

The rule as proposed also creates a process for the Commissioner to provide informal notice and receive comments from affected institutions prior to approving or denying the Field of Study Curricula recommended by the TTAC. The Commissioner will report to the Board all Field of Study Curricula the Commissioner has approved or denied since the last quarterly Board meeting. The Commissioner will provide an annual report to the TTAC on all Field of Study Curricula that the Commissioner approved during the prior year.

Rule 4.34 specifies the conditions upon which the Commissioner will consider and modify or revise a Field of Study Curriculum.

Rule 4.35 sets out the process by which a general academic teaching institution may petition the Commissioner to create an alternative list of Discipline Foundation Courses for the institution in exceptional circumstances, specified in the rule. The rule sets out the process for approval of the alternative Discipline Foundation Courses. This rule sets out the requirements for reporting and publication of the alternative Discipline Foundation Courses. The Commissioner will consider a petition for alternative Discipline Foundation Courses (DFC) not later than 30 days after receiving the report from TTAC. The Commissioner will inform the Board and maintain on the Board's website a list of approved alternative DFC.

Rule 4.36 proposes the provisions of current rule 4.33 which is being proposed for repeal. This provision requires institutions of higher education to submit evaluations of the transfer policies, including data on the degree programs that have Field of Study Curricula, credit transfer data, and advising practices. The data must include: 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.

Subsection (c) of the rule sets out requirements for the TTAC to create a schedule for review of Field of Study Curricula.

Rule 4.37 as proposed is renumbered without changes from current rule 4.35 which is being proposed for repeal.

Rule 4.38 as proposed is renumbered with only typographical corrections from current rule 4.36 which is being proposed for repeal.

Dr. Stacey Silverman, Assistant Commissioner, Academic Quality and Workforce, has determined that for each of the first five years the rules are in effect there would be no fiscal implications

for state or local governments as a result of repealing and replacing Chapter 4, Subchapter B, with these rules. There are no estimated reductions in costs to the state or to local governments as a result of repealing and replacing Chapter 4, Subchapter B, with these rules. There is no estimated loss or increase in revenue to the state or to local governments as a result of repealing and proposing new Chapter 4, Subchapter B, with these rules.

There is no fiscal impact on small businesses, micro businesses, or rural communities. There is no anticipated impact on local employment.

Dr. Silverman has also determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of administering these sections will be greater clarity in the transfer process and long-term reduced cost of education for students who enter higher education at a two-year institution. There are no anticipated economic costs to persons who are required to comply with the rules as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will create new rules;
- (6) the rules will replace current rules in Chapter 4, Subchapter B;
- (7) the rules will not change the number of individuals subject to the rules; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Stacey Silverman, Ph.D., Assistant Commissioner, Academic Quality and Workforce, P.O. Box 12788, Austin, Texas 78711, or via email at AQW@highered.texas.gov. Comments will be accepted for thirty days following publication of the proposal in the *Texas Register*.

The new rules are proposed under Texas Education Code §61.027, which provides the Coordinating Board with general rulemaking authority; Texas Education Code §61.002, which establishes the Coordinating Board as the agency charged to provide leadership and coordination for the Texas higher education system; Texas Education Code §61.051, which provides the Coordinating Board with authority to coordinate institutions of public higher education in promoting quality education; and Texas Education Code §§61.821, 61.8221, 61.823-61.828, 61.830, 61.059(l), 61.059(p), and 61.0593, which provide for the development and implementation of Field of Study Curricula, authorize the Board to form advisory committees to assist the Board, and authorize the Board to adopt rules as necessary. Texas Education Code §61.028(a) authorizes the Board to delegate duties to the Commissioner of Higher Education.

The proposed new rules affect Texas Education Code §61.822.

§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.

§4.22. Authority.

The Board is authorized to adopt rules and establish policies and procedures for the development, adoption, implementation, funding, and evaluation of Core Curricula, Field of Study Curricula, and a transfer dispute resolution process under Texas Education Code §§61.059, 61.0593, 61.821, 61.823 - 61.828.

§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 or Texas 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 all institutions of higher education that offer academic undergraduate degree programs.

(4) Directed Electives--a set of courses within a major course of study, consisting of at least six semester credit hours, specific to each general academic teaching institution and prescribed by the faculty of each general academic teaching institution. Directed Electives form part of the Field of Study Curriculum.

(5) Discipline Foundation Courses (DFC)--a set of courses within a major course of study, consisting of up to twelve (12) semester credit hours. The Discipline Foundation Courses form part of the Field of Study Curriculum.

(6) Discipline-Specific Subcommittee--a subcommittee established under Title 19, Chapter 1, Subchapter V, §1.242 and §1.243. Each subcommittee is comprised of faculty from general academic teaching institutions and public junior colleges in a single discipline.

(7) Field of Study Curriculum--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. The Field of Study Curriculum has three components: (a) selected discipline-relevant Texas Core Curriculum courses, (b) the Discipline Foundation Courses, and (c) the Directed Electives.

(8) General academic teaching institution--an institution of higher education defined in Texas Education Code, §61.003(3).

(9) Public junior college--an institution of higher education defined in Texas Education Code, §61.003(2).

(10) Texas Common Course Numbering System (TCCNS)--a Board-approved course numbering system for lower-division academic courses that assigns common course numbers in order to facilitate the transfer of lower-division academic courses among institutions of higher education by promoting consistency in course designation and identification.

(11) Texas Transfer Advisory Committee--the advisory committee established under Title 19, Chapter 1, Subchapter V. The Texas Transfer Advisory Committee has responsibility for advising the Commissioner and Board on Field of Study Curricula, including their establishment and revision. The Texas Transfer Advisory Committee

may request to form a Discipline-Specific Committee to assist in the development of a Field of Study Curriculum.

(12) 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.

(13) Lower-Division Academic Course Guide Manual (ACGM)--a Board-approved publication listing academic courses that public two-year colleges may teach and report for contact hour reimbursement from state appropriations without special approval from the Board. Courses (except for developmental courses) listed in the ACGM are freely transferable among all public institutions of higher education in Texas in accordance with the Texas Education Code, §61.822.

(14) Faculty Member--a person 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.

§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.

§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 that offers lower-division courses 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 must accept the same number of lower-division semester credit hours from transfer students as required for non-transfer students in the same baccalaureate program; however,

(1) An institution is not required to accept in transfer more semester 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, an institution is not 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 is not required to transfer credit in courses in which the student earned a "D" in the student's Field of Study Curriculum courses, Core Curriculum courses, or major.

(e) Each institution of higher education that admits undergraduate transfer students 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 institution, including an orientation program similar to that provided for entering freshman enrollees.

(f) An institution of higher education is not 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 semester 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.

§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.

§4.27. Resolution of Transfer Disputes for Lower-Division Courses.

(a) Institutions of higher education shall apply the following procedures 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 it intends to deny the transfer of the course credit and shall include in that notice the reasons for the denial. The receiving institution must attach the procedures for resolution of transfer disputes for lower-division courses as outlined in this section to notice. The notice and procedure must include:

(A) clear instructions for appealing the decision to the Commissioner; and

(B) the name and contact information for the designated official at the receiving institution who is authorized to resolve the credit transfer dispute.

(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 this section.

(4) If the student or the sending institution is not satisfied with the resolution of the credit transfer dispute, the student or the sending institution may notify the Commissioner in writing of the request for transfer dispute resolution. A receiving institution that denies course credit for transfer shall notify the Commissioner in writing of its denial and the reasons for the denial not later than the 45th day after the date the receiving institution provided the required notice of the transfer credit denial under subsection (a)(1) of this section.

(b) The Commissioner or the Commissioner's designee shall make the final determination about a credit transfer dispute and give written notice of the determination to the student and institutions. The decision is not a contested case. The Commissioner's decision is final and may not be appealed.

(c) Each institution of higher education shall publish in its course catalogs the procedures specified in 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 institution 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.

§4.28. Core Curriculum.

(a) General.

(1) In accordance with Texas Education Code, §§61.821 - 61.832, each institution of higher education that offers an undergraduate academic degree program shall design and implement a core curriculum, including specific courses composing the curriculum, of no less than 42 lower-division semester credit hours.

(2) No upper-division course shall be approved to fulfill a foundational component area requirement in the core curriculum if it is substantially comparable in content or depth of study to a lower-division course listed in the Lower-Division Academic Course Guide Manual.

(3) Medical or dental units that admit undergraduate transfer students should encourage those students to complete their core curriculum requirement at a general academic teaching institution or public junior college.

(b) Texas Core Curriculum. Each institution of higher education that offers an undergraduate academic degree program shall develop its core curriculum by using the Board-approved purpose, core objectives, and foundational component areas of the Texas Core Curriculum.

(1) Statement of Purpose. Through the Texas Core Curriculum, students will gain a foundation of knowledge of human cultures and the physical and natural world, develop principles of personal

and social responsibility for living in a diverse world, and advance intellectual and practical skills that are essential for all learning.

(2) Core Objectives. Through the Texas Core Curriculum, students will prepare for contemporary challenges by developing and demonstrating the following core objectives:

(A) Critical Thinking Skills: to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information;

(B) Communication Skills: to include effective development, interpretation and expression of ideas through written, oral and visual communication;

(C) Empirical and Quantitative Skills: to include the manipulation and analysis of numerical data or observable facts resulting in informed conclusions;

(D) Teamwork: to include the ability to consider different points of view and to work effectively with others to support a shared purpose or goal;

(E) Personal Responsibility: to include the ability to connect choices, actions and consequences to ethical decision-making; and

(F) Social Responsibility: to include intercultural competence, knowledge of civic responsibility, and the ability to engage effectively in regional, national, and global communities.

(3) Foundational Component Areas with Content Descriptions, Core Objectives and Semester Credit Hour (SCH) Requirements. Each institution's core curriculum will be composed of courses that adhere to the content description, core objectives, and semester credit hour requirements for a specific component area. The foundational component areas are:

(A) Communication (6 SCH).

(i) Courses in this category focus on developing ideas and expressing them clearly, considering the effect of the message, fostering understanding, and building the skills needed to communicate persuasively.

(ii) Courses involve the command of oral, aural, written, and visual literacy skills that enable people to exchange messages appropriate to the subject, occasion, and audience.

(iii) The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Teamwork, and Personal Responsibility.

(B) Mathematics (3 SCH).

(i) Courses in this category focus on quantitative literacy in logic, patterns, and relationships.

(ii) Courses involve the understanding of key mathematical concepts and the application of appropriate quantitative tools to everyday experience.

(iii) The following three Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, and Empirical and Quantitative Skills.

(C) Life and Physical Sciences (6 SCH).

(i) Courses in this category focus on describing, explaining, and predicting natural phenomena using the scientific method.

(ii) Courses involve the understanding of interactions among natural phenomena and the implications of scientific principles on the physical world and on human experiences.

(iii) The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Empirical and Quantitative Skills, and Teamwork.

(D) Language, Philosophy, and Culture (3 SCH).

(i) Courses in this category focus on how ideas, values, beliefs, and other aspects of culture express and affect human experience.

(ii) Courses involve the exploration of ideas that foster aesthetic and intellectual creation in order to understand the human condition across cultures.

(iii) The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.

(E) Creative Arts (3 SCH).

(i) Courses in this category focus on the appreciation and analysis of creative artifacts and works of the human imagination.

(ii) Courses involve the synthesis and interpretation of artistic expression and enable critical, creative, and innovative communication about works of art.

(iii) The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Teamwork, and Social Responsibility.

(F) American History (6 SCH).

(i) Courses in this category focus on the consideration of past events and ideas relative to the United States, with the option of including Texas History for a portion of this component area.

(ii) Courses involve the interaction among individuals, communities, states, the nation, and the world, considering how these interactions have contributed to the development of the United States and its global role.

(iii) The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.

(G) Government/Political Science (6 SCH).

(i) Courses in this category focus on consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas.

(ii) Courses involve the analysis of governmental institutions, political behavior, civic engagement, and their political and philosophical foundations.

(iii) The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.

(H) Social and Behavioral Sciences (3 SCH).

(i) Courses in this category focus on the application of empirical and scientific methods that contribute to the understanding of what makes us human.

(ii) Courses involve the exploration of behavior and interactions among individuals, groups, institutions, and events, examining their impact on the individual, society, and culture.

(iii) The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Empirical and Quantitative Skills, and Social Responsibility.

(4) Component Area Option (6 SCH).

(A) Except as provided in subparagraph (B) of this paragraph, each course designated to complete the Component Area Option must meet the definition and Core Objectives specified in one of the foundational component areas outlined in paragraph (3)(A) - (H) of this subsection.

(B) As an option for up to three (3) semester credit hours of the Component Area Option, an institution may certify that the course(s):

(i) Meet(s) the definition specified for one or more of the foundational component areas; and

(ii) Include(s) a minimum of three Core Objectives, including Critical Thinking Skills, Communication Skills, and one of the remaining Core Objectives of the institution's choice.

(C) For the purposes of gaining approval for or reporting a Component Area Option course under subparagraph (B) of this paragraph, an institution is not required to notify the Board of the specific foundational component area(s) and Core Objectives associated with the course(s).

(5) Applicability of Texas Core Curriculum.

(A) Any student who first enrolls in an institution of higher education following high school graduation in fall 2014 or later shall be subject to the current Texas Core Curriculum requirements.

(B) Any student who is admitted under the terms of the Academic Fresh Start program and who first enrolls under that admission in fall 2014 or later shall be subject to the current Texas Core Curriculum requirements.

(C) Any student who first enrolled in an institution of higher education prior to fall 2014 shall, after consultation with an academic advisor, have the choice to:

(i) complete the core curriculum requirements in effect in summer 2014; or

(ii) transition to the current core curriculum requirements, in which case, previously completed core curriculum courses shall be applied to the current core curriculum requirements under the same terms as those that apply to a student who transfers from one institution to another. The student shall then complete the remaining requirements under the current core curriculum.

(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 must be substituted in transfer to any other Texas public institution of higher education 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.

(d) Concurrent Enrollment.

(1) A student concurrently enrolled at more than one institution of higher education shall follow the core curriculum require-

ments 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 must 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 Foundational Component Areas. Each student must meet the number of semester credit hours in each foundational component area; however, an institution receiving a student in transfer is not required to apply to the fulfillment of a foundational component area requirement semester credit hours beyond the number of semester credit hours specified in a foundational component area.

(g) A course may only apply to a single foundational component area. If the SCH for a course in a foundational component exceed the number of SCH allotted in that foundational component area, the excess SCH must either be applied to the Component Area Option or as part of the specific degree requirements, such that the additional SCH will not increase the number of required SCH to complete the degree.

(h) Transcripts. All undergraduate student transcripts should indicate whether a student has completed the core curriculum satisfactorily, and which courses satisfied a requirement of the institution's core curriculum. Identifying numbers recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO) must identify each completed core curriculum course on students' transcripts, in order to indicate courses utilized to satisfy core curriculum foundational component area requirements as follows:

(1) Communication = 010;

(2) Mathematics = 020;

(3) Life and Physical Sciences = 030;

(4) Language, Philosophy and Culture = 040;

(5) Creative Arts = 050;

(6) American History = 060;

(7) Government/Political Science = 070;

(8) Social and Behavioral Sciences = 080; and

(9) Component Area Option = 090.

(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, except as provided in subsection (k) of this section. For students

who transfer to a public institution from a college or university that is not a Texas public institution of higher education, courses the student completed prior to admission should be evaluated to determine whether they apply to one of the institution's core curriculum component areas. Only those courses the institution has accepted for transfer that can demonstrate fulfillment of the foundational component area content descriptions, core objectives, and semester credit hours required for the appropriate foundational component area or areas should be applied to the institution's core curriculum.

(k) Accommodations.

(1) An institution of higher education may, on a case-by-case basis, approve an accommodation of a specific core curriculum foundational component area requirement as described in paragraph (3) of this subsection 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) An institution may approve for core curriculum applicability a course the institution offers but that is not approved as a part of the institution's core curriculum, if the institution demonstrates that the course has been approved to fulfill the same specific foundational 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.

§4.29. Core Curricula Larger than 42 Semester Credit Hours.

No institution may adopt a core curriculum of more than 42 semester credit hours.

§4.30. Institutional Assessment and Reporting.

Each public institution of higher education shall evaluate its core curriculum through the assessment of the core objectives on an ongoing basis, reporting the results of the assessment to the Board every ten years on the schedule that accords with the institution's accreditation reaffirmation self-study report to the Southern Association of Colleges and Schools or its successor. The evaluation and report must include:

(1) a description of the assessment process for each of the six core objectives;

(2) an explanation of measures, methodology, frequency and the timeline of assessment activities;

(3) the criteria and/or targets used to benchmark the attainment of the six core objectives;

(4) the results of the assessment, including evidence of the level of attainment targeted and achieved for each of the six core objectives;

(5) an analysis of the results, including an interpretation of assessment information; and

(6) any actions planned, including how the results and analysis of the assessment process will be used to improve student learning and achievement.

§4.31. Implementation and Revision of Core Curricula.

In offering its Board-approved core curriculum, an institution of higher education must list only those courses that have been approved by the Board as compliant with the Texas Core Curriculum.

(1) Implementation and initial approval of core curricula.

(A) Each public institution of higher education must submit its proposed core curriculum to the Board for staff review and approval by November 30, 2013.

(B) An institution shall follow the procedures posted on the Board's website regarding the implementation and approval of the initial core curricula.

(C) The institution will receive a letter from Board staff giving notice of approval of the initial core curriculum and/or indicating any courses that do not meet provisions of the core curriculum.

(D) Upon receiving an approval letter from Board staff, the institution will document the approved core curriculum in institutional publications.

(2) Revision of Existing Approved Core Curricula.

(A) An institution of higher education may request changes to its core curriculum annually. One comprehensive request may be submitted each academic year, on a schedule that suits the institution's needs.

(B) An institution should follow the procedures posted on the Board's website to modify its core curriculum by adding or deleting courses and must provide information to justify the requested changes.

(C) The institution will receive a letter from Board staff giving notice of approval of the proposed changes and/or indicating any changes that do not meet provisions of the current core curriculum, and identifying an effective date for any approved change(s).

(D) 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.

§4.32. Field of Study Curricula.

(a) In accordance with Texas Education Code, §61.823, the Board is authorized to approve Field of Study Curricula for certain fields of study/academic disciplines. The Board delegates to the Commissioner development of Field of Study Curricula with the assistance of the Texas Transfer Advisory Committee, as defined by Title 19, Subchapter V, Chapter 1. The Texas Transfer Advisory Committee is responsible for convening Discipline-Specific Subcommittees. Discipline-Specific Subcommittees shall provide subject-matter expertise to the Texas Transfer Advisory Committee in developing Field of Study Curricula in specific disciplines.

(b) A complete Field of Study Curriculum will consist of the following components:

(1) Selected Texas Core Curriculum courses.

(A) Selected Texas Core Curriculum courses relevant to the discipline may be included in the Field of Study Curriculum for that discipline.

(B) Discipline-Specific Subcommittees are responsible for identifying discipline-relevant courses from a list of all Texas Core Curriculum courses provided by the Board that may be used to satisfy core curriculum requirements. Each Discipline-Specific Subcommittee shall recommend identified Texas Core Curriculum courses to the Texas Transfer Advisory Committee.

(C) The Texas Transfer Advisory Committee shall recommend the Texas Core Curriculum courses selected for inclusion in a Field of Study Curriculum to the Commissioner who may approve or deny the inclusion of the recommended Texas Core Curriculum courses in the Field of Study Curriculum.

(D) Each institution of higher education must publish on its public website in manner easily accessed by students the Texas Core Curriculum courses selected for inclusion in a Field of Study Curriculum with the cross-listed TCCNS course number.

(2) Discipline Foundation Courses (DFC).

(A) Discipline Foundation Courses are a set of courses within a major course of study, consisting of up to twelve (12) semester credit hours, selected for inclusion in a Field of Study Curriculum for that discipline. These courses will apply toward undergraduate degrees within the Field of Study Curriculum at all Texas public institutions that offer a corresponding major or track, except for those institutions approved to require alternative Discipline Foundation Courses under Title 19, Chapter 4, Subchapter B, §4.35.

(B) Each receiving institution must apply the semester credit hours a student has completed in a Discipline Foundation Course upon the student's transfer into a corresponding major or track. The sending institution must indicate Discipline Foundation Courses on the transfer student's transcript.

(C) Discipline-Specific Subcommittees are responsible for identifying discipline-relevant courses for inclusion on the Discipline Foundation Courses list. The Discipline-Specific Subcommittees must select from courses listed in the Lower-Division Academic Course Guide Manual. Each Discipline-Specific Subcommittee shall report this course list to the Texas Transfer Advisory Committee.

(D) The Texas Transfer Advisory Committee shall recommend the Discipline Foundation Courses selected by the Discipline Specific Subcommittees for inclusion in a Field of Study Curriculum to the Commissioner. The Commissioner may approve or deny the Discipline Foundation Courses recommended by the Texas Transfer Advisory Committee for inclusion in a Field of Study Curriculum.

(E) General academic teaching institutions may submit a request for an alternative set of Discipline Foundation Courses for a specific program of study according to the process in Title 19, Chapter 4, Subchapter B, §4.35.

(F) Each institution of higher education must report to the Coordinating Board and publish on its public website in manner easily accessed by students the Discipline Foundation Courses with the cross-listed TCCNS course numbers for each course.

(G) The Commissioner must publish the list of Discipline Foundation Courses for each approved Field of Study Curriculum on the agency website with the cross-listed TCCNS course number for each course.

(3) Directed Electives.

(A) Directed Electives are a set of courses that apply toward a major course of study within a Field of Study Curriculum at a specific general academic teaching institution.

(B) The Directed Electives for each Field of Study Curriculum must consist of at least six (6) semester credit hours. The Directed Electives and Discipline Foundation Courses components combined may not exceed eighteen (18) semester credit hours in total.

(C) Faculty from each general academic teaching institution may select a list of Directed Electives for the major course of study corresponding to each Field of Study curriculum. Faculty must select the Directed Electives only from courses listed in the Lower-Division Academic Course Guide Manual.

(D) The Chief Academic Officer of the institution must submit the list of Directed Electives for inclusion in a Field of Study Curriculum with the cross-listed TCCNS course number to the Com-

missioner who shall publish the list of each institution's Directed Electives for each approved Field of Study Curriculum on the agency website with the cross-listed TCCNS course numbers for each course.

(E) Each institution of higher education must publish on its public website in manner easily accessed by students Directed Electives with the cross-listed TCCNS course number.

(c) A receiving general academic teaching institution shall determine whether a transfer student is Field of Study Curriculum complete upon the transfer student's enrollment. If a student successfully completes an approved Field of Study Curriculum, a general academic teaching institution must substitute that block of courses for the receiving institution's lower-division requirements for the degree program for the corresponding Field of Study Curriculum into which the student transfers. Upon enrollment, the general academic teaching institution must grant the student full academic credit toward the degree program for the block of courses transferred.

(d) If a student transfers from one institution of higher education to another without completing the Field of Study Curriculum, the receiving institution must grant academic credit in the Field of Study Curriculum for each of the courses that the student has successfully completed in the Field of Study Curriculum of the sending institution. After granting the student credit for these courses, the institution may require the student to satisfy remaining course requirements in the current Field of Study Curriculum of the receiving general academic teaching institution, or to complete additional requirements in the receiving institution's program, as long as those requirements do not duplicate course content the student previously completed through the Field of Study Curriculum.

(e) Each institution must note the selected Texas Core Curriculum component and Discipline Foundation Courses components of the Field of Study Curriculum courses on student transcripts as recommended by the Texas Association of Collegiate Registrars and Admissions Officers (TACRAO).

(f) The Board shall publish on its website the components of each Field of Study Curriculum, including the selected Texas Core Curriculum courses, the Discipline Foundation Courses, and the Directed Electives of each general academic teaching institution.

(g) Effective Dates.

(1) Unless repealed or replaced, Field of Study Curricula in effect as of March 1, 2021 will remain in effect until August 31, 2025, upon which date those Field of Study Curricula expire by operation of law. For Field of Study Curricula that are repealed, replaced, or expire by operation of law, the following transition or "teach out" provisions apply:

(A) A student who has earned credit on or before August 31, 2022, in one or more courses included in a Field of Study Curriculum that exists on March 1, 2021, is entitled to complete that Field of Study Curriculum on or before August 31, 2025.

(B) A student who has not, on or before August 31, 2022, earned any course credit toward a Field of Study Curriculum in effect on March 1, 2021, is not entitled to transfer credit for that Field of Study Curriculum.

(2) After an institution's Spring 2026 enrollment deadline, a receiving institution is not required to transfer a complete Field of Study Curricula that expired prior to that date. A receiving institution may, at its discretion, choose to accept a complete or partial Field of Study Curricula that has expired.

§4.33. Approval of Field of Study Curricula.

(a) In accordance with Title 19, Chapter 1, Subchapter V, §1.239, the Texas Transfer Advisory Committee shall review relevant data, coordinate a schedule of discipline-specific course reviews, and recommend Field of Study Curricula to the Commissioner and Board. In creating the schedule for development of Field of Study Curricula, the Texas Transfer Advisory Committee shall prioritize the factors set out in Chapter 1, Subchapter V, §1.239(a)(4).

(b) At the direction of the Texas Transfer Advisory Committee and in accordance with Title 19, Subchapter V, Chapter 1 §1.242, a Discipline-Specific Subcommittee shall review institutions' current program requirements and data about transfer students' course-taking and success in that discipline and recommend to the Texas Transfer Advisory Committee courses required in the Field of Study Curriculum for that major.

(c) The Texas Transfer Advisory Committee may consider for recommendation to the Commissioner Field of Study Curricula recommended by Discipline-Specific Subcommittees and any request by an institution for alternative Discipline Foundation Courses as described in §4.34(d) - (k).

(d) The Texas Transfer Advisory Committee's approval of a Field of Study Curriculum requires approval by a supermajority vote of two-thirds of the general academic teaching institution representatives who are present and voting and two-thirds of the public junior college representatives who are present and voting.

(1) If the Texas Transfer Advisory Committee fails to approve a Field of Study Curriculum, the Texas Transfer Advisory Committee may vote by a simple majority of all members present and voting to request that a Discipline Specific Subcommittee reconvene in an attempt to address and concerns identified by the Texas Transfer Advisory Committee.

(2) Upon final recommendation of the Discipline-Specific Subcommittee, the Texas Transfer Advisory Committee may reconsider a vote to recommend to the Commissioner approval of a Field of Study Curriculum.

(e) The Commissioner may approve or deny a Field of Study Curriculum recommended by the Texas Transfer Advisory Committee.

(f) Before making a final determination whether to approve or deny a Field of Study Curriculum recommended by the Texas Transfer Advisory Committee, the Commissioner shall provide for informal notice and comment by publishing each proposed Field of Study Curriculum in the *Texas Register* In Addition section for a minimum of 30 days. The Commissioner shall consider any comments prior to approving or denying the Field of Study Curriculum. The Commissioner's decision is final and may not be appealed.

(g) The Commissioner shall report to the Board at each quarterly meeting on each Field of Study Curriculum the Commissioner approved since the last Board meeting.

(h) The Commissioner shall annually provide a written report to the Texas Transfer Advisory Committee members with information on all approved Field of Study Curricula.

§4.34. Revision of Approved Field of Study Curricula.

(a) The Commissioner may modify or revise a Field of Study Curriculum when a need for such a revision is identified.

(b) Any Chief Academic Officer of an institution that offers a corresponding major or track may request a modification or revision to an approved Field of Study Curriculum. The Texas Transfer Advisory Committee shall evaluate institutions' proposed modifications or revisions to Field of Study Curricula and may refer the proposed revisions

to Discipline-Specific Subcommittees prior to making a final recommendation to the Commissioner.

§4.35. Petition for Alternative Discipline Foundation Courses.

(a) An institution may request the Commissioner to approve alternative Discipline Foundation Courses based upon the following criteria:

(1) The institution demonstrates that approved Discipline Foundation Courses significantly vary from the institution's lower-division curriculum for a given major; or

(2) The institution demonstrates based on evidence that students completing approved Discipline Foundation Courses are not successful in the institution's upper-division curriculum.

(b) The Chief Academic Officer of an institution that requests alternative Discipline Foundation Courses based on the criteria in this rule must submit a petition for alternative Discipline Foundation Courses in writing to the Commissioner, along with a written, evidence-based rationale. The Commissioner shall promptly notify the Texas Transfer Advisory Committee of the request for alternative Discipline Foundation Courses.

(c) Upon notification by the Commissioner, the Texas Transfer Advisory Committee shall evaluate the institution's request for alternative Discipline Foundation Courses based upon the number of students affected, how the alternative Discipline Foundation Courses would impact transfer, and any other criteria as decided by a majority vote of public junior college representative members and general academic teaching institution members present and voting.

(d) After review of the criteria, the Texas Transfer Advisory Committee shall vote on whether to recommend the alternative DFC to the Commissioner. A majority of the public junior college sector representatives and a majority of the general academic teaching institution sector representatives who are present and voting must both vote in favor for the alternative DFC to advance to the Commissioner for approval.

(e) No more than 30 days after its vote on the petition, the Texas Transfer Advisory Committee shall provide a written report to the Commissioner explaining the rationale for the action taken by the Texas Transfer Advisory Committee on the request for alternative Discipline Foundation Courses.

(f) No more than 30 days after receiving the written report from the Texas Transfer Advisory Committee, the Commissioner shall consider the Texas Transfer Advisory Committee report and make a final determination whether to approve the alternative DFC. The Commissioner's decision is final and may not be appealed.

(g) The Commissioner shall inform the Board at the next quarterly meeting of all decisions to approve or deny petitions for alternative DFC.

(h) The Coordinating Board shall maintain a public website that includes a list of all alternative Discipline Foundation Courses approved by the Commissioner.

§4.36. Evaluation of Field of Study Curricula.

(a) Every five years, following the same timetable as the regular accreditation reports sent to the Southern Association of Colleges and Schools Commission on Colleges or its successor, 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 report 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; and

(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 or tracks 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 transcribing practices to show Field of Study Curriculum participation and completion; and

(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.

(c) The Texas Transfer Advisory Committee shall review all Field of Study Curricula approved on or after March 1, 2021, every four years from their date of Board approval. In developing a schedule of review as set out in Chapter 1, Subchapter V, §1.239, the Texas Transfer Advisory Committee shall consider reasonable factors, including prioritizing development of frameworks in high enrollment and high need disciplines. The Texas Transfer Advisory Committee may review a Field of Study Curricula more frequently if the Commissioner or Texas Transfer Advisory Committee identifies a need, including but not limited to, discipline changes of subject matter content, emerging and/or changing technologies or business/industry standards, changes in credentialing and/licensure requirements, or changes in programmatic accreditation.

§4.37. Texas Common Course Numbering System.

(a) Each institution shall include the applicable course numbers from the Texas Common Course Numbering System (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 subsections (a) and (b) of this section no later than September 1, 2005.

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

§4.38. Undergraduate Academic Certificate.

(a) Institutions of higher education are encouraged to develop undergraduate academic certificate programs of less than degree length. These rules are intended to provide a streamlined process for approval of these certificates.

(b) Undergraduate academic certificates may be awarded upon the completion of:

(1) the Board-approved approved core curriculum of the institution;

(2) a Board-approved Field of Study Curriculum; or

(3) a Board-approved statewide articulated transfer curriculum of less than degree length.

(c) Undergraduate academic certificates which meet one of the criteria in subsection (b) of this section require Board notification and are automatically approved.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6206



CHAPTER 27. FIELDS OF STUDY

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 27, Subchapters B-OO, §§27.121 - 27.907, concerning Fields of Study. Specifically, the repeal of Chapter 27 is in anticipation of establishing new Subchapter V rules in Title 19, Chapter 1, creating the Texas Transfer Advisory Committee and discipline specific subcommittees as part of the implementation of Texas Education Code §61.823.

The Board proposes the repeal of all of Chapter 27 as part of a comprehensive revision of the Texas transfer framework that will be adopted in new Chapter 1, Subchapter V, Texas Transfer Advisory Committee and Discipline Specific Subcommittees and amended Chapter 4, Subchapter B, TRANSFER OF CREDIT, CORE CURRICULUM AND FIELD OF STUDY CURRICULA. These adoptions and amendments are proposed concurrently with this proposed repeal. The elimination of the Advisory Committees set out in Subchapters B-OO is necessary to implement the new framework proposed in Chapter 1, Subchapter V. New Chapter 1, Subchapter V will create a structure under which

the Texas Transfer Advisory Committee will advise the Commissioner and Board and will utilize discipline specific subcommittees to meet the requirements of Texas Education Code §61.823.

Dr. Stacey Silverman, Assistant Commissioner for Academic Quality and Workforce, has determined that for the first five years the repeal is in effect there would be no fiscal implications for state or local governments as a result of repealing the rules and replacing them with the proposed new Subchapter V rules in Title 19, Chapter 1.

There is no impact on small businesses, micro businesses, or rural communities. There is no anticipated impact on local employment.

Dr. Silverman has also determined that for each year of the first five years after the repeal of the rules the public benefit anticipated as a result of replacing Chapter 27 with Chapter 1, Subchapter V, will be greater clarity in the transfer process and long-term reduced cost of education for students who enter higher education at a two-year institution. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule but will be replaced by proposed new Subchapter V rules in Title 19, Chapter 1;
- (6) the rules will not limit existing rules;
- (7) the rules will not change the number of individuals subject to the rules; and
- (8) the rules have no affect on the state's economy.

Comments on the proposed repeal may be submitted to Stacey Silverman, Ph.D., Assistant Commissioner, Academic Quality and Workforce, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711 or via email at AQW@highered.texas.gov. Comments will be accepted for thirty days following publication of the proposal in the *Texas Register*.

SUBCHAPTER B. MUSIC FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.121 - 27.127

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study Curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study Curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.121. *Authority and Specific Purposes of the Music Field of Study Advisory Committee.*

§27.122. *Definitions.*

§27.123. *Committee Membership and Officers.*

§27.124. *Duration.*

§27.125. *Meetings.*

§27.126. *Tasks Assigned to the Committee.*

§27.127. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER C. NURSING FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.141 - 27.147

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.141. *Authority and Specific Purposes of the Nursing Field of Study Advisory Committee.*

§27.142. *Definitions.*

§27.143. *Committee Membership and Officers.*

§27.144. *Duration.*

§27.145. *Meetings.*

§27.146. *Tasks Assigned to the Committee.*

§27.147. *Report to the Board; Evaluation of Committee Costs and Effectiveness*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER D. BUSINESS FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.161 - 27.167

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.161. *Authority and Specific Purposes of the Business Field of Study Advisory Committee.*

§27.162. *Definitions.*

§27.163. *Committee Membership and Officers.*

§27.164. *Duration.*

§27.165. *Meetings.*

§27.166. *Tasks Assigned to the Committee.*

§27.167. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER E. COMMUNICATIONS FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.181 - 27.187

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.181. *Authority and Specific Purposes of the Communications Field of Study Advisory Committee.*

§27.182. *Definitions.*

§27.183. *Committee Membership and Officers.*

§27.184. *Duration.*

§27.185. *Meetings.*

§27.186. *Tasks Assigned to the Committee.*

§27.187. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER F. ENGINEERING TECHNOLOGY FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.201 - 27.207

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.201. *Authority and Specific Purposes of the Engineering Technology Field of Study Advisory Committee.*

§27.202. *Definitions.*

§27.203. *Committee Membership and Officers.*

§27.204. *Duration.*

§27.205. *Meetings.*

§27.206. *Tasks Assigned to the Committee.*

§27.207. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER G. MEXICAN AMERICAN STUDIES FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.221 - 27.227

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.221. *Authority and Specific Purposes of the Mexican American Studies Field of Study Advisory Committee.*

§27.222. *Definitions.*

- §27.223. *Committee Membership and Officers.*
- §27.224. *Duration.*
- §27.225. *Meetings.*
- §27.226. *Tasks Assigned to the Committee.*
- §27.227. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER H. ARCHITECTURE FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.241 - 27.247

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

- §27.241. *Authority and Specific Purposes of the Architecture Field of Study Advisory Committee.*
- §27.242. *Definitions.*
- §27.243. *Committee Membership and Officers.*
- §27.244. *Duration.*
- §27.245. *Meetings.*
- §27.246. *Tasks Assigned to the Committee.*
- §27.247. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER I. COMPUTER SCIENCE/INFORMATION TECHNOLOGY FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.261 - 27.267

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

- §27.261. *Authority and Specific Purposes of the Computer Science/information Technology Field of Study Advisory Committee.*
- §27.262. *Definitions.*
- §27.263. *Committee Membership and Officers.*
- §27.264. *Duration.*
- §27.265. *Meetings.*
- §27.266. *Tasks Assigned to the Committee.*
- §27.267. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER J. CRIMINAL JUSTICE FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.281 - 27.287

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

- §27.281. *Authority and Specific Purposes of the Criminal Justice Field of Study Advisory Committee.*
- §27.282. *Definitions.*
- §27.283. *Committee Membership and Officers.*
- §27.284. *Duration.*
- §27.285. *Meetings.*
- §27.286. *Tasks Assigned to the Committee.*
- §27.287. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER K. PERFORMING ARTS/DRAMA FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.301 - 27.307

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.301. Authority and Specific Purposes of the Performing Arts/Drama Field of Study Advisory Committee.

§27.302. Definitions.

§27.303. Committee Membership and Officers.

§27.304. Duration.

§27.305. Meetings.

§27.306. Tasks Assigned to the Committee.

§27.307. Report to the Board; Evaluation of Committee Costs and Effectiveness.

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SUBCHAPTER L. MULTI AND INTERDIS- CIPLINARY STUDIES FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.321 - 27.327

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.321. Authority and Specific Purposes of the Multi and Interdisciplinary Studies Field of Study Advisory Committee.

§27.322. Definitions.

§27.323. Committee Membership and Officers.

§27.324. Duration.

§27.325. Meetings.

§27.326. Tasks Assigned to the Committee.

§27.327. Report to the Board; Evaluation of Committee Costs and Effectiveness.

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SUBCHAPTER M. GENERAL PSYCHOLOGY FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.341 - 27.347

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.341. Authority and Specific Purposes of the General Psychology Field of Study Advisory Committee.

§27.342. Definitions.

§27.343. Committee Membership and Officers.

§27.344. Duration.

§27.345. Meetings.

§27.346. Tasks Assigned to the Committee.

§27.347. Report to the Board; Evaluation of Committee Costs and Effectiveness.

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SUBCHAPTER N. BIOLOGY FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.361 - 27.367

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.361. *Authority and Specific Purposes of the Biology Field of Study Advisory Committee.*

§27.362. *Definitions.*

§27.363. *Committee Membership and Officers.*

§27.364. *Duration.*

§27.365. *Meetings.*

§27.366. *Tasks Assigned to the Committee.*

§27.367. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER O. ACCOUNTING FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.381 - 27.387

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.381. *Authority and Specific Purposes of the Accounting Field of Study Advisory Committee.*

§27.382. *Definitions.*

§27.383. *Committee Membership and Officers.*

§27.384. *Duration.*

§27.385. *Meetings.*

§27.386. *Tasks Assigned to the Committee.*

§27.387. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER P. KINESIOLOGY AND EXERCISE SCIENCE FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.401 - 27.407

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.401. *Authority and Specific Purposes of the Kinesiology and Exercise Science Field of Study Advisory Committee.*

§27.402. *Definitions.*

§27.403. *Committee Membership and Officers.*

§27.404. *Duration.*

§27.405. *Meetings.*

§27.406. *Tasks Assigned to the Committee.*

§27.407. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER Q. DANCE FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.421 - 27.427

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.421. *Authority and Specific Purposes of the Dance Field of Study Advisory Committee.*

§27.422. *Definitions.*

§27.423. *Committee Membership and Officers.*

§27.424. *Duration.*

§27.425. *Meetings.*

§27.426. *Tasks Assigned to the Committee.*

§27.427. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER R. FINANCE FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.441 - 27.447

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.441. *Authority and Specific Purposes of the Finance Field of Study Advisory Committee.*

§27.442. *Definitions.*

§27.443. *Committee Membership and Officers.*

§27.444. *Duration.*

§27.445. *Meetings.*

§27.446. *Tasks Assigned to the Committee.*

§27.447. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER S. MARKETING FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.461 - 27.467

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.461. *Authority and Specific Purposes of the Marketing Field of Study Advisory Committee.*

§27.462. *Definitions.*

§27.463. *Committee Membership and Officers.*

§27.464. *Duration.*

§27.465. *Meetings.*

§27.466. *Tasks Assigned to the Committee.*

§27.467. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER T. ENGLISH LANGUAGE AND LITERATURE FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.481 - 27.487

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.481. *Authority and Specific Purposes of the English Language and Literature Field of Study Advisory Committee.*

§27.482. *Definitions.*

§27.483. *Committee Membership and Officers.*

§27.484. *Duration.*

§27.485. *Meetings.*

§27.486. *Tasks Assigned to the Committee.*

§27.487. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER U. HISTORY FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.501 - 27.507

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.501. *Authority and Specific Purposes of the History Field of Study Advisory Committee.*

§27.502. *Definitions.*

§27.503. *Committee Membership and Officers.*

§27.504. *Duration.*

§27.505. *Meetings.*

§27.506. *Tasks Assigned to the Committee.*

§27.507. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER V. POLITICAL SCIENCE AND GOVERNMENT FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.521 - 27.527

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.521. *Authority and Specific Purposes of the Political Science and Government Field of Study Advisory Committee.*

§27.522. *Definitions.*

§27.523. *Committee Membership and Officers.*

§27.524. *Duration.*

§27.525. *Meetings.*

§27.526. *Tasks Assigned to the Committee.*

§27.527. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER W. SOCIAL WORK FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.541 - 27.547

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.541. *Authority and Specific Purposes of the Social Work Field of Study Advisory Committee.*

§27.542. *Definitions.*

§27.543. *Committee Membership and Officers.*

§27.544. *Duration.*

§27.545. *Meetings.*

§27.546. *Tasks Assigned to the Committee.*

§27.547. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER X. SOCIOLOGY FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.561 - 27.567

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.561. *Authority and Specific Purposes of the Sociology Field of Study Advisory Committee.*

§27.562. *Definitions.*

§27.563. *Committee Membership and Officers.*

§27.564. *Duration.*

§27.565. *Meetings.*

§27.566. *Tasks Assigned to the Committee.*

§27.567. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER Y. ECONOMICS FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.581 - 27.587

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.581. *Authority and Specific Purposes of the Economics Field of Study Advisory Committee.*

§27.582. *Definitions.*

§27.583. *Committee Membership and Officers.*

§27.584. *Duration.*

§27.585. *Meetings.*

§27.586. *Tasks Assigned to the Committee.*

§27.587. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER Z. MATHEMATICS FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.601 - 27.607

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.601. *Authority and Specific Purposes of the Mathematics Field of Study Advisory Committee.*

§27.602. *Definitions.*

§27.603. *Committee Membership and Officers.*

§27.604. *Duration.*

§27.605. *Meetings.*

§27.606. *Tasks Assigned to the Committee.*

§27.607. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER AA. RADIO AND TV FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.621 - 27.627

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.621. *Authority and Specific Purposes of the Radio and TV Field of Study Advisory Committee.*

§27.622. *Definitions.*

§27.623. *Committee Membership and Officers.*

§27.624. *Duration.*

§27.625. *Meetings.*

§27.626. *Tasks Assigned to the Committee.*

§27.627. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER BB. MANAGEMENT INFORMATION SYSTEMS FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.641 - 27.647

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.641. *Authority and Specific Purposes of the Management Information Systems Field of Study Advisory Committee.*

§27.642. *Definitions.*

§27.643. *Committee Membership and Officers.*

§27.644. *Duration.*

§27.645. *Meetings.*

§27.646. *Tasks Assigned to the Committee.*

§27.647. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER CC. HEALTH AND WELLNESS FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.661 - 27.667

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.661. *Authority and Specific Purposes of the Health and Wellness Field of Study Advisory Committee.*

§27.662. *Definitions.*

§27.663. *Committee Membership and Officers.*

§27.664. *Duration.*

§27.665. *Meetings.*

§27.666. *Tasks Assigned to the Committee.*

§27.667. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER DD. COMMUNICATION DISORDERS SCIENCES AND SERVICES FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.681 - 27.687

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.681. *Authority and Specific Purposes of the Communication Disorders Sciences and Services Field of Study Advisory Committee.*

§27.682. *Definitions.*

§27.683. *Committee Membership and Officers.*

§27.684. *Duration.*

§27.685. *Meetings.*

§27.686. *Tasks Assigned to the Committee.*

§27.687. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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SUBCHAPTER EE. FINE AND STUDIO ARTS
FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.701 - 27.707

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.701. Authority and Specific Purposes of the Fine and Studio Arts Field of Study Advisory Committee.

§27.702. Definitions.

§27.703. Committee Membership and Officers.

§27.704. Duration.

§27.705. Meetings.

§27.706. Tasks Assigned to the Committee.

§27.707. Report to the Board; Evaluation of Committee Costs and Effectiveness.

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SUBCHAPTER FF. JOURNALISM FIELD OF
STUDY ADVISORY COMMITTEE

19 TAC §§27.721 - 27.727

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.721. Authority and Specific Purposes of the Journalism Field of Study Advisory Committee.

§27.722. Definitions.

§27.723. Committee Membership and Officers.

§27.724. Duration.

§27.725. Meetings.

§27.726. Tasks Assigned to the Committee.

§27.727. Report to the Board; Evaluation of Committee Costs and Effectiveness.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER GG. ANIMAL SCIENCES
FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.741 - 27.747

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.741. Authority and Specific Purposes of the Animal Sciences Field of Study Advisory Committee.

§27.742. Definitions.

§27.743. Committee Membership and Officers.

§27.744. Duration.

§27.745. Meetings.

§27.746. Tasks Assigned to the Committee.

§27.747. Report to the Board; Evaluation of Committee Costs and Effectiveness.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER HH. AGRICULTURAL
BUSINESS AND MANAGEMENT FIELD OF
STUDY ADVISORY COMMITTEE

19 TAC §§27.761 - 27.767

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The

propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.761. *Authority and Specific Purposes of the Agricultural Business and Management Field of Study Advisory Committee.*

§27.762. *Definitions.*

§27.763. *Committee Membership and Officers.*

§27.764. *Duration.*

§27.765. *Meetings.*

§27.766. *Tasks Assigned to the Committee.*

§27.767. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER II. HEALTH SERVICES FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.781 - 27.787

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.781. *Authority and Specific Purposes of the Health Services Field of Study Advisory Committee.*

§27.782. *Definitions.*

§27.783. *Committee Membership and Officers.*

§27.784. *Duration.*

§27.785. *Meetings.*

§27.786. *Tasks Assigned to the Committee.*

§27.787. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER JJ. HOSPITALITY ADMINISTRATION FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.801 - 27.807

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.801. *Authority and Specific Purposes of the Hospitality Administration Field of Study Advisory Committee.*

§27.802. *Definitions.*

§27.803. *Committee Membership and Officers.*

§27.804. *Duration.*

§27.805. *Meetings.*

§27.806. *Tasks Assigned to the Committee.*

§27.807. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER KK. NATURAL RESOURCES CONSERVATION & RESEARCH FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.821 - 27.827

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.821. *Authority and Specific Purposes of the Natural Resources Conservation & Research Field of Study Advisory Committee.*

§27.822. *Definitions.*

§27.823. *Committee Membership and Officers.*

§27.824. *Duration.*

§27.825. *Meetings.*

§27.826. *Tasks Assigned to the Committee.*

§27.827. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER LL. CHEMISTRY FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.841 - 27.847

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.841. Authority and Specific Purposes of the Chemistry Field of Study Advisory Committee.

§27.842. Definitions.

§27.843. Committee Membership and Officers.

§27.844. Duration.

§27.845. Meetings.

§27.846. Tasks Assigned to the Committee.

§27.847. Report to the Board; Evaluation of Committee Costs and Effectiveness.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER MM. MEDIA STUDIES FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.861 - 27.867

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.861. Authority and Specific Purposes of the Media Studies Field of Study Advisory Committee.

§27.862. Definitions.

§27.863. Committee Membership and Officers.

§27.864. Duration.

§27.865. Meetings.

§27.866. Tasks Assigned to the Committee.

§27.867. Report to the Board; Evaluation of Committee Costs and Effectiveness.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER NN. ADVERTISING AND PUBLIC RELATIONS FIELD OF STUDY ADVISORY COMMITTEE

19 TAC §§27.881 - 27.887

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.881. Authority and Specific Purposes of the Advertising and Public Relations Field of Study Advisory Committee.

§27.882. Definitions.

§27.883. Committee Membership and Officers.

§27.884. Duration.

§27.885. Meetings.

§27.886. Tasks Assigned to the Committee.

§27.887. Report to the Board; Evaluation of Committee Costs and Effectiveness.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER OO. NUTRITION AND
DIETETICS FIELD OF STUDY ADVISORY
COMMITTEE

19 TAC §§27.901 - 27.907

The repeal of Chapter 27 is proposed under Texas Education Code §§61.821 and 61.823, which provide for Field of Study curricula and authorize the Coordinating Board to form advisory committees to develop Field of Study curricula.

The proposed repeal affects Texas Education Code, §§61.059, 61.0593, 61.0670, 61.821, 61.823, 61.824, and 61.828. The propose repeal also affects Title 19, Chapter 1, Chapter 4, Subchapter B.

§27.901. Authority and Specific Purposes of the Nutrition and Dietetics Field of Study Advisory Committee.

§27.902. Definitions.

§27.903. Committee Membership and Officers.

§27.904. Duration.

§27.905. Meetings.

§27.906. Tasks Assigned to the Committee.

§27.907. Report to the Board; Evaluation of Committee Costs and Effectiveness.

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CHAPTER 150. COMMISSIONER'S RULES
CONCERNING EDUCATOR APPRAISAL
SUBCHAPTER AA. TEACHER APPRAISAL

19 TAC §150.1012

The Texas Education Agency (TEA) proposes an amendment to §150.1012, concerning local optional teacher designation systems. The proposed amendment would update provisions for local optional teacher designation systems to address the lack of State of Texas Assessments of Academic Readiness (STAAR®) testing in the 2019-2020 school year, ensure that the employing school district receives the allotment for a designated teacher, modify the percentage each district receives if a designated teacher is employed by multiple districts, add another reason designations may be voided, improve the quality of local designation systems by requiring calibration activities to be tied to the approved teacher observation rubric and requiring that the student growth and teacher observation data be from the same teaching assignment, and remove obsolete provisions.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §21.3521, establishes a local optional teacher designation system, and TEC, §48.112, establishes a

teacher incentive allotment. Section 150.1012 implements the statutes by establishing the requirements for school districts and charter schools to implement local teacher designation systems.

Following is a description of the proposed amendment to §150.1012.

The proposed amendment to subsection (b)(1)(B) would align the language with TEC, §48.112, to ensure that the employing district receives the generated allotment.

The proposed amendment to subsection (c)(1)(A) would specify that districts have seven business days to rectify an incomplete application. This change would provide districts with a clear expectation of the timeline of incomplete submissions.

The proposed amendment to subsection (c)(1)(B) would clarify that only the system application is eligible for the resubmission process. This change would ensure that the application process can be completed in a timely manner.

The proposed amendment to subsection (c)(1)(C) would provide clarity about the requirements for provisionally approved districts to earn full approval.

The proposed amendment to subsection (c)(2)(A)(i)(I) would update the requirements of the teacher observation component. The proposed language would state that congruence is among appraisers, that correlation is between teacher observation and student growth data, and that both congruence and correlation need to be tied to the rubric approved in subsection (c)(2)(A)(i)(II). This change would provide clarity to districts on the application requirements and ensure that their calibration practices are tied to their approved teacher observation rubrics.

The proposed amendment to subsection (c)(2)(A)(i)(II) would clarify the requirements of a district-created rubric by adding reference to the standards outlined in 19 TAC §149.1001, Teacher Standards. This change would ensure that the district-created rubric meets the same requirements as the other approved rubrics.

Proposed new subsection (c)(2)(A)(ii)(IV), relating to the student growth component, would add requirements for the quality of vendor-created assessments. This change would ensure that all assessments meet the same requirements.

The proposed amendment to subsection (c)(2)(C) would add language to require that single-year data be collected from the same teaching assignment. This change would ensure that the student growth and teacher observation data collected for each teacher can be compared. Additionally, language would be added to allow TEA administrative discretion to allow districts to submit data if there are extenuating circumstances limiting their ability to collect data for all teachers in eligible teaching assignments. This change would allow districts that were impacted by the lack of STAAR® testing in 2019-2020 and school closures to submit designations in other teaching assignments.

Language would be added in subsection (e)(1)(C) to allow TEA administrative discretion to allow districts to submit data if there are extenuating circumstances limiting their ability to collect data for all teachers in eligible teaching assignments. This change would allow districts that were impacted by the lack of STAAR® testing in 2019-2020 and school closures to submit designations in other teaching assignments.

Proposed new subsection (e)(2) would be added to allow TEA to conduct a review of a local designation system based on annual data submission. This change would allow TEA to investigate

approved local designation systems to determine if there is appropriate implementation and reporting.

Proposed new subsection (f)(2)(E) would be added to specify that approval of a local optional designation system is voidable if a district fails to remove a district employee from the designation determination process who has a conflict of interest and acted in bad faith to influence designations. This change would contribute to the validity of district designations by ensuring that designations are not issued in bad faith.

Proposed new subsection (f)(3)(E) would be added to specify that approval of an individual teacher designation is voidable if the district issued a designation in bad faith by not removing a district employee from the designation determination process who had a conflict of interest. This change would contribute to the validity of district designations by ensuring that designations are not issued in bad faith.

The proposed amendment to subsection (g)(1)(A) would clarify that districts must delay designations to delay funding. This change would ensure that funding cannot be generated without active designations. Subsection (g)(1)(A)(i) and (ii) would be removed since the provisions applied only to districts that were issued funding in the 2019-2020 school year.

Subsection (g)(1)(C) would be modified to specify that funding for a teacher who works at multiple campuses would be calculated and split equally among the campuses where the employee is designated with a role code of 087 (Teacher). This change would allow teachers at multiple campuses to generate an allotment that takes into account each campus's socio-economic need and rural status.

Proposed new subsection (g)(1)(D) would allow TEA administrative discretion to redirect funds to the district where a designated teacher works if a miscoding error is discovered. This change would allow coding errors to be easily rectified to ensure appropriate distribution of funds in alignment with TEC, §48.112.

The proposed amendment to subsection (g)(2) would remove a redundant provision already addressed by subsection (g)(1)(C).

FISCAL IMPACT: Kelvey Oeser, deputy commissioner for educator support, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal beyond what the authorizing statute requires.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would both expand and limit an existing regulation by clarifying the process and requirements for school districts to request approval of a teacher designation system.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Oeser has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be ensuring that rule language is based on current law and providing school districts and open-enrollment charter schools with clear processes and requirements to implement local optional teacher designation systems. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data or reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins January 15, 2021, and ends February 16, 2021. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on January 15, 2021. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.3521, which specifies that the commissioner (1) shall ensure that local optional teacher designation systems meet the statutory requirements for the system; (2) shall prioritize high needs campuses; (3) shall enter into a memorandum of understanding with Texas Tech University regarding assessment of local iterations of the local optional teacher designation system; (4) shall periodically conduct evaluations of the effectiveness of the local optional teacher designation system; (5) may adopt fees, which are exempted from the requirements of Texas Government Code, §2001.0045 and §2001.0221, to implement the local optional teacher designation system; and (6) may adopt rules to implement the local optional teacher designation system; and TEC, §48.112, which establishes a teacher incentive allotment and requires the commissioner to designate rural campuses and annually make available to the public a list of campuses with projected allotment amounts per teacher designation at each campus.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §21.3521 and §48.112.

§150.1012. *Local Optional Teacher Designation System.*

(a) General provisions.

(1) Definitions. The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise.

(A) Active Texas certification--A valid certification labeled as provisional, professional, or standard under §230.31(a) of this title (relating to Types of Certificates) or a visiting international teacher certification under §230.41 of this title (relating to Visiting International Teacher Certificates).

(B) Charter school--A Texas public school that meets one of the following criteria:

(i) is operated by a charter holder under an open-enrollment charter granted either by the State Board of Education or commissioner of education pursuant to Texas Education Code (TEC), §12.101, identified with its own county district number;

(ii) has a charter granted under TEC, Chapter 12, Subchapter C, and is eligible for benefits under TEC, §11.174 and §48.252; or

(iii) has a charter granted under TEC, §29.259, and Human Resources Code, §221.002.

(C) Classroom teacher--An educator, as defined by TEC, §5.001, who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.

(D) Data capture year--The year in which the teacher observation and student growth measure is collected based on the proposed local teacher designation system.

(E) Designated teacher--An exemplary, master, or recognized teacher.

(F) Eligible teaching assignment--An assignment based on campus, subject taught, or grade taught.

(G) National Board certification--Certification issued by the National Board for Professional Teaching Standards.

(H) Provisional approval--Conditional approval of a school district local optional teacher designation system that would require resubmission of system review and/or data validation for further approval.

(I) Reliability--The degree to which an instrument used to measure teacher performance and student growth produces stable and consistent results.

(J) Rural--A campus within a school district with fewer than 5,000 enrolled students that is categorized as a rural, non-metropolitan: stable, or non-metropolitan: fast growing district type by the Texas Education Agency (TEA); a campus within a school district with fewer than 5,000 enrolled students categorized as rural by the National Center for Education Statistics; or a campus defined in TEC, §48.112(a)(1).

(K) School district--The definition of a school district includes charter schools as defined in subparagraph (B) of this paragraph.

(L) Student growth--Student academic progress achieved in response to the pedagogical practices of teachers, as

measured at the individual teacher level by one or more measures of student growth aligned to the standards of the course.

(M) Teacher observation--One or more observations of a teacher instructing students for a minimum of 45 minutes or multiple observations that aggregate to at least 45 minutes.

(N) Validity--The degree to which an instrument used to measure teacher performance and student growth measures what it is intended to measure.

(2) Fees for teacher incentive allotment teacher designation and system renewal. A school district requesting approval of a teacher designation system or renewal of such a system shall pay the applicable fees from the following list:

(A) a \$500 fee for each teacher submitted for designation to TEA; or

(B) a system renewal fee to be determined by the commissioner and established in rule.

(b) Teacher eligibility.

(1) Teachers eligible to earn or receive designations under an approved local optional teacher designation system must meet the following requirements:

(A) the teacher holds an active Texas certification under Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), a Reading Specialist Certificate under Chapter 239, Subchapter D, of this title (relating to Reading Specialist Certificate), or a Legacy Master Teacher Certificate;

(B) the teacher is employed [~~or is to be employed~~] by the recommending school district in a role ID coded as 087 (Teacher) and corresponding class roles of 01, 02, or 03, if applicable, in the Texas Student Data System Texas Education Data Standards (TEDS) for 90 days at 100% of the day (equivalent to four and one-half months or a full semester) or 180 days at 50-99% of the day and compensated for that employment; and

(C) the teacher is not currently designated under a local optional teacher designation system, unless the teacher is being recommended for a higher designation or is in the last year of a teacher designation.

(2) School districts are eligible to receive funding for each designated teacher if the teacher meets the requirements in paragraph (1)(A) and (B) of this subsection.

(c) Application procedures and approval process.

(1) The following provisions apply to applications submitted under this section.

(A) If TEA determines that an application is incomplete, TEA may provide the applicant with notice of the deficiency and an opportunity to submit missing required information. If the missing required information is not submitted within seven business [~~calendar~~] days after the original submission deadline [~~notice is provided~~], the application will be denied.

(B) If TEA determines that a system [~~an~~] application does not meet the standards established under TEC, §21.3521, and this section, TEA shall permit the applicant to resubmit the application within three months of the original submission deadline. If no resubmission is timely made, the application will be denied.

(C) An applicant that demonstrates the need for ongoing support will be required to submit additional information that may result in provisional approval for one year. A school district with this

approval status cannot add eligible teaching assignments to its local optional teacher designation system and will be required to complete a new application or resubmit data for validation for the additional four years of approval.

(D) An applicant that has a local optional teacher designation system that has been paying teachers in the 2019-2020 school year may be issued provisional approval for two years if the system does not contain either a teacher observation component as specified in paragraph (2)(A)(i) of this subsection or a student growth component as specified in paragraph (2)(A)(ii) of this subsection. A school district with this approval status cannot add eligible teaching assignments to its local optional teacher designation system.

(E) Applications that are determined to meet the standards established under TEC, §21.3521 and §48.112, and this section shall be approved for an initial term of five years.

(2) The application shall include the following for each eligible teaching assignment:

(A) components of a local system for issuing designations, including:

(i) a teacher observation component that contains:

(I) a plan for calibration, using the rubric approved under subclause (II) of this clause, that includes congruence among appraisers, a [] and [] review of teacher observation data and the correlation between teacher observation and student growth data, and implementation of next steps; and

(II) an approved teacher observation rubric including the Texas Teacher Evaluation and Support System, Marzano's Teacher Evaluation Model and rubric created by the National Institute for Excellence in Teacher and The Danielson Group, or another rubric that is based on observable, job-related behaviors, including alignment to §149.1001 of this title (relating to Teacher Standards) [teacher implementation of discipline management and the performance of teachers' students]. A school district may be required to provide teacher observation videos if the ratings cannot be verified from the data submitted; and

(ii) a student growth component that:

(I) if using a student learning objective, is aligned to the standards of the course, measures the level of preparedness for each student at the beginning of the school, and measures the mastery level for each student at the end of the school year based on a body of evidence;

(II) if using a portfolio method, demonstrates that student work is aligned to the standards of the course, demonstrates mastery of standards, and includes criteria for scoring; [or]

(III) if using school district- or teacher-created assessments, is aligned to the standards of the course and conforms to a district rubric for district- or teacher-created assessments. A school district must approve district- or teacher-created assessments for the purpose of determining student growth by using a district process and rubric for approval of such assessments; or

(IV) if using vendor-created assessments, is aligned to the standards for the course and contains questions that cover a range of student skill levels;

(B) test administration processes for all student growth that will lead to validity and reliability of results, including:

(i) test security protocols;

(ii) testing windows;

(iii) testing accommodations; and

(iv) annual training for test administrators; and

(C) data for all teachers in eligible teaching assignments, including student growth, and observation data for all teachers in eligible teaching assignments for the data capture year. Multi-year data shall include student growth and observation data from the same year and teaching assignment. Single-year data shall include student growth and observation data from the same teaching assignment. TEA may exercise administrative discretion in circumstances where data is difficult to provide and a district would otherwise be unable to provide sufficient data for application consideration.

(d) System expansion and amendments.

(1) School districts must apply for approval for additional eligible teaching assignments with previously unapproved student growth or teacher observation components, new student growth components, or new teacher observation components.

(2) Proposed amendments to other components of the application will be due at the time of annual submission. Additional information and application processes may be requested.

(e) Monitoring and program evaluation of approved local designation systems.

(1) For the annual data submission, approved school districts shall submit the following information regarding a local teacher designation system:

(A) [(1)] the distribution of allotment funds from the previous school year in accordance with the funding provisions of subsection (g) of this section;

(B) [(2)] a response and implementation plan to annual surveys developed by TEA administered to teachers, campus principals, and human resources personnel gauging the perception of a school district's local designation system; and

(C) [(3)] teacher observations and student growth measure data for all teachers in eligible teaching assignments if school districts are submitting new teacher designations. TEA reserves the right to request data for the purposes of performance evaluation and investigation based on data review outcomes. TEA may exercise administrative discretion in circumstances where data is difficult to provide and a district would otherwise be unable to provide sufficient data for application consideration.

(2) Outcomes of the annual data submission may lead to a review, pursuant to TEC, §48.272(e), and subject to the period of review limitation in TEC, §48.272(f), of the local optional designation system that may be conducted at any time at the discretion of the TEA staff.

(f) Continuing approval and renewal.

(1) Approved local optional teacher designation systems are subject to review at least once every five years. However, a review may be conducted at any time at the discretion of TEA.

(2) Approval of local optional designation systems are voidable by TEA for one or more of the following reasons:

(A) failure to fulfill all local optional designation system requirements as defined in this section;

(B) failure to comply with annual data submission requirements;

(C) failure to comply with the provisions of TEC, §21.3521 and §48.112;

(D) failure to implement the local optional teacher designation system as approved by TEA and Texas Tech University; [or]

(E) failure to remove district employees from the designation determination process who have a conflict of interest and acted in bad faith to influence designations; or

(F) [(E)] at the discretion of the commissioner.

(3) Approval of individual teacher designations are voidable by TEA for one or more of the following reasons:

(A) a teacher has not fulfilled all designation requirements;

(B) the school district at which the designation was earned has had its local optional designation system voided;

(C) the National Board for Professional Teaching Standards revokes a National Board certification that provided the basis for a teacher's designation;

(D) the suspension, revocation, cancellation, or surrender of a certificate issued by the State Board for Educator Certification to a designated teacher; [or]

(E) the district issued a designation in bad faith by not removing a district employee from the designation determination process who had a conflict of interest; or

(F) [(E)] at the discretion of the commissioner.

(g) Funding.

(1) State funding.

(A) Teacher incentive allotment funds will be disbursed to school districts in the same school year for which the teacher designations are approved. The initial disbursement may occur either upon final approval of a local teacher designation system or in the school year following final approval if a district decides to delay designations.

~~[(i) For the initial disbursement after the approval of a local teacher designation system or system expansion, at least 90% of each allotment received must be spent on compensation of teachers employed at the campus at which the teacher for whom the school district received the allotment was employed for the first year of the designation.]~~

~~[(ii) Disbursements subsequent to the initial disbursement must meet the requirements of paragraph (2) of this subsection.]~~

(B) A school district is eligible to earn the base allotment for each designated teacher assigned to a zero-enrollment campus, a campus with fewer than 20 students, a juvenile justice alternative education program, a disciplinary alternative education program, a residential facility, or central administration if the designated teacher meets the requirements in subsection (b)(2) of this section, plus the multiplier based on the school district's average student point value and rural status, if applicable.

(C) Funding for teachers who work at multiple campuses shall be calculated and split equally among the campuses where ~~[distributed proportionally by the percent of time]~~ the employee is working in a role coded as 087 (Teacher) in the Texas Student Data System TEDS at each campus.

(D) TEA may exercise administrative discretion to redirect funds to the district where the designated teacher works if a miscoding error is discovered.

(2) Status and use of state funds. A school district that receives teacher incentive allotment funding must comply with the requirements of TEC, §48.112. ~~[Allotment funding generated by a designated teacher working for multiple school districts shall be split equally among the districts that employ the teacher.]~~

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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