

EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER DD. TITLE IX TRAINING ADVISORY COMMITTEE

19 TAC §§1.9531 - 1.9536

The Texas Higher Education Coordinating Board proposes new Chapter 1, Subchapter DD, §§1.9531 - 1.9536, concerning the Title IX Training Advisory Committee, on an emergency basis. The proposed new rules authorize the Board to create an advisory committee to make recommendations to the Coordinating Board regarding rules for adoption under §51.295 of the Texas Education Code; and develop recommended training for responsible and confidential employees designated under §51.290, for employees in the course and scope of their employment and for Title IX coordinators and deputy Title IX coordinators at postsecondary educational institutions. The newly added rules will affect students when the recommendations are adopted by the Board.

The rules are being adopted on an emergency basis pursuant to Section 2001.034 of the Government Code, which allows a state agency to adopt an emergency rule if a requirement of state or federal law requires adoption of the rule on less than a 30 days' notice. The rules will be in effect for 120 days and may be renewed once for not longer than 60 days. During this time, the rules will be posted for a 30-day comment period and will be presented for Committee approval at the next quarterly meeting.

Dr. Stacey Silverman, Interim Assistant Commissioner for Academic Quality and Workforce, has determined that for the first five years there will be no fiscal implications for state or local governments as a result of adding the new rules. There would be minimal costs to public institutions of higher education to support the expenses of committee members who may travel to the Coordinating Board in Austin for meetings.

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 the new rules will be improvements in procedures at public institutions of higher education for addressing incidents of sexual misconduct. There would be minimal costs to public institutions of higher education to support travel and other expenses of committee members who may travel to the Coordinating Board in Austin for meetings. There is no impact on local employment. There is no impact on small businesses, micro businesses, and rural communities.

Comments on the proposed rules may be submitted to Stacey Silverman, Interim Assistant Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas,

78711 or via email at AQWComments@THECB.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

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 proposal will create new rules;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will positively affect the state's economy by providing guidance and training for institutions of higher education as they implement policies to handle instances of sexual misconduct.

The new rules are proposed under the Texas Education Code, Sections 51.290 and 51.295, which provide the Coordinating Board with the authority to develop rules addressing sexual misconduct at institutions of higher education with the assistance of advisory committees and Texas Government Code, Section 2110.005, which requires a state agency that establishes an advisory committee to adopt rules that state the purpose and tasks of the committee and describe the manner in which the committee will report to the agency.

The new rules affect the implementation of Texas Education Code, Chapter 51.

§1.9531. Authority and Purpose of the Title IX Training Advisory Committee.

(a) Statutory authority for this subchapter is provided in the Texas Education Code (TEC), Chapter 51, §51.294 and §51.260.

(b) The Title IX Training Advisory Committee is created to provide the Board with recommendation(s) regarding the training for responsible and confidential employees and student advocates designated under TEC Section 51.290, Title IX Coordinators and other institutional employees who may receive confidential disclosures from students under Section 51.290.

§1.9532. 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) Recommended Training--training developed by the advisory committee for responsible and confidential employees and student advocates designated under Section 51.290, for employees in the course and scope of their employment, and for Title IX coordinators and deputy Title IX coordinators at postsecondary educational institutions.

§1.9533. Committee Membership and Officers.

(a) The advisory committee consists of nine members appointed by the commissioner of higher education. Eight members must be chief executive officers of postsecondary educational institutions or representatives designated by those officers; and one member must be a representative of an advocacy organization for victims of sexual assault or family violence.

(b) Members of the committee shall select the presiding officer, who will be responsible for conducting meetings. A co-chair shall also be elected by the committee to serve in the presiding officer's stead as needed.

(c) Members shall serve staggered 3-year terms and may serve multiple terms.

§1.9534. Duration.

The committee shall be abolished no later than November 1, 2023, in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

§1.9535. Meetings and Tasks of the Committee.

(a) The committee shall meet as required by workload and tasks to meet the deadline listed under subsection (c) of this section. Thereafter the committee shall meet on an annual basis, as required by TEC Section 51.294. Special meetings may be called as deemed appropriate by the presiding officer. Meetings shall be open to the public and broadcast via the web, unless prevented by technical difficulties. Minutes shall be available to the public after they have been prepared by the Board staff and reviewed by members of the committee.

(b) Tasks assigned the committee include:

(1) make recommendations to the coordinating board regarding rules for adoption under Section 51.295; and

(2) develop recommended training for responsible and confidential employees and student advocates designated under TEC Section 51.290, for employees in the course and scope of their employment and for Title IX coordinators and deputy Title IX coordinators at postsecondary educational institutions.

(c) Not later than December 1, 2019, the advisory committee shall develop the recommended training under subsection (b) of this section.

(d) The advisory committee shall annually review and, if necessary, update the training recommended under subsection (b)(2) of this section.

§1.9536. Report to the Board; Evaluation of Committee Costs and Effectiveness.

The committee shall report any recommendations to the Board on no less than an annual basis. The committee shall also report committee activities to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request

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

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William Franz

General Counsel

Texas Higher Education Coordinating Board

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

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SUBCHAPTER EE. STUDY AND REPORT ON
CORE CURRICULUM ADVISORY COMMITTEE

19 TAC §§1.9541 - 1.9546

The Texas Higher Education Coordinating Board proposes, on an emergency basis, new Chapter 1, Subchapter EE, 1.9541 - 1.9546, concerning the Study and Report on Core Curriculum Advisory Committee. The proposed new rules authorize the Board to create an advisory committee to provide the Board with recommendation(s) regarding the effectiveness of the requirements regarding the transfer of course credit between institutions of higher education for courses in the core curriculum under Section 61.822 in supporting more efficient undergraduate transfer between institutions of higher education. The newly added rules will affect students when the recommendations are adopted by the Board.

The amendments are being adopted on an emergency basis pursuant to Section 2001.034 of the Government Code, which allows a state agency to adopt an emergency rule if a requirement of state or federal law requires adoption of the rule on less than a 30 days' notice. The rules will be in effect for 120 days and may be renewed once for not longer than 60 days. During this time, the rules will be posted for a 30-day comment period and will be presented for Committee approval at the next quarterly meeting.

Dr. Stacey Silverman, Interim Assistant Commissioner for Academic Quality and Workforce, has determined that for each year of the first five years the section is in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Dr. Silverman has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be improvements in core curriculum course transfer at public institutions of higher education for students. There would be minimal costs to public institutions of higher education to support travel and other expenses of committee members who may travel to the Coordinating Board in Austin for meetings. There is no impact on local employment. There is no impact on small businesses, micro businesses, and rural communities.

Comments on the proposed amendments may be submitted to Stacey Silverman, Interim Assistant Commissioner, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711 or via email at AQWComments@THECB.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

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;
- (6) the rules *will not* limit an existing rule;
- (7) the rules *will not* change the number of individuals subject to the rule; and
- (8) the rules *will* positively affect the state's economy.

The new section is proposed under the Texas Education Code, Section 61.8221, which provides the Coordinating Board with the authority to establish an advisory committee to assist the Board in completing the board's duties under this section and provide the Board with subject matter expertise and analysis; and Texas Government Code, Section 2110.005, which requires a state agency that establishes an advisory committee to adopt rules that state the purpose and tasks of the committee and describe the manner in which the committee will report to the agency.

The amendments affect Texas Education Code, Sections §28.009 and §61.059.

The new sections affect the implementation of Texas Education Code, Chapter 61.

§1.9541. Authority and Purpose of the Study and Report on Core Curriculum Advisory Committee.

(a) Statutory authority for this subchapter is provided in the Texas Education Code (TEC), Chapter 61, §61.8221.

(b) The Study and Report on Core Curriculum Advisory Committee is created to provide the Board with recommendation(s) regarding the effectiveness of the requirements regarding the transfer of course credit between institutions of higher education for courses in the core curriculum under Section 61.822 in supporting more efficient undergraduate transfer between institutions of higher education.

§1.9542. 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) 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 institutions of higher education that offer academic undergraduate degree programs.

§1.9543. Committee Membership and Officers.

(a) The advisory committee consists of up to 24 of the following members appointed by the board in equal numbers:

- (1) representatives of public junior colleges designated by the applicable college to represent the college on the advisory committee; and
- (2) representatives of general academic teaching institutions designated by the applicable institution to represent the institution on the advisory committee.

(b) A majority of members appointed to the advisory committee under subsection (a)(2) of this section must be representatives of a general academic teaching institution at which at least 25 percent of students enrolled at the institution for the 2018 fall semester were classified as transfer students.

(c) In appointing members to the advisory committee under subsection (b) of this section, the board shall, to the greatest extent practicable, ensure that the membership of the advisory committee is balanced with respect to:

- (1) institutional representation, including:
 - (A) the regions of the state;
 - (B) the mission type of the general academic teaching institution or public junior college;
 - (C) university system affiliation, as applicable;
 - (D) student enrollment; and
 - (E) institutional groupings under the board's higher education accountability system;
- (2) representation of faculty and administrators at general academic teaching institutions or public junior colleges;
- (3) representation of academic disciplines; and
- (4) any other factors the board determines relevant.

(d) Members of the committee shall select the presiding officer, who will be responsible for conducting meetings. A co-chair shall also be elected by the committee to serve in the presiding officer's stead as needed.

(e) Members shall serve single terms lasting until the abolishment of the committee no later than September 1, 2021.

§1.9544. Duration.

The committee shall be abolished no later than September 1, 2021, in accordance with Texas Education Code, Chapter 61, §61.8221.

§1.9545. Meetings and Tasks of the Committee.

(a) The committee shall meet as required by workload and tasks to meet the deadline listed under subsection (d) of this section. Special meetings may be called as deemed appropriate by the presiding officer. Meetings shall be open to the public and broadcast via the web, unless prevented by technical difficulties. Minutes shall be available to the public after they have been prepared by the Board staff and reviewed by members of the committee.

(b) The advisory committee shall study and make recommendations to the board regarding the effectiveness of the requirements regarding the transfer of course credit between institutions of higher education for courses in the core curriculum under Section 61.822 in supporting more efficient undergraduate transfer between institutions of higher education. The study and recommendations must include an analysis of:

- (1) the efficacy of dividing the recommended core curriculum for each meta major into a general academic core curriculum and an academic discipline core curriculum and, if determined to be efficacious, the recommended number of semester credit hours for each component of the recommended core curriculum for each meta major;
- (2) methods to ensure that courses completed in the general academic core curriculum and academic discipline core curriculum transfer between institutions of higher education for course credit applied toward a student's major at the receiving institution; and

(3) the potential inclusion of courses in the field of study curricula adopted by the board under Section 61.823 in the recommended core curriculum adopted by the board under Section 61.822.

(c) Each quarter ending before November 1, 2020, the advisory committee shall submit to the chairs of the standing legislative committees with primary jurisdiction over higher education and to the Board a report on the advisory committee's progress on the study and recommendations required under subsection (b) of this section.

(d) Not later than July 1, 2020, the advisory committee shall submit to the Board a report that includes the results of the study conducted under subsection (b) of this section and any recommendations for legislative or other action.

§1.9546. Report to the Board; Evaluation of Committee Costs and Effectiveness.

The committee shall report any recommendations to the Board on no less than an annual basis. The committee shall also report committee activities to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.

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

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William Franz

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Texas Higher Education Coordinating Board

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



CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER BB. NURSING SHORTAGE REDUCTION PROGRAM RIDER 28 STUDY WORK GROUP

19 TAC §§22.751 - 22.757

The Texas Higher Education Coordinating Board proposes new rules Chapter 22, Subchapter BB, §§22.751 through 22.757 of Board rules concerning the establishment of the Nursing Shortage Reduction Program Rider 28 Study Work Group.

The proposed rules establish the Nursing Shortage Reduction Program (NSRP) Rider 28 Study Work Group. The work group will be charged with studying the effectiveness of the NSRP in addressing the shortage of professional nurses in the state, studying the structure and efficiency of the program, and studying other funding strategies to address the nursing shortage. The work group members will include the following: an equitable representation of institutions eligible to participate in the program, the Texas Nursing Association, the Texas Board of Nursing, The Department of State Health Services Center for Nursing Workforce Studies, and other stakeholders. The work

group will include two ad-hoc members from the Texas Higher Education Coordinating Board (THECB) staff. Each higher education institution in Texas that is eligible to participate in the NSRP will have an opportunity to nominate an individual to the work group. Tasks assigned to the work group will include advising the Board of the THECB, providing THECB staff with feedback about processes and procedures, and addressing any other issues related to the NSRP Rider 28 Study as determined by the Board of the THECB.

The rules were adopted by the Board on an emergency basis at the October 2019 meeting pursuant to Section 2001.034 of the Government Code, which allows a state agency to adopt an emergency rule if a requirement of state or federal law requires adoption of the rule on less than a 30 days' notice. The rules are now being submitted to the Committee for final approval and adoption.

There will be no fiscal implications for state or local governments as a result of adding the new sections. There would be no impact on small businesses or rural communities as described in Texas Government Code, Chapter 2006.002; therefore, an Economic Impact analysis is not required.

The public benefits anticipated as a result of administering the new sections will be to enable a work group, as required by the general appropriations act, to study the effectiveness of the NSRP in addressing the shortage of professional nurses in the state. There would be no impact on public institutions of higher education and local employment.

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;
- (6) the rules *will not* limit an existing rule;
- (7) the rules *will not* change the number of individuals subject to the rule; and
- (8) the rules *will* positively affect the state's economy.

Comments on the proposed amendments may be submitted to Julie Eklund, Assistant Commissioner for Strategic Planning and Funding, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711 or via email at Julie.Eklund@THECB.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments are proposed to create a work group to study the effectiveness of the Nursing Shortage Reduction Program in addressing the shortage of professional nurses in the state, as required by General Appropriations Act, HB 1, Article III-56, Section 28, Subsection g, 86th Texas Legislature.

§22.751. Authority and Specific Purpose of the Nursing Shortage Reduction Program Rider 28 Study Work Group.

(a) Authority. Authority for this subchapter is provided in the General Appropriations Act, HB 1, Article III-56, Section 28, Subsection g, 86th Texas Legislature.

(b) Purpose. The Nursing Shortage Reduction Program Rider 28 Study Work Group is created to provide the Commissioner and the Board with guidance regarding the Nursing Shortage Reduction Program.

§22.752. 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) Nursing Shortage Reduction Program--The program authorized in the General Appropriations Act, HB 1, Article III-56, Section 28, 86th Texas Legislature.

§22.753. Work Group Membership.

(a) The work group members will include the following: an equitable representation of institutions eligible to participate in the Nursing Shortage Reduction Program, the Texas Nursing Association, the Texas Board of Nursing, The Department of State Health Services Center for Nursing Workforce Studies, and industry.

(b) The work group will include two ad-hoc members from the Texas Higher Education Coordinating Board (THECB) staff.

(c) Each higher education institution that is eligible to participate in the NSRP will have an opportunity to nominate an individual to the work group.

(d) Board staff will recommend for Board appointment individuals who are nominated.

(e) The number of work group members shall not exceed twenty-four (24).

(f) Members shall serve until the work group is abolished.

§22.754. Duration.

The work group shall be abolished no later than November 2, 2020, in accordance with Texas Government Code, Chapter 2110.

§22.755. Meetings.

The Work Group shall meet as necessary. Meetings shall be open to the public and broadcast via the web, unless prevented by technical

difficulties, and minutes shall be available to the public after they have been prepared by the Board staff and reviewed by members of the Work Group.

§22.756. Tasks Assigned to the Work Group.

Tasks assigned to the Work Group include:

(1) study the effectiveness of the Professional Nursing Shortage Reduction Program in addressing the shortage of professional nurses in the state;

(2) study the structure and efficiency of the program;

(3) study other funding strategies to address the nursing shortage; and

(4) any other issues related to the Nursing Shortage Reduction Program as determined by the Board.

§22.757. Report to the Board; Evaluation of Work Group Costs and Effectiveness.

The Work Group shall report recommendations to the Board. The Work Group shall also report Work Group activities to the Board to allow the Board to properly evaluate the work of the Work Group, usefulness, and the costs related to the Work Group existence. The Board shall report its evaluation to the Legislative Budget Board in its biennial Legislative Appropriations Request.

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

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