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Approved: February 19, 1998
Date

MINUTES OF THE HOUSE SELECT COMMITTEE ON HIGHER EDUCATION.

The meeting was called to order by Chairperson David Adkins at 5:00 p.m. on February 4, 1998 in Room 423-S of the Capitol.

All members were present.

Committee staff present: Julian Efird, Legislative Research Department
Alan Conroy, Legislative Research Department
Leah Robinson, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jim Wilson, Revisor of Statutes
Leona Fultz, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

The committee continued to discuss the issues pertaining to higher education in the State of Kansas. The committee decided to stay together as a whole for this discussion. Kansas Legislative Research Department handed out a "Projected Costs Related to Implementation of Draft Plan of Select Committee on Higher Education (Attachment 1). Representative Adkins handed out plans that have recently been adopted by two other midwestern states; these being the states of Nebraska (Attachment 2) and Texas (Attachment 3). Representative Garner then presented his thoughts on the structure of the new "Kansas Council of Higher Education".

The Committee meeting adjourned and the next meeting was scheduled for Thursday, February 5, 1998 at 9:00 a.m.

SELECT COMMITTEE ON HIGHER EDUCATION
COMMITTEE GUEST LIST

DATE: February 4, 1998

NAME	REPRESENTING
Abbea Prideaux	FHSU
Eric Sexton	WSU
Sheila Frahm	KACCT
Marvin Burris	KBOR
Bill Felton	Manhattan Mercury
Lee Jensenberg	KNEA
David J. Monical	Washburn University
Stephen Jordan	KBOR
Mc Pomatto	PSU

Projected Costs Related to Implementation of Draft Plan of
Select Committee on Higher Education

Regents Institutions	<u>Amount (In Millions)</u>	<u>Governor's Recommended State General Fund Funding Increases FY 1998 - FY 1999 (In Millions)</u>
100 % Unclassified Peer Salary Parity (Pink Sheet)	\$50.3	
Technology Funding (Blue Sheet)	7.0 (a)	
Eisenhower Scholars	0.9	
Areas of Excellence (Yellow Sheet)		
One Time Expenditures	66.6	
Annual Expenditures	192.4	
<i>Subtotal - Regents Institutions</i>	\$317.2	\$24.4
Community Colleges		
Proposed State Aid Plan (White Sheet)	\$39.4 (b)	
Merger/Affiliation Incentives	8.0	
<i>Subtotal - Community Colleges</i>	\$47.4	\$1.0
Washburn University		
Option 1: Parity/Equity with Community College Proposal	\$6.0	\$0.5
Option 2: Entry into System like Wichita State	12.9	0.5
Vocational Technical Schools		
Capital Outlay Expenditures	\$10.7	
Capital Improvement Expenditures	44.9	
<i>Subtotal - Vocational Technical Schools</i>	\$55.6	\$0.5
Total (with Washburn University Option 1)	\$473.6 (c)	\$26.4
Total (with Washburn University Option 2)	\$480.5 (c)	\$26.4

a) Reflects one time funding requested by the Regents and not recommended by the Governor. The Regents have identified \$167.3 million in technology needs. Based on the Governor's FY 1999 recommendations for technology enhancements, the Regents have projected four year expenditures of \$92.1 million, leaving an unfunded technology need of \$75.2 million at the end of that four year period.

b) Provisions of the plan include: repeal of out district tuition; \$12 per credit hour increase in out-district state aid; \$7.50 per credit hour increase in credit hour state aid; \$8.0 million increase in general state aid; mill levy cap of 15 mills; guarantee of 30 percent of operating budget in state aid.

c) Includes \$66.6 million in one-time expenditures for the Regents.

States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact entered into hereunder shall be held contrary to the constitution of any compacting state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

Source: Laws 1991, LB 209, § 1.

85-1302. **Midwestern Higher Education Commission; members; terms; vacancies.** Notwithstanding any provision of Article II of the Midwestern Higher Education Compact, members of the Midwestern Higher Education Commission residing in Nebraska shall be as follows: (1) The Governor or his or her designee who shall serve during the tenure of office of the Governor; (2) two members of the Legislature selected by the Executive Board of the Legislative Council; and (3) two members appointed by the Governor representing higher education, at least one of whom shall be a member of the statewide Coordinating Commission for Postsecondary Education. The director of such coordinating commission shall serve as an ex officio member of the Midwestern Higher Education Commission. Length of terms of the members appointed pursuant to subdivision (3) of this section shall be as provided in Article II of the compact for at-large members. Vacancies shall be filled as provided in such article.

Source: Laws 1991, LB 209, § 2.

**ARTICLE 14
COORDINATING COMMISSION FOR POSTSECONDARY
EDUCATION**

(a) **COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION ACT**

- Section.
- 85-1401. Act, how cited.
- 85-1402. Terms, defined.
- 85-1403. Coordinating Commission for Postsecondary Education; established.
- 85-1404. Commission; purposes; powers and duties.
- 85-1405. Commission; membership; terms.
- 85-1406. Commission; vacancies.
- 85-1407. Commission; removal of members by Governor; procedure.
- 85-1408. Commission; members; expenses.
- 85-1409. Commission; officers; meetings; quorum.
- 85-1410. Commission; duties.
- 85-1411. Commission; executive director, employees, consultants; compensation; recruitment expenses; rules and regulations; duties.
- 85-1412. Commission; additional powers and duties.

§ 85-1401 STATE UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

- 85-1413. Comprehensive statewide plan; establish; requirements; unified statewide facilities plan; develop.
- 85-1414. Programs; capital construction projects; review; commission, public institutions, and governing boards; duties.
- 85-1415. Capital construction projects proposed by Board of Regents of the University of Nebraska and Board of Trustees of the Nebraska State Colleges; review; commission; duties; approval by Legislature.
- 85-1416. Budget and state aid requests; review; commission; duties.
- 85-1417. Repealed. Laws 1994, LB 683, § 33.
- 85-1418. Program or capital construction project; state funds; restrictions on use; district court of Lancaster County; jurisdiction; appeals; procedure.
- 85-1419. Coordinating Commission for Postsecondary Education Cash Fund; created; use; investment.
- 85-1420. Coordinating Commission for Postsecondary Education Trust Fund; created; use; investment.

(b) NEBRASKA EDUCATIONAL DATA SYSTEM

- 85-1421. Legislative intent.
- 85-1422. Terms, defined.
- 85-1423. Commission; postsecondary education information system; duties.
- 85-1424. Commission; duties; enumerated.
- 85-1425. Commission; solicit advice.
- 85-1426. Postsecondary education system and institution; report.
- 85-1427. Commission; duties.

(a) COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION ACT

85-1401. Act, how cited. Sections 85-1401 to 85-1420 shall be known and may be cited as the Coordinating Commission for Postsecondary Education Act.

Source: Laws 1991, LB 663, § 4.

85-1402. Terms, defined. For purposes of the Coordinating Commission for Postsecondary Education Act:

(1)(a) Capital construction project shall mean a project which utilizes tax funds designated by the Legislature and shall be: Any proposed new capital structure; any proposed addition to, renovation of, or remodeling of a capital structure; any proposed acquisition of a capital structure by gift, purchase, lease-purchase, or other means of construction or acquisition that (i) will be directly financed in whole or in part with tax funds designated by the Legislature totaling at least the minimum capital expenditure for purposes of this subdivision or (ii) is likely, as determined by the institution, to result in an incremental increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion of the project. No tax funds designated by the Legislature shall be appropriated or expended for any incremental increase of more than the minimum capital expenditure

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for the costs of the operations and utilities of any facility which is not included in the definition of capital construction project and thus is not subject to commission approval pursuant to the Coordinating Commission for Postsecondary Education Act. No institution shall include a request for funding such an increase in its budget request for tax funds designated by the Legislature nor shall any institution utilize any such funds for such an increase. The Governor shall not include in his or her budget recommendations, and the Legislature shall not appropriate, such funds for such increase.

(b) For purposes of this subdivision:

(i) Directly financed shall mean funded by:

(A) Appropriation of tax funds designated by the Legislature for the specific capital construction project;

(B) Property tax levies used to establish a capital improvement and bond sinking fund pursuant to section 85-1515; or

(C) That portion of tax funds designated by the Legislature and appropriated by the Legislature for the general operation of the public institution and utilized to fund the capital project;

(ii) Incremental increase shall mean an increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for a facility's operations and maintenance costs, beyond any increase due to inflation, to pay for a capital structure's operations and maintenance costs that are a direct result of a capital construction project; and

(iii) Minimum capital expenditure shall mean:

(A) For purposes of subdivision (a)(i) of this subdivision, a base amount of two hundred thousand dollars; and

(B) For the facility's operations and maintenance costs pursuant to subdivision (a)(ii) of this subdivision, a base amount of fifty thousand dollars for any one fiscal year.

Both base amounts shall be subject to any inflationary or market adjustments made by the commission pursuant to this subdivision. The commission shall adjust the base amounts on a biennial basis beginning January 1, 1996. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, both as selected by the commission in cooperation with the public institutions. The index or indices shall reflect inflationary or market trends for the applicable operations and maintenance or construction costs;

(2) Commission shall mean the Coordinating Commission for Postsecondary Education;

(3) Education center shall mean an off-campus branch of a public institution or cooperative of either public or public and private postsecondary educational institutions which offers instructional programs to students;

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(4) Governing board shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area;

(5) Program shall mean any program of instruction which leads directly to a degree, diploma, or certificate and, for purposes of section 85-1414, shall include public service programs and all off-campus instructional programs, whether or not such programs lead directly to a degree, diploma, or certificate. Program shall also include the establishment of any new college, school, major division, education center, or institute but shall not include reasonable and moderate extensions of existing curricula which have a direct relationship to existing programs;

(6) Public institution shall mean each campus of a public postsecondary educational institution which is or may be established by the Legislature, which is under the direction of a governing board, and which is administered as a separate unit by the board; and

(7) Tax funds designated by the Legislature shall mean all state tax revenue and all property tax revenue.

Source: Laws 1991, LB 663, § 5; Laws 1994, LB 683, § 15.
Effective date July 16, 1994.

85-1403. Coordinating Commission for Postsecondary Education; established. The Coordinating Commission for Postsecondary Education is hereby established. The commission shall, under the direction of the Legislature, be vested with the authority for the coordination of public institutions in Nebraska as provided in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act.

Source: Laws 1991, LB 663, § 6.

85-1404. Commission; purposes; powers and duties. The purposes of the Coordinating Commission for Postsecondary Education established by Article VII, section 14, of the Constitution of Nebraska and section 85-1403 shall be to (1) develop an ongoing comprehensive statewide plan for the operation of an educationally and economically sound, vigorous, progressive, and coordinated system of postsecondary education, (2) identify and enact policies to meet the educational, research, and public service needs of the state, and (3) effect the best use of available resources through the elimination of unnecessary duplication of programs and facilities among Nebraska's public institutions.

In carrying out its powers and duties, the commission shall consider the need for diversity of public institutions and the need for addressing regional needs but shall above all reflect a commitment to a perspective in decision-making and planning for postsecondary education which will best serve the

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COMMISSION FOR POSTSECONDARY EDUCATION § 85-1407

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The commission shall work with the public institutions to encourage and sustain their aspirations consistent with the comprehensive statewide plan and in a manner designed to achieve a vision of statewide postsecondary education. The commission shall not be an advocate for any one public institution but shall strive for a balance and responsiveness among all public institutions.

Source: Laws 1991, LB 663, § 7.

85-1405. Commission; membership; terms. The commission shall consist of eleven members who shall be appointed by the Governor with the approval of a majority of the Legislature. One member shall be chosen from each of the six Supreme Court judicial districts. Five members shall be chosen on a statewide basis. The term of each member shall be six years or until a successor is qualified and takes office, except that of the members initially appointed, two statewide members and the members appointed from districts 1 and 2 shall serve for terms of two years and two statewide members and the members appointed from districts 3 and 4 shall serve for terms of four years. Members shall be residents of the state or district from which appointed, and no member or any member of his or her immediate family shall be employed by or be a member of a governing board or of a governing body of an independent or private university or college.

Source: Laws 1991, LB 663, § 8; Laws 1994, LB 683, § 16.
Effective date July 16, 1994.

85-1406. Commission; vacancies. If any vacancy occurs during the term of a member of the commission, the Governor shall make an appointment to fill the vacancy for the remainder of the term. If the appointment is made when the Legislature is in session, the appointment shall be subject to the approval of a majority of the Legislature. If the appointment is made when the Legislature is not in session, the appointee shall serve with all rights and authority of the office until the approval or disapproval of the appointment is considered by the next session of the Legislature following the appointment.

Source: Laws 1991, LB 663, § 9.

85-1407. Commission; removal of members by Governor; procedure. Members may be removed by the Governor for cause but only after delivering to the member a copy of the charges and affording him or her an opportunity to be publicly heard in person, or by counsel, in his or her own defense upon not less than ten days' notice. Such hearing shall be held before the Governor. When a member is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against

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such member and the findings thereon together with the complete record of the proceedings.

Source: Laws 1991, LB 663, § 10.

85-1408. Commission; members; expenses. Members of the commission shall receive no compensation for the performance of their duties but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Source: Laws 1991, LB 663, § 11.

85-1409. Commission; officers; meetings; quorum. (1) The members of the commission shall annually elect a chairperson and vice-chairperson from among their members.

(2) The commission shall hold regular meetings at times specified in its rules and regulations. Special or additional meetings may be held on the call of the chairperson or upon the call of at least three members. A majority of the members shall constitute a quorum at all meetings. Commission action on any item shall require a majority of those present at meetings in which there is a quorum, except that adoption of the comprehensive statewide plan, or any changes or alternatives thereto, required by section 85-1413 and approval of a new program or disapproval of an existing program pursuant to section 85-1414 shall require the concurrence of a majority of the members.

Source: Laws 1991, LB 663, § 12; Laws 1994, LB 683, § 17.
Effective date July 16, 1994.

85-1410. Commission; duties. In carrying out its duties, the commission shall:

(1) Encourage initiatives and collaboration between public institutions, public state and local entities, and private state and local entities to increase the contribution of postsecondary education in advancing Nebraska's economy;

(2) Encourage the governing boards and administrators of public institutions to review instructional practices, curriculum design and content, and related academic considerations to facilitate improvements that enhance the quality of education in the state;

(3) Encourage the interaction of public institutions with elementary and secondary educational institutions to facilitate joint planning initiatives regarding matters such as prior and subsequent learning practices and content, class or credit agreements for high school students enrolling in college-level programs, and shared instructional assignments; and

(4) Develop any other program, activity, or function it deems necessary to carry out its purposes pursuant to the Coordinating Commission for Postsecondary Education Act.

Source: Laws 1991, LB 663, § 13.

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85-1411. Commission; executive director, employees, consultants; compensation; recruitment expenses; rules and regulations; duties. To assist it in carrying out its duties, the commission shall:

(1) Employ an executive director and all other employees of the office of the commission and hire consultants as may be necessary and prescribe their duties;

(2) Except as may be provided pursuant to the State Employees Collective Bargaining Act, fix the compensation of the officers and employees of the office and provide benefits for all present or future employees of the commission, including retirement benefits, group life insurance, group hospital-medical insurance, and group long-term disability income insurance;

(3) Pay expenses for the recruitment of administrative and professional personnel for the commission; and

(4) Adopt and promulgate rules and regulations pursuant to the Administrative Procedure Act or as otherwise provided in the Coordinating Commission for Postsecondary Education Act to carry out the Coordinating Commission for Postsecondary Education Act and the powers and duties of the commission, except that for sections 85-1402 and 85-1413 to 85-1416, the provisions in section 84-908 for approval of the adoption, amendment, or repeal of any rule or regulation by the Governor shall not apply.

Source: Laws 1991, LB 663, § 14.

Cross References

Administrative Procedure Act, see section 84-920.
State Employees Collective Bargaining Act, see section 81-1369.

85-1412. Commission; additional powers and duties. The commission shall have the following additional powers and duties:

(1) Conduct surveys and studies it finds appropriate for the purposes of the Coordinating Commission for Postsecondary Education Act and request information from governing boards and appropriate administrators of public institutions and other governmental agencies for research projects. All public institutions and governmental agencies receiving state funds shall comply with reasonable requests for information under this subdivision;

(2) Recommend to the Legislature and the Governor legislation it deems necessary or appropriate to improve postsecondary education in Nebraska and any other legislation it deems appropriate to change the role and mission provisions in sections 85-121.05 and 85-917 to 85-966.01;

(3) Establish any advisory committees it finds will assist the commission in facilitating the performance of its duties or in soliciting input from affected parties such as students, faculty, governing boards, administrators of the public institutions, administrators of the private nonprofit institutions of postsecondary education and proprietary institutions in the state, and community and business leaders;

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§ 85-1412 STATE UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

(4) Participate in or designate an employee or employees to participate in any committee which may be created to prepare a coordinated plan for the delivery of educational programs and services in Nebraska through the telecommunications system;

(5) Seek a close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary and secondary education and postsecondary education;

(6) Administer the Integrated Postsecondary Education Data System or other information system or systems to provide the commission with timely, comprehensive, and meaningful information pertinent to the exercise of its duties. The information system shall be designed to provide comparable data on each public institution. The commission shall also administer the uniform information system prescribed in sections 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public institutions shall supply the appropriate data for the information system or systems required by the commission;

(7) Administer the State Scholarship Award Program Act, the Scholarship Assistance Program Act, and the Postsecondary Education Award Program Act;

(8) Accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions. Such loans and grants shall not be expended for any other purposes than those for which the loans and grants were provided. The commission shall determine eligibility for such loans, grants, and programs, and such loans and grants shall not be expended unless approved by the Governor;

(9) Make recommendations to the State Board of Education with regard to granting permits for the operation of correspondence schools, privately owned business or trade schools, or other educational institutions under the Private Postsecondary Career School Act whenever any correspondence school, business school, or vocational school offers any course which is intended to lead to the granting of an associate degree, diploma, or certificate or any course which qualifies for college credit;

(10) Pursuant to sections 85-1101 to 85-1104, authorize out-of-state institutions of higher or postsecondary education to offer courses or degree programs in this state;

(11) On or before October 1, 1994, and on or before October 1 every two years thereafter, submit to the Legislature and the Governor a report of its objectives and activities and the implementation of any recommendations of the commission for the preceding two calendar years;

(12) Allocate state incentive funds among the public institutions pursuant to any directives to the commission in the law providing for or authorizing such funds;

(13) Provide information; and

(14) Request necessary resources and information.

Source:

Integrated Postsecondary Education Data System
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(13) Provide staff support for interstate compacts on postsecondary education; and

(14) Request inclusion of the commission in any existing grant review process and information system.

Source: Laws 1991, LB 663, § 15; Laws 1993, LB 93, § 7; Laws 1994, LB 683, § 18.
Effective date July 16, 1994.

Cross References
Integrated Postsecondary Education Data System, see section 85-1424.
Private Postsecondary Career School Act, see section 79-2801.
Postsecondary Education Award Program Act, see section 85-9,140.
Scholarship Assistance Program Act, see section 85-9,117.
State Scholarship Award Program Act, see section 85-980.01.

85-1413. Comprehensive statewide plan; establish; requirements; unified statewide facilities plan; develop. (1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall establish and revise as needed a comprehensive statewide plan for postsecondary education which shall include (a) role and mission statements for each public institution within any general assignments of role prescribed in sections 85-121.05 and 85-917 to 85-966 and (b) a plan for facilities which utilize tax funds designated by the Legislature.

(2) The planning process of the commission shall be policy-based and ongoing in order to achieve the best possible use of available state resources for high quality and accessible postsecondary educational services.

(3) In establishing the plan, the commission shall assess the postsecondary educational needs of the state in the following areas:

- (a) The basic and continuing needs of various age groups;
- (b) Business and industrial needs for a skilled work force;
- (c) Demographic, social, and economic trends;
- (d) The needs of the ethnic populations;
- (e) College attendance, retention, and dropout rates;
- (f) The needs of recent high school graduates and place-bound adults;
- (g) The needs of residents of all geographic regions; and
- (h) Any other areas the commission may designate.

(4) The plan shall provide a structure or process which encourages and facilitates harmonious and cooperative relationships between public and private postsecondary educational institutions and shall recognize the role and relationship of elementary and secondary education and private postsecondary educational institutions in the state to postsecondary education.

(5) The commission shall incorporate into the plan provisions and policies to guide decisionmaking by the commission pursuant to this section and sections 85-1414 and 85-1415. The provisions and policies shall address issues which include, but are not limited to:

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§ 85-1413 STATE UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

(a) The facilitation of statewide transfer-of-credit guidelines to be considered by institutional governing boards. The statewide transfer-of-credit guidelines shall be designed to facilitate the transfer of students among public institutions. The statewide transfer-of-credit guidelines shall not require nor encourage the standardization of course content and shall not prescribe course content or credit value assigned by any public institution to the courses;

(b) Admission standards. The commission shall develop general guidelines for admissions which recognize selective and differentiated admission standards at public institutions and which are consistent with the role and mission of each public institution. It is the intent of the Legislature that changes in admission standards be implemented in conjunction with the role and mission statements established pursuant to this section and sections 85-121.05 and 85-917 to 85-966 and the adoption of statewide transfer-of-credit and remedial program policies to assure that access to postsecondary education is not limited;

(c) Enrollment guidelines. The commission shall establish enrollment guidelines consistent with the role and mission of each public institution and shall make specific recommendations designed to increase diversity through more effective enrollment and retention at public institutions;

(d) Tuition and fees. The commission shall develop guidelines for rational and equitable statewide tuition rates and fees for public institutions. The commission shall also identify public policy issues relating to tuition and fees of the public postsecondary educational institutions in the state. The guidelines shall take into account the role and mission of each public institution and the need to maximize access to public postsecondary education regardless of a student's financial circumstance;

(e) Remedial programs. In conjunction with and consistent with its guidelines on admission standards, the commission shall develop guidelines which place the primary emphasis at the community college level for postsecondary education remedial programs and reduce the role of the University of Nebraska in offering remedial programs. The commission shall collaborate with the Commissioner of Education to develop recommendations for secondary schools designed to reduce the need for remedial or developmental programs at the postsecondary level;

(f) Geographic and programmatic service areas. The commission shall define, after consultation with the governing boards, the geographic and programmatic service areas for each public institution consistent with role and mission assignments. Except as permitted by the commission pursuant to section 85-1414, after July 1, 1992, no public institution shall provide programs at any site outside its assigned geographic and programmatic service area unless permitted under rules and regulations adopted and promulgated by the commission;

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(g) Institutional peer group. The commission shall, after consultation with the governing boards and experts from outside the State of Nebraska, establish a peer group or groups for each public institution for purposes of budget review. In fulfilling this charge, the commission may accept a peer group determined by a governing board in consultation with out-of-state experts;

(h) Telecommunications. The plan shall address and facilitate the appropriate use of telecommunications to aid in the delivery of instruction at the postsecondary level. In cooperation with the Nebraska Educational Telecommunications Commission, other state agencies, and, when appropriate, representatives of elementary and secondary public education, the commission may assist in the development of instructional delivery systems employing telecommunications. The commission, with the involvement of faculties, public institutions and private postsecondary educational institutions, and the telecommunications community, shall establish policies to ensure that the objectives of quality and efficiency are met in the delivery of telecommunications-aided instruction;

(i) Economic development. The commission shall, in cooperation with Nebraska businesses, governing boards, and the Department of Economic Development, assist in the development of strategies and plans for involvement of postsecondary education in the economic development of the state. The commission and the cooperating entities shall explore methods to improve the competitive quality of the work force and shall encourage enhanced communications and partnerships between public institutions and business and industry;

(j) Public service activities. The public institutions shall develop and provide to the commission a comprehensive inventory of public service programs and activities of public institutions; and

(k) Financial aid strategy. The commission shall develop a state strategy for state-supported student financial aid programs with the goal of assuring access to and choice in postsecondary education in Nebraska for Nebraska residents within the limits of available state resources.

(6) The commission shall develop a unified statewide facilities plan with the assistance of the public institutions and update the plan periodically.

Source: Laws 1991, LB 663, § 16; Laws 1993, LB 239, § 20; Laws 1994, LB 683, § 19.
Effective date July 16, 1994.

85-1414. Programs; capital construction projects; review; commission, public institutions, and governing boards; duties. (1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall establish an ongoing process to review, monitor, and approve or disapprove the new and existing programs of public institutions

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and proposed capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive statewide plan and to prevent unnecessary duplication.

(2)(a) Governing boards shall submit to the commission all proposals for any new program after the governing board has approved the program and prior to implementation of the program. Except for programs submitted for conditional approval by the commission pursuant to subdivision (b) of this subsection, the commission shall have one hundred twenty days from the date the program was submitted to disapprove a program or it shall stand approved. The commission shall establish a waiver process for specific, short-term job training programs and short-term public service programs as defined by the commission. New programs submitted for review may be approved or disapproved in whole or in part and with or without recommended modifications based on criteria established pursuant to subsection (7) of this section.

(b) After approval of the program by the governing board, the governing board may submit a proposal for a program which is not authorized by the role and mission provisions of sections 85-121.05 and 85-917 to 85-966 to the commission for conditional approval. Within six months from its receipt of the proposal, the commission shall report to the Legislature its recommendation in support for or opposition to the amendments to the role and mission statutes that would be necessary for the commission to approve the program and for the institution to offer the program. The time period for submission of the report may be extended for up to six months by resolution of the commission which shall show good cause why the extent of review required for this particular proposal necessitates an extension of time to complete the review. Such extension shall be filed with the chairperson of the Education Committee of the Legislature prior to the expiration of the initial six months. The report shall contain supporting rationale for the commission's position, such additional comments as the commission deems appropriate and, in the event the commission supports the amendments to the role and mission statutes, the commission's specific recommendation as to the form of such amendments. Failure to timely file a report or resolution of extension with the Legislature shall be deemed to be disapproval of the proposed program and opposition by the commission to the amendments to the role and mission statutes the program would require. If the report indicates support for the necessary amendments to the role and mission statutes, the report shall also constitute the commission's conditional approval of the program, unless the report specifically indicates disapproval of the program. If the necessary amendments to the role and mission statutes supported by the commission in its report to the Legislature are subsequently enacted by the Legislature, the program shall stand approved unless the commission's conditional approval is rescinded prior to the implementation of the program. Nothing

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in this section for conditional approval shall be construed to affect the commission's future consideration of such proposal or approval or disapproval of any programs affected by the proposal.

(3) Following approval of a new program, such program shall be added to the schedule of existing programs to be reviewed by the commission. Following consultation with the governing board, new programs approved by the commission may also be required to meet, within a reasonable time as stipulated by the commission, minimum performance standards established by the commission pursuant to its rules and regulations. If a program fails to meet minimum performance standards, the commission shall review the program and may continue or withdraw its approval for the program.

(4) Existing programs shall be reviewed by the commission pursuant to a program review process established by the commission. To the extent possible while still allowing for timely review by the commission, program review shall coincide with institutional review and accreditation cycles. In reviewing existing programs, the commission may make use of nonconfidential information and conclusions provided by accreditation processes supplied to the commission by the institutions. All programs in existence prior to January 1, 1992, shall be considered approved until the approval is confirmed or withdrawn by the commission pursuant to the program review process conducted by the commission.

(5) Existing programs which do not meet criteria established by the commission pursuant to subsection (7) of this section shall be targeted for indepth review by the public institutions and their governing boards. In performing such indepth review, institutions may make use of information and conclusions provided by accreditation and other established and ongoing academic review processes rather than providing for a separate review process. Programs continued by the governing boards shall be further monitored by the governing board which shall report the status and process of the monitoring to the commission. If the commission determines that a program does not merit continuation, it shall hold a public hearing, following thirty days' notice to the public institution, to consider if the program should be continued. Following the hearing, the commission shall take action to approve or disapprove continuance of the program.

(6) Existing programs disapproved for continuance by the commission shall be terminated by a public institution when all students in the program on the date of the decision of the commission to disapprove continuance of the program have had a reasonable opportunity, as determined by the commission, to complete the program. Existing public service programs disapproved for continuance by the commission shall be terminated at the end of the fiscal year in which the decision to disapprove is made.

(7) The commission shall establish criteria for the review, monitoring, and approval or disapproval of programs. The criteria shall be designed to (a) assure that the governing boards promote the quality and effectiveness of

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§ 85-1414 STATE UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

programs resulting in the viability of such programs, (b) meet educational needs, and (c) assure efficiency and avoid unnecessary duplication. Criteria shall include:

- (i) Centrality to the role and mission of the public institution;
- (ii) Consistency with the comprehensive statewide plan;
- (iii) Evidence of need and demand including, when appropriate, quantifiable data or qualitative information or both quantifiable data and qualitative information; and
- (iv) Adequacy of resources to support the program.

The criteria shall not infringe on the prerogative of the governing boards to make decisions on the quality of staff and the design of curriculum.

(8) The commission shall develop specific criteria for review, monitoring, and approval or disapproval of participation by any public institution in proposed or existing education centers in addition to the criteria specified in this section. Participation by a public institution in an education center shall also be approved by the governing board of such public institution. The commission shall develop policies and procedures for conducting and approving off-campus programming in an education center. Any education center developed and established on or after November 6, 1990, except for any program for which funds have been specifically earmarked by the Legislature for FY1990-91, shall be deemed disapproved until approved as a new program by the commission.

(9) Each public institution shall submit an institutional facilities plan to the commission subject to commission guidelines for the format and content of such plans. The commission shall review each institutional facilities plan to ensure (a) consistency with the comprehensive statewide plan, statewide facilities plan, and institutional role and mission assignments and (b) identification of unnecessary duplication of facilities. The commission may recommend modifications to the institutional facilities plans and may require submission of periodic updates of the institutional facilities plans.

(10) Governing boards shall submit all proposed capital construction projects which utilize tax funds designated by the Legislature to the commission for review and approval or disapproval. The commission shall review, monitor, and approve or disapprove each such capital construction project to provide compliance and consistency with the statewide facilities plan and the comprehensive statewide plan and to prevent unnecessary duplication of capital facilities. The commission may disapprove a project only on the basis of a finding by the commission that the project (a) does not comply or is inconsistent with one or more provisions of the statewide facilities plan or other relevant provisions of the comprehensive statewide plan or (b) will result in unnecessary duplication of capital facilities. All capital construction projects in existence or receiving appropriations prior to January 1, 1992, shall be deemed approved.

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(11) In fulfilling its program and project approval activities prescribed in this section, the commission shall recognize educational activities among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of both public and independent and private postsecondary educational institutions.

(12) Any program which is authorized by action of the Legislature or a governing board and which is not in existence prior to January 1, 1992, shall not become operative unless and until such program has been approved by the commission pursuant to this section.

Source: Laws 1991, LB 663, § 17; Laws 1994, LB 683, § 20.
Effective date July 16, 1994.

85-1415. Capital construction projects proposed by Board of Regents of the University of Nebraska and Board of Trustees of the Nebraska State Colleges; review; commission; duties; approval by Legislature. Consistent with the authority granted to the Legislature pursuant to Article XIII, section 1, of the Constitution of Nebraska, the commission shall review all capital construction projects proposed by the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges pursuant to sections 85-404 and 85-408. Such boards shall submit all such projects to the commission for review. Within sixty days from the date of submission of a proposed project, the commission shall take action by recommending that the Legislature or the Executive Board of the Legislative Council either approve or disapprove the project. Following such action by the commission, each such proposed project together with the commission's recommendation of approval or disapproval shall be submitted by the board concerned to the Legislature or, as applicable under sections 85-404 and 85-408, to the Executive Board of the Legislative Council. The Legislature or, as applicable under sections 85-404 and 85-408, the Executive Board of the Legislative Council shall thereafter take action to approve or disapprove the proposed project. All projects authorized prior to January 1, 1992, shall be deemed approved.

Source: Laws 1991, LB 663, § 18; Laws 1992, LB 976, § 1; Laws 1994, LB 683, § 21.
Effective date July 16, 1994.

85-1416. Budget and state aid requests; review; commission; duties. (1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the governing boards.

(2)(a) At least thirty days prior to submitting to the Governor their biennial budget requests pursuant to section 81-1113 and any major deficit

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appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission an outline of its proposed operating budget. The outline of its proposed operating budget or outline of proposed state aid request shall include those information summaries provided to the institution's governing board describing the respective institution's budget for the next fiscal year or biennium. The outline shall contain projections of funds necessary for (i) the retention of current programs and services at current funding levels, (ii) any inflationary costs necessary to maintain current programs and services at the current programmatic or service levels, and (iii) proposed new and expanded programs and services. In addition to the outline, an institution may provide to the commission any other supporting information at the request of the commission or otherwise to identify the major components necessary for the commission to determine the public institution's compliance and consistency with the comprehensive statewide plan and the existence of any unnecessary duplication.

(b) On September 15 of each biennial budget request year, the boards of governors of the community colleges or their designated representatives shall submit to the commission outlines of their proposed state aid requests pursuant to sections 85-1536 and 85-1537.

(c) The commission shall analyze institutional budget priorities in light of the comprehensive statewide plan, role and mission assignments, and the goal of prevention of unnecessary duplication. The commission shall submit to the Governor and Legislature by October 15 of each year recommendations for approval or modification of each budget request together with a rationale for each such recommendation. The analysis and recommendations by the commission shall focus on budget requests for new and expanded programs and services and major statewide funding issues or initiatives as identified in the comprehensive statewide plan. If an institution does not comply with the commission's request pursuant to subdivision (a) of this subsection for additional budget information, the commission may so note the refusal and its specific information request in its report of budget recommendations. The commission shall also provide to the Governor and the Appropriations Committee of the Legislature on or before October 1 of each even-numbered year a report identifying public policy issues relating to student tuition and fees, including the appropriate relative differentials of tuition and fee levels between the sectors of public postsecondary education in the state consistent with the comprehensive statewide plan.

(3) At least thirty days prior to submitting to the Governor their biennial budget requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission

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information the commission deems necessary regarding each board's capital construction budget requests. The commission shall review the capital construction budget request information and may recommend to the Governor and the Legislature modification, approval, or disapproval of such requests consistent with the statewide facilities plan and any project approval determined pursuant to subsection (10) of section 85-1414 and to section 85-1415. The commission shall develop from a statewide perspective a unified prioritization of individual capital construction budget requests for which it has recommended approval and submit such prioritization to the Governor and the Legislature for their consideration. In establishing its prioritized list, the commission may consider and respond to the priority order established by the Board of Regents or the Board of Trustees in their respective capital construction budget requests.

(4) Nothing in this section shall be construed to affect other constitutional, statutory, or administrative requirements for the submission of budget or state aid requests by the governing boards to the Governor and the Legislature.

Source: Laws 1991, LB 663, § 19; Laws 1993, LB 239, § 21; Laws 1994, LB 683, § 22.

Effective date July 16, 1994.

85-1417. Repealed. Laws 1994, LB 683, § 33.

85-1418. Program or capital construction project; state funds; restrictions on use; district court of Lancaster County; jurisdiction; appeals; procedure. (1) No state warrant shall be issued by the Department of Administrative Services or used by any public institution for the purpose of funding any program or capital construction project which has not been approved or which has been disapproved by the commission pursuant to the Coordinating Commission for Postsecondary Education Act. If state funding for any such program or project cannot be or is not divided into warrants separate from other programs or projects, the department shall reduce a warrant to the public institution which includes funding for the program or project by the amount of tax funds designated by the Legislature which are budgeted in that fiscal year by the public institution for use for the program or project.

(2) The department may reduce the amount of state aid distributed to a community college area pursuant to sections 85-1536 and 85-1537 by the amount of funds used by the area to provide a program or capital construction project which has not been approved or which has been disapproved by the commission.

(3) The district court of Lancaster County shall have jurisdiction to enforce an order or decision of the commission entered pursuant to the Coor-

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ordinating Commission for Postsecondary Education Act and to enforce this section.

(4) Any person or public institution aggrieved by a final order of the commission entered pursuant to section 85-1413, 85-1414, 85-1415, or 85-1416 shall be entitled to judicial review of the order. Proceedings for review shall be instituted by filing a petition in the district court of Lancaster County within thirty days after public notice of the final decision by the commission is given. The filing of the petition or the service of summons upon the commission shall not stay enforcement of such order. The review shall be conducted by the court without a jury on the record of the commission. The court shall have jurisdiction to enjoin enforcement of any order of the commission which is (a) in violation of constitutional provisions, (b) in excess of the constitutional or statutory authority of the commission, (c) made upon unlawful procedure, or (d) affected by other error of law.

(5) A party may secure a review of any final judgment of the district court by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided by law for appeals in civil cases and shall be heard de novo on the record.

Source: Laws 1991, LB 663, § 21; Laws 1992, LB 360, § 40; Laws 1993, LB 239, § 22.

85-1419. Coordinating Commission for Postsecondary Education Cash Fund; created; use; investment. There is hereby created the Coordinating Commission for Postsecondary Education Cash Fund. The fund shall contain money received from application fees from out-of-state institutions of higher and postsecondary education seeking authorization to offer courses and programs in the State of Nebraska and from private colleges seeking provisional accreditation and money received by the commission for services rendered incident to the administration of its statutory or contractual functions. The fund shall be expended for the administrative costs of reviewing applications, publishing and duplicating reports, coordinating studies, conducting conferences, and other related activities as may be authorized by the Legislature or by contract. All such money received by the commission shall be remitted to the State Treasurer for credit to the fund. A report on the receipts and expenditures from the fund shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source: Laws 1991, LB 663, § 22; Laws 1994, LB 683, § 23; Laws 1994, LB 1066, § 138.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB 683, section 23, with LB 1066, section 138, to reflect all amendments.

Note: The changes made by LB 1066, section 138, became operative April 20, 1994. The changes made by LB 683, section 23, became effective July 16, 1994.

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Nebraska Capital Expansion Act, see section 72-1269.
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85-1420. Coordinating Commission for Postsecondary Education Trust Fund; created; use; investment. There is hereby created the Coordinating Commission for Postsecondary Education Trust Fund. The fund shall serve as a revolving fund to receive grants from foundations and institutions for specific studies which are a part of the powers and duties of the commission. The grant money shall be used only for purposes specified in the grant. A report of the findings of any studies done pursuant to the grants shall be included as a part of the operating budget request submitted to the Legislature and the Governor. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source: Laws 1991, LB 663, § 23; Laws 1994, LB 683, § 24; Laws 1994, LB 1066, § 139.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB 683, section 24, with LB 1066, section 139, to reflect all amendments.

Note: The changes made by LB 1066, section 139, became operative April 20, 1994. The changes made by LB 683, section 24, became effective July 16, 1994.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

(b) NEBRASKA EDUCATIONAL DATA SYSTEM

85-1421. Legislative intent. The Legislature hereby declares that it is the intent and purpose of sections 85-1421 to 85-1427 to provide for a state-level uniform information system for all public postsecondary education systems and institutions which will:

- (1) Provide for a coordinated state-level information base regarding the activities of the public postsecondary education systems and institutions;
- (2) Insure that the Legislature and other state and federal agencies obtain timely and accurate information concerning the programs, personnel, students, finances, and facilities of the state's postsecondary education systems and institutions;
- (3) Maintain procedures for the uniform definition and reporting of information;
- (4) Avoid unnecessary, duplicative, and conflicting information requests by state-level agencies through the uniform definition and collection of data elements, identification of data necessary for annual reporting to the state, and development of uniform and comparable data classification systems;
- (5) Provide information users and suppliers an opportunity to cooperatively maintain a uniform information system; and
- (6) Maintain an information base to support state-level planning, budgeting, and performance evaluation activities for postsecondary education.

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Source: Laws 1978, LB 897, § 1; R.S.1943, (1987), § 85-968; Laws 1994, LB 683, § 25.

Effective date July 16, 1994.

85-1422. Terms, defined. For purposes of sections 85-1421 to 85-1427:

(1) Commission shall mean the Coordinating Commission for Postsecondary Education; and

(2) Information system shall mean the uniform information system established by such sections and known as the Nebraska Educational Data System.

Source: Laws 1978, LB 897, § 2; Laws 1991, LB 663, § 106; Laws 1992, LB 988, § 18; R.S.Supp.,1992, § 85-969; Laws 1994, LB 683, § 26.

Effective date July 16, 1994.

85-1423. Commission; postsecondary education information system; duties. The commission shall maintain a comprehensive state-level public postsecondary education information system. The commission shall:

(1) Identify the state-level information to be reported on an annual or periodic basis regarding each postsecondary system's and institution's programs, personnel, finances, students, and facilities utilization and inventory;

(2) Identify the data elements for which information will be collected and reported to the state;

(3) Identify the information classification formats to be used by the postsecondary systems and institutions in presenting program, financial, student, facility, personnel, and audit information;

(4) Identify the data-collection, reporting, and auditing procedures for the information system; and

(5) Identify a procedure for updating the information system to meet changing conditions.

Source: Laws 1978, LB 897, § 3; R.S.1943, (1987), § 85-970; Laws 1994, LB 683, § 27.

Effective date July 16, 1994.

85-1424. Commission; duties; enumerated. The commission shall:

(1) Review and verify all information submitted by public postsecondary systems and institutions as part of the Integrated Postsecondary Education Data System and make such corrections in the submitted information as are necessary; and

(2) Prepare and disseminate an annual report of the information submitted by each public postsecondary system and institution and those private postsecondary educational institutions willing to cooperate as part of the Integrated Postsecondary Education Data System.

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COMMISSION FOR POSTSECONDARY EDUCATION § 85-1427

Source: Laws 1978, LB 897, § 7; Laws 1984, LB 290, § 8; Laws 1988, LB 927, § 3; Laws 1991, LB 663, § 109; R.S.Supp.,1992, § 85-974; Laws 1994, LB 683, § 28. Effective date July 16, 1994.

85-1425. Commission; solicit advice. The commission shall provide ongoing means for information suppliers and users to advise the commission in carrying out sections 85-1421 to 85-1427.

Source: Laws 1978, LB 897, § 8; Laws 1985, LB 421, § 5; Laws 1991, LB 663, § 110; R.S.Supp.,1992, § 85-975; Laws 1994, LB 683, § 29. Effective date July 16, 1994.

85-1426. Postsecondary education system and institution; report. Each public postsecondary education system and institution shall report information as required by the commission pursuant to sections 85-1421 to 85-1427.

Source: Laws 1978, LB 897, § 9; Laws 1991, LB 663, § 111; R.S.Supp.,1992, § 85-976; Laws 1994, LB 683, § 30. Effective date July 16, 1994.

85-1427. Commission; duties. In order to carry out its responsibilities under sections 85-1421 to 85-1427, the commission shall:

- (1) Periodically meet and confer with officials of the state and its political subdivisions having responsibility for postsecondary education services;
(2) Consult with and utilize the services of any office, department, or agency of the state; and
(3) Employ such personnel as may be necessary to assist it in the performance of its duties.

Source: Laws 1978, LB 897, § 12; Laws 1991, LB 663, § 114; R.S.Supp.,1992, § 85-979; Laws 1994, LB 683, § 31. Effective date July 16, 1994.

ARTICLE 15
COMMUNITY COLLEGES

- Section.
85-1501. Declaration of intent and purpose.
85-1502. Area governance and statewide coordination; legislative intent; association of boards; powers and duties; section, how construed.
85-1503. Terms, defined.
85-1504. Community college areas, designated.
85-1505. Community college area; body corporate.
85-1506. Community College Board of Governors; membership.
85-1507. Boards; officers; quorum required to perform duties.
85-1508. Community college area officers and employees; bond.

**STUDENTS PREPAR-
-ING TEACHERS
[REPEALED]**

PENDING PROVISIONS

Leg., ch. 1084, § 4.01(2),

These provisions by this Act, and provisions concerning such contracts are in effect for this purpose."

Sections, governing funding and of the student loan program from Acts 1984, 68th Leg., 2nd Sess., ch. III, part K, § 2 and Acts 1985, 69th Leg., ch. 2, § 2.

Leg., ch. 1084, § 4.01(2),

PROVISIONS

Leg., ch. 1084, § 4.01(2),

Leg., 2nd C.S., ch. 28, art. III,

**SUBTITLE B. STATE COORDINATION
OF HIGHER EDUCATION**

**CHAPTER 61. TEXAS HIGHER EDUCATION
COORDINATING BOARD**

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61.002.	Definitions.
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SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

61.021.	Establishment of Coordinating Board: Functions.
61.0211.	Sunset Provision.
61.022.	Members of Board; Appointment; Terms of Office.
61.0221.	Duty in Making or Confirming Appointments.
61.0222.	Restrictions on Board Appointment, Membership, and Employment.
61.0223.	Removal of Board Member.
61.023.	Board Officers.
61.024.	Compensation and Expenses of Members.
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61.026.	Committees and Advisory Committees.
61.027.	Rules of Procedure; Hearings; Notice; Minutes.
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61.033.	Competitive Cost Review Program.

[Sections 61.034 to 61.050 reserved for expansion]

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61.0512.	New Degree Programs; Notification to Board.
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61.053.	Board Orders; Notice.
61.054.	Expenditures for Programs Disapproved by Board.
61.055.	Initiation of New Departments, Schools, and Programs.
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- 61.314. Advisory Council on Private Postsecondary Educational Institutions.
- 61.315. Agents and Records.
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- 61.811. Gifts, Grants, an
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Acts 1987, 70th Leg.

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Acts 1987, 70th Leg., ch. 823, § 1.07, amended the chapter heading.

Cross References

- Academic,
 - Common Market, participation by Coordinating Board, see V.T.C.A., Education Code § 160.07.
 - Workload guidelines by Board, see V.T.C.A., Education Code § 51.401 et seq.
- Disadvantaged students, educational opportunities, approval by Coordinating Board, see V.T.C.A., Education Code § 130.152.
- East Texas State University, offering only programs approved by Coordinating Board, see V.T.C.A., Education Code § 100.11.
- Group life and health insurance premiums, payment for Board retirees, see V.A.T.S. Insurance Code, arts. 3.51-4, 3.51-5.
- Higher education institutions, reports to Coordinating Board, see V.T.C.A., Education Code § 51.005.
- Junior college districts, approval of branch campuses by Coordinating Board, see V.T.C.A., Education Code § 130.086.
- State College and University Employees Uniform Insurance Benefits Act, see V.A.T.S. Insurance Code, art. 3.50-3.

SUBCHAPTER A. GENERAL PROVISIONS

Cross References

Accountants, scholarship fund for fifth-year students, see Vernon's Ann.Civ.St. art. 41a-1.
Permanent improvements for institutions of higher education, coordinating board approval, see Vernon's Ann.Civ.St. art. 1182n.

Administrative Code References

Higher Education Coordinating Board, see 19 TAC § 1.1 et seq.

Library References

Colleges and Universities ☞7.
WESTLAW Topic No. 81.
C.J.S. Colleges and Universities §§ 15 to 18.

§ 61.001. Short Title

This chapter may be cited as the Higher Education Coordinating Act of 1965.
Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes**Prior Laws:**

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 1.

Cross References

Higher education authorities, creation by cities, see V.T.C.A., Education Code § 53.01 et seq.

§ 61.002. Purpose

(a) The purpose of this chapter is to establish in the field of public higher education in the State of Texas an agency to provide leadership and coordination for the Texas higher education system, institutions, and governing boards, to the end that the State of Texas may achieve excellence for college education of its youth through the efficient and effective utilization and concentration of all available resources and the elimination of costly duplication in program offerings, faculties, and physical plants.

(b) In the exercise of its leadership role, the Texas Higher Education Coordinating Board established by this chapter shall be an advocate for the provision of adequate resources and sufficient authority to institutions of higher education so that such institutions may realize, within their prescribed role and scope, their full potential to the benefit of the students who attend such institutions and to the benefit of the citizens of the state in terms of the realization of the benefits of an educated populace.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1987, 70th Leg., ch. 823, § 1.01, eff. June 20, 1987.

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Historical and Statutory Notes

The preamble of Acts 1987, 70th Leg., ch. 823 provides:

"The purpose of this Act is to make the statutory changes necessary to implement the recommendations of the Select Committee on Higher Education as contained in the Texas Charter for Public Higher Education."

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, § 1.
Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 1.

§ 61.003. Definitions

In this chapter:

(1) "Board" means the Texas Higher Education Coordinating Board.

(2) "Public junior college" means any junior college certified by the board in accordance with Section 61.063 of this chapter.

(3) "General academic teaching institution" means The University of Texas at Austin; The University of Texas at El Paso; The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio; Texas A & M University, Main University; The University of Texas at Arlington; Tarleton State College; Prairie View Agricultural and Mechanical College; Texas Maritime Academy; Texas Tech University; University of North Texas; Lamar University; Texas A & I University; Texas Woman's University; Texas Southern University; Midwestern University; University of Houston; Pan American University; The University of Texas at Brownsville; East Texas State University; Sam Houston State University; Southwest Texas State University; West Texas State University; Stephen F. Austin State University; Sul Ross State University; Angelo State University; Tyler State College;¹ and any other college, university, or institution so classified as provided in this chapter or created and so classified, expressly or impliedly, by law.

(4) "Public senior college or university" means a general academic teaching institution as defined above.

(5) "Medical and dental unit" means The University of Texas Medical Branch at Galveston; The University of Texas Southwestern Medical Center at Dallas; The University of Texas Medical School at San Antonio; The University of Texas Dental Branch at Houston; The University of Texas M.D. Anderson Cancer Center; The University of Texas Graduate School of Biomedical Sciences at Houston; The University of Texas Dental School at San Antonio; The University of Texas Medical School at Houston; the nursing institutions of The University of Texas System; and The University of Texas School of Public Health at Houston; and such other medical or dental schools as may be established by statute or as provided in this chapter.

(6) "Other agency of higher education" means The University of Texas System, System Administration; Texas Western University Museum; Texas A & M University System, Administrative and General Offices; Texas Agricultural Experiment Station; Texas Agricultural Extension Service; Rodent and Predatory Animal Control Service (a part of the Texas Agricultural Extension

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Service); Texas Engineering Experiment Station (including the Texas Transportation Institute); Texas Engineering Extension Service; Texas Forest Service; Texas Tech University Museum; Texas State University System, System Administration; Sam Houston Memorial Museum; Panhandle-Plains Historical Museum; Cotton Research Committee of Texas; Water Resources Institute of Texas; Texas Veterinary Medical Diagnostic Laboratory; and any other unit, division, institution, or agency which shall be so designated by statute or which may be established to operate as a component part of any public senior college or university, or which may be so classified as provided in this chapter.

(7) "Public technical institute" means the Texas State Technical College System.

(8) "Institution of higher education" means any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in this section.

(9) "Governing board" means the body charged with policy direction of any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education, including but not limited to boards of directors, boards of regents, boards of trustees, and independent school district boards insofar as they are charged with policy direction of a public junior college.

(10) "University system" means the association of one or more public senior colleges or universities, medical or dental units, or other agencies of higher education under the policy direction of a single governing board.

(11) "Degree program" means any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle him to a degree from a public senior college or university or a medical or dental unit.

(12) "Certificate program" means a grouping of subject-matter courses which, when satisfactorily completed by a student, will entitle him to a certificate, associate degree from a technical institute or junior college, or documentary evidence, other than a degree, of completion of a course of study at the postsecondary level.

(13) "Recognized accrediting agency" means the Southern Association of Colleges and Schools and any other association or organization so designated by the board.

(14) "Educational and general buildings and facilities" means buildings and facilities essential to or commonly associated with teaching, research, or the preservation of knowledge, including the proportional share used for those activities in any building or facility used jointly with auxiliary enterprises. Excluded are auxiliary enterprise buildings and facilities, including but not limited to dormitories, cafeterias, student union buildings, stadiums, and alumni centers, used solely for those purposes.

(15) "Private or independent institution of higher education" includes only a private or independent college or university that is:

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(A) organized under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes);

(B) exempt from taxation under Article VIII, Section 2, of the Texas Constitution and Section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. Section 501); and

(C) accredited by a recognized accrediting agency.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1973, 63rd Leg., p. 1657, ch. 601, § 3, eff. June 15, 1973; Acts 1983, 68th Leg., p. 3054, ch. 524, § 4, eff. Sept. 1, 1983; Acts 1985, 69th Leg., ch. 646, § 1, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 180, § 1, eff. Aug. 31, 1987; Acts 1987, 70th Leg., ch. 823, § 1.03, eff. June 20, 1987; Acts 1987, 70th Leg., ch. 1070, § 4, eff. May 15, 1988; Acts 1989, 71st Leg., ch. 644, § 1, eff. June 14, 1989; Acts 1989, 71st Leg., ch. 1084, § 1.32, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 287, § 29, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 305, § 2, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 516, § 4, eff. Sept. 1, 1993.

¹ See, now, University of Texas at Tyler, V.T.C.A., Education Code § 76.01 et seq.

Historical and Statutory Notes

For provisions relating to the name change of Texas State Technical Institute to Texas State Technical College System, and references in law and appropriations to the former name, see note following V.T.C.A., Education Code § 135.01.

Section 20 of Acts 1993, 73rd Leg., ch. 936 provides:

"(a) Not later than September 1, 1994, the Texas Higher Education Coordinating Board, with the cooperation of the Advisory Commission on State Emergency Communications, shall inventory residential PBX facilities that are owned or operated by a public or private institution of higher education as defined by Section 61.003 or Section 61.302, Education Code. The inventory shall identify each institution's telecommunications equipment, estimate the cost, and specify the technical requirements that would be necessary to provide the level of 9-1-1 services required by this Act and may recommend alternative plans that will provide substantially equivalent efficient and effective emergency response services.

"(b) Each institution shall evaluate the technical and financial feasibility of and establish a schedule for providing access to an effective 9-1-1 emergency response service.

"(c) A public, private, or independent institution of higher education that provides residential services on telecommunications equipment that cannot be technically modified to provide the required level of 9-1-1 service is exempt from the requirements of this Act until the PBX system is replaced, and at that time a new PBX system shall be installed with equipment that provides the required level of 9-1-1 service.

"(d) A public, private, or independent institution of higher education providing residential PBX facilities that can provide the required level of 9-1-1 service shall do so on or before September 1, 1995, unless the institution has received a waiver(s) from the Advisory Commission on State Emergency Communications. A waiver may be granted for technical or financial reasons."

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 2.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 61.021. Establishment of Coordinating Board: Functions

(a) The Texas Higher Education Coordinating Board is an agency of the state. It shall have its office in Austin. It shall perform only the functions which are enumerated in this chapter and which the legislature may assign to it. Functions vested in the governing boards of the respective institutions of higher education not specifically delegated to the coordinating board shall be

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performed by the governing boards. The coordinating functions and other duties delegated to the board in this chapter shall apply to all public institutions of higher education.

(b) References in this code or other law to the "coordinating board" or the "Coordinating Board, Texas College and University System," are references to the Texas Higher Education Coordinating Board.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1987, 70th Leg., ch. 823, § 1.02, eff. June 20, 1987.

Historical and Statutory Notes

Section 1.08 of the 1987 amendatory act provides:

"(a) The name of the Coordinating Board, Texas College and University System, is changed to the Texas Higher Education Coordinating Board. Appropriations made to the Coordinating Board, Texas College and University System, are considered appropriations to the Texas Higher Education Coordinating Board.

"(b) This Act does not affect the terms of office of members of the Coordinating Board.

Texas College and University System, serving on the effective date of this Act.

"(c) The Texas Higher Education Coordinating Board shall use supplies printed with the board's former name before purchasing supplies with the name provided by this Act."

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, § 2.
Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 3.

Notes of Decisions

Functions 1

1. Functions

Under the express language of § 3 of Vernon's Ann.Civ.St. art. 2919e-2 the powers and

functions of the coordinating board, Texas college and university system, were limited to those specifically enumerated therein. Op.Atty. Gen.1970, No. M-652.

§ 61.0211. Sunset Provision

The Texas Higher Education Coordinating Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2003.

Added by Acts 1977, 65th Leg., p. 1853, ch. 735, § 2.151, eff. Aug. 29, 1977. Amended by Acts 1985, 69th Leg., ch. 479, § 200, eff. Sept. 1, 1985; Acts 1987, 70th Leg., ch. 823, § 1.04, eff. June 20, 1987; Acts 1989, 71st Leg., ch. 1084, § 1.01, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., 1st C.S., ch. 17, § 6.01, eff. Nov. 12, 1991.

§ 61.022. Members of Board; Appointment; Terms of Office

The board shall consist of 18 members appointed by the governor so as to provide representation from all areas of the state with the advice and consent of the senate, and as the constitution provides. Of the initial appointments to the board six shall be for terms which shall expire August 31, 1967, six for terms which shall expire August 31, 1969, and six for terms which shall expire on August 31, 1971, or at such time as their successors are appointed and have qualified. Thereafter, the governor shall appoint members for terms of six

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years. Members of the Texas Commission on Higher Education are eligible for appointment to the board. No member may be employed professionally for remuneration in the field of education during his term of office.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, § 3.

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.

Vernon's Ann.Civ.St. art. 2919e-2, § 4.

Notes of Decisions

Multiple memberships 2
Validity 1

not violate the civil rights of, or deprive equal protection to, a teacher so barred. Op.Atty. Gen.1982, No. MW-479.

1. Validity

Where this section prohibits teachers employed by school districts from serving on the Coordinating Board of the Texas College and University System, and § 11.22 bars teachers employed in a public junior college from serving on the State Board of Education, the classifications created by the legislature do

2. Multiple memberships

An individual may not serve simultaneously as a member of the Coordinating Board, Texas College and University System and a junior college board; upon acceptance of a position on one of the boards, membership on the other board is relinquished. Op.Atty.Gen.1984, No. JM-97.

§ 61.0221. Duty in Making or Confirming Appointments

(a) In making or confirming appointments to the coordinating board, the governor and senate shall ensure that the appointee has the background and experience suitable for performing the statutory responsibility of a member of the coordinating board.

(b) Appointments to the board shall be made without regard to the race, color, handicap, sex, religion, age, or national origin of the appointees.

Added by Acts 1987, 70th Leg., ch. 823, § 1.05, eff. June 20, 1987. Amended by Acts 1989, 71st Leg., ch. 1084, § 1.01, eff. Sept. 1, 1989.

Historical and Statutory Notes

Section 1.08(b) of Acts 1987, 70th Leg., ch. 823, eff. June 20, 1987, provides:

"This Act does not affect the terms of office of members of the Coordinating Board, Texas Col-

lege and University System, serving on the effective date of this Act."

§ 61.0222. Restrictions on Board Appointment, Membership, and Employment

(a) A member of the board must be a representative of the general public. A person is not eligible for appointment as a member of the board if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization regulated by the board or receiving funds from the board;

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(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the board or receiving funds from the board; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the board, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

(b) An officer, employee, or paid consultant of a Texas trade association in the field of higher education may not be a member or employee of the board if the person is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(c) A person who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of higher education may not be a board member and may not be a board employee who is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(d) A person may not serve as a member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

(e) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.02, eff. Sept. 1, 1989.

Historical and Statutory Notes

Section 4.02(a) of the 1989 Act provides: to the Texas Higher Education Coordinating
"The changes in law made by Sections 1.02 Board made on or after the effective date of this
and 1.03 of this Act apply only to appointments Act."

§ 61.0223. Removal of Board Member

(a) It is a ground for removal from the board if a member:

(1) does not have at the time of appointment the qualifications required by Section 61.0222(a) of this code;

(2) does not maintain during service on the board the qualifications required by Section 61.0222(a) of this code;

(3) violates a prohibition established by Section 61.022 or Section 61.0222(b), (c), or (d) of this code;

(4) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

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(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) If the commissioner has knowledge that a potential ground for removal exists, the commissioner shall notify the chairman of the board of the ground. The chairman shall then notify the governor that a potential ground for removal exists.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.03, eff. Sept. 1, 1989.

Historical and Statutory Notes

Section 4.02(a) of the 1989 Act provides: to the Texas Higher Education Coordinating Board made on or after the effective date of this Act."
"The changes in law made by Sections 1.02 and 1.03 of this Act apply only to appointments

§ 61.023. Board Officers

The governor shall designate a chairman and vice chairman of the board. The board shall appoint a secretary of the board whose duties may be prescribed by law and by the board.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws: Acts 1969, 61st Leg., p. 537, ch. 184, § 1.
Acts 1955, 54th Leg., p. 1217, ch. 487, § 4a. Vernon's Ann.Civ.St. art. 2919e-2, §§ 4, 4a.
Acts 1965, 59th Leg., p. 27, ch. 12, § 1.

§ 61.024. Compensation and Expenses of Members

Members of the board shall serve without pay but shall be reimbursed for their actual expenses incurred in attending meetings of the board or in attending to other work of the board when that other work is approved by the chairman of the board.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws: Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Acts 1955, 54th Leg., p. 1217, ch. 487, § 5. Vernon's Ann.Civ.St. art. 2919e-2, § 5.

§ 61.025. Quorum; Meetings; Agenda

(a) A majority of the membership of the board constitutes a quorum.

(b) The board shall hold regular quarterly meetings in the city of Austin, and other meetings at places and times scheduled by it in formal sessions and called by the chairman.

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(c) An agenda for the meetings in sufficient detail to indicate the items on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each state institution of higher education at least 30 days prior to the meeting.

(d) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1989, 71st Leg., ch. 1084, § 1.04, eff. Sept. 1, 1989.

Historical and Statutory Notes

Prior Laws: Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Acts 1955, 54th Leg., p. 1217, ch. 487, §§ 4, 6, 16. Vernon's Ann.Civ.St. art. 2919e-2, § 6.

Administrative Code References

Coordinating Board, Texas Higher Education, agency administration,
Meeting to consider hearing officer's report, see 19 TAC § 1.39.

Notes of Decisions

Agenda 1

has no authority to hold an official meeting without circulation of the agenda for such meeting at least 30 days prior to the meeting. Op. Atty.Gen.1972, No. M-1214.

1. Agenda

Pursuant to this section, the Coordinating Board, Texas College and University System,

§ 61.026. Committees and Advisory Committees

The chairman may appoint committees from the board's membership as he or the board may find necessary from time to time. The board may appoint advisory committees from outside its membership as it may deem necessary.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws: Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Acts 1955, 54th Leg., p. 1217, ch. 487, § 8. Vernon's Ann.Civ.St. art. 2919e-2, § 7.

§ 61.027. Rules of Procedure; Hearings; Notice; Minutes

The board shall adopt and publish rules and regulations in accordance with and under the conditions applied to other agencies by Chapter 2001, Government Code to effectuate the provisions of this chapter. The board shall grant any institution of higher education a hearing upon request and after reasonable notice. Minutes of all meetings shall be available in the board's office for public inspection.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1987, 70th Leg., ch. 823, § 1.12, eff. June 20, 1987; Acts 1995, 74th Leg., ch. 76, § 5.95(49), eff. Sept. 1, 1995.

Prior Laws:
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Historical and Statutory Notes

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, § 6.

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 8.

Cross References

Capital improvements of institutions, bonds and pledge in accordance with this section, see V.T.C.A., Education Code §§ 55.171, 55.172.
Disadvantaged students, educational opportunities, approval by Coordinating Board, see V.T.C.A., Education Code § 130.152.

§ 61.028. Commissioner of Higher Education; Personnel; Consultants

(a) The board shall appoint a commissioner of higher education, who shall select and supervise the board's staff and perform other duties delegated to him by the board. The commissioner shall serve at the pleasure of the board.

(b) The commissioner shall be a person of high professional qualifications having a thorough background by training and experience in the fields of higher education and administration and shall possess such other qualifications as the board may prescribe.

(c) The commissioner shall employ professional and clerical personnel and consultants as necessary to assist the board and the commissioner in performing the duties assigned by this chapter. The number of employees, their compensation and the other expenditures of the board shall be within the limits and in compliance with the appropriation made for those purposes by the legislature and within budgets that shall be approved from time to time by the board.

(d) The commissioner or the commissioner's designee shall develop an intraagency career ladder program. The program shall require intraagency postings of all nonentry level positions concurrently with any public posting.

(e) The commissioner or the commissioner's designee shall develop a system of annual performance evaluations. All merit pay for board employees must be based on the system established under this subsection.

(f) The commissioner or the commissioner's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, handicap, sex, religion, age, or national origin. The policy statement must include:

- (1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel;
- (2) a comprehensive analysis of the board's work force that meets federal and state guidelines;
- (3) procedures by which a determination can be made of significant underuse in the board's work force of all persons for whom federal or state guidelines encourage a more equitable balance; and

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(4) reasonable methods to appropriately address those areas of significant underuse.

(g) A policy statement prepared under Subsection (f) of this section must cover an annual period, be updated at least annually, and be filed with the governor's office.

(h) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (g) of this section. The report may be made separately or as part of other biennial reports made to the legislature.

(i) The board shall develop and implement policies that clearly define the respective responsibilities of the board and the staff of the board.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1989, 71st Leg., ch. 1084, § 1.05, eff. Sept. 1, 1989.

Historical and Statutory Notes

Section 4.02(b) of the 1989 amendatory act provides:

"The first equal employment opportunity policy statement required to be filed under Section 61.028, Education Code, as amended by this Act, must be filed before November 1, 1989."

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, § 7.
Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 9.

§ 61.029. Internal Auditor

(a) The commissioner of higher education shall appoint an internal auditor for the board. The appointment of an internal auditor must be approved by the board.

(b) The internal auditor shall report to the commissioner. The board by rule may require the internal auditor to submit certain reports directly to the board.

(c) A committee of the board whose primary function is to oversee the administration of the board shall meet with the internal auditor at least as frequently as quarterly.

(d) The internal auditor's duties include:

- (1) the review and appraisal of the accounting, financial, and operating activities of the board, including its internal information management; and
- (2) appraisal of the board's effectiveness in meeting its statutory duties.

(e) The state auditor shall review the quality and the effectiveness of the board's internal management information as part of the auditor's responsibility to conduct expanded scope audits of state agencies.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.06, eff. Sept. 1, 1989.

§ 61.030. Qualifications and Standards of Board Members and Employees

The board shall provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this

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Added by Acts 1989, 71st Leg., ch. 1084, § 1.07, eff. Sept. 1, 1989.

§ 61.031. Public Interest Information and Complaints

(a) The board shall prepare information of public interest describing the functions of the board and the board's procedures by which complaints are filed with and resolved by the board. The board shall make the information available to the public and appropriate state agencies.

(b) The board shall keep an information file about each complaint filed with the board that the board has authority to resolve.

(c) If a written complaint is filed with the board that the board has authority to resolve, the board, at least quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.08, eff. Sept. 1, 1989.

§ 61.032. Notice of National Compact Meetings

The commissioner of higher education or the commissioner's designee on behalf of Texas members of the Board of Control for Southern Regional Education shall file notice of board of control meetings with the secretary of state's office for publication in the Texas Register.

Added by Acts 1989, 71st Leg., ch. 262, § 1, eff. Sept. 1, 1989; Acts 1989, 71st Leg., ch. 1084, § 1.09, eff. Sept. 1, 1989.

Cross References

Southern Regional Education Compact, see V.T.C.A., Education Code § 160.01 et seq.

§ 61.033. Competitive Cost Review Program

The board is subject to Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).¹

Added by Acts 1989, 71st Leg., ch. 1084, § 1.10, eff. Sept. 1, 1989.

¹ Repealed.

Historical and Statutory Notes

Section 4.07 of the 1989 Act provides:

"Notwithstanding Section 13.09, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by this Act, and Section 61.033, Education Code, as added by this Act, the competitive cost re-

view provisions, until September 1, 1991, are applicable only to the loan servicing, collections, and litigation functions carried out in the Texas Higher Education Coordinating Board's student loan program established under Chapter 52, Education Code."

[Sections 61.034 to 61.050 reserved for expansion]

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SUBCHAPTER C. POWERS AND DUTIES OF BOARD

§ 61.051. Coordination of Institutions of Public Higher Education

(a) The board shall represent the highest authority in the state in matters of public higher education and is charged with the duty to take an active part in promoting quality education in the various regions of the state. The board shall be responsible for assuring that there is no discrimination in the distribution of programs and resources throughout the state on the basis of race, national origin, or sex. The board shall develop a five-year master plan for higher education in this state and update the plan annually. The five-year plan shall take into account the resources of private institutions of higher education in this state. The board shall:

(1) inform the legislature on matters pertaining to higher education, including the state's activities in the Board of Control for Southern Regional Education; and

(2) report to the legislature in January of each year on the state of higher education in Texas.

(b) The board shall define a technical institute, a junior college, a senior college, a university, and a university system; provided, that nothing in this section may be construed to authorize the board to establish or create any technical institute system or university system or to alter any technical institute system or university system presently existing by virtue of statute or the constitution of this state.

(c) The board shall develop and publish criteria to be used as a basis for determining the need for changing the classification of any public institution of higher education and for determining the need for new public technical institutes, public junior colleges, public senior colleges, universities, or university systems.

(d) The board shall develop, after direct consultation with the governing board of the institution and after providing a forum for a public hearing, the role and mission for each public institution of higher education in Texas. The board shall hear applications from the institutions for changes in role and mission and make changes necessary to update the role and mission statements of each institution. The board shall adopt by rule the criteria to be used in reviewing the role and mission statements. The board, after direct consultation with the governing board of the institution and after providing the forum for a public hearing, may prescribe by rule maximum enrollment limits for such institution. In setting maximum enrollment limits, the board shall take into account any financial hardship such enrollment limits might cause qualified Texas residents seeking a higher education. The governing board of each institution shall determine the maximum enrollment limits for any department, school, degree program, or certificate program at the institution.

(e) The board shall review periodically the role and mission statements, the table of programs, and all degree and certificate programs offered by the public

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institutions of higher education to assure that they meet the present and future needs of the state and the counties in which they are located. The board's review shall be performed at least every four years and shall involve the chairperson of the institution's board of regents. The board shall also order the initiation, consolidation, or elimination of degree or certificate programs where that action is in the best interest of the public institutions themselves or the general requirements of the State of Texas, the counties in which they are located, or when that action offers hope of achieving excellence by a concentration of available resources. No new department, school, degree program, or certificate program may be added at any public institution of higher education except with specific prior approval of the board. The board may authorize an institution to continue a doctoral program that is inconsistent with the role and mission of the institution if the program was in existence on September 1, 1987, and the board determines that continuation of the program is warranted.

(f) The board shall encourage and develop new certificate programs in technical and vocational education in Texas public technical institutes and public community colleges as the needs of technology and industry may demand and shall recommend the elimination of such programs for which a need no longer exists. The board shall conduct a review of the certificate programs at least every four years or on the request of the Council on Workforce and Economic Competitiveness and shall terminate a program that does not meet performance review standards and other criteria established by the board. The board shall assume the leadership role and administrative responsibilities for state level administration of postsecondary technical-vocational education programs in Texas public community colleges, public technical institutes, and other eligible public postsecondary institutions. The board shall ensure that standardized minimum technical and skill-specific competency and performance standards for each workforce education program, as developed by the Council on Workforce and Economic Competitiveness, are used in the board's review, approval, or disapproval of a vocational and technical program financed by state and federal funds.

(g) The board shall develop and promulgate a basic core of general academic courses which shall be freely transferable among all public institutions of higher education in Texas which are members of recognized accrediting agencies on the same basis as if the work had been taken at the receiving institution. The board shall develop and implement policies to provide for the free transferability of lower division course credit among institutions of higher education.

(h) The board shall make continuing studies of the needs of the state for research and designate the institutions of higher education to perform research as needed. The board shall also maintain an inventory of all institutional and programmatic research activities being conducted by the various institutions, whether state-financed or not. Once a year, on dates prescribed by the board, each institution of higher education shall report to the board all research conducted at that institution during the last preceding year. All reports required by this subsection shall be made subject to the limitations imposed by security regulations governing defense contracts for research.

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(i) Repealed by Acts 1989, 71st Leg., ch. 1084, § 4.01(1), eff. Sept. 1, 1989.

(j) No off-campus courses for credit may be offered by any public technical institute, public community college, or public college or university without specific prior approval of the board. The board may not prohibit a public junior college district from offering a course for credit outside the boundaries of the junior college district when such course has met the requirements for approval as adopted by the board. The board shall establish regulations for the coordination of credit activities of adult and continuing education by public technical institutes, public community colleges, or public colleges and universities.

(k) The board shall establish and maintain a management information system that includes the presentation of uniform statistical information that is appropriate to planning, financing, and decision-making rather than regulation.

(l) The board shall advise and offer technical assistance on the request of any institution or system administration.

(m) The board shall publish and distribute materials on admission policies, transferable courses among institutions, financial assistance programs, and other matters of interest to persons choosing an institution in which to enroll. It is the intent of the legislature that materials distributed under this subsection be designed to promote and encourage students to complete high school coursework and aspire to their highest potential by obtaining a degree from an institution of higher education.

(n) The board shall develop guidelines for institutional reporting of student performance.

(o) The board shall encourage cooperative programs and agreements among institutions of higher education, including, among others, programs and agreements relating to degree offerings, research activities, and library and computer sharing.

(p) The board shall administer trusteed funds, grant programs, research competition awards, and other funds and programs as directed by the legislature.

(q) The board shall develop a statewide telecommunications network among institutions of higher education for integrated teaching and data transmission and computation, but only to the extent that the telecommunications services are not available through a system of telecommunications services established for state agencies generally.

(r) The board shall conduct a review of all doctoral programs offered at institutions of higher education. The review shall consider:

- (1) program quality;
- (2) demand for the degree program;
- (3) number of graduates;
- (4) geographic distribution of doctoral degree programs;
- (5) employment opportunities and demand for degree holders; and

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Title 3

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§ 61.051

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The board shall begin the review by considering first the institutions that offer a single doctoral program. The review must be completed by December 1992. The board shall report the results of the review regarding public institutions of higher education to the legislature not later than the convening of the regular legislative session in 1993.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2055, ch. 676, §§ 1, 2, eff. June 20, 1975; Acts 1985, 69th Leg., ch. 646, § 2, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 823, § 1.06, eff. June 20, 1987; Acts 1989, 71st Leg., ch. 1084, §§ 1.11, 4.01(1), eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 668, § 7.01, eff. Sept. 1, 1993.

Revisor's Note—1971

Subdivisions (3) to (6) of the source statute (Subsections (d) and (e) of the revised section) are deemed to have impliedly repealed any provision of a prior statute which classified or prescribed the role and scope for a college or university, or which enumerated the departments, courses of study, degree programs, etc., to be offered by the institution, or which gave its governing board the authority to prescribe them. Accordingly, all provisions of this type (see, e.g., V.A.C.S. Arts. 2623c-3, 2623c-4, concerning Midwestern University) are omitted from the code.

Historical and Statutory Notes

Section 5 of the 1975 amendatory act provides:

"The coordinating board shall have all the previously listed powers in this Act in connection with The University of Texas System and The Texas A & M University System."

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, §§ 11 to 13.
Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 10.

Cross References

Court reporters certification board, approval of curriculum, see V.T.C.A., Government Code § 52.013.
Holiday schedules, power to establish, see V.T.C.A., Government Code § 662.011.
State Board of Education, contracts with Coordinating Board, see V.T.C.A., Education Code § 7.102.
Technical Institute extension programs, applicability of subsec. (j) of this section, see V.T.C.A., Education Code § 135.06.
Texas Tech University Health Sciences Center, supervision by coordinating board, see V.T.C.A., Education Code § 110.10.
Working hours, state employees, power of boards to make exceptions to length of workweek and workday, see V.T.C.A., Government Code § 658.007.

Administrative Code References

Coordinating Board, Texas Higher Education, public junior colleges,
Approval of off-campus and out-of-district instruction, public colleges and universities, see 19 TAC § 5.151.
Approval of out-of-state classes, see 19 TAC § 5.157.
Approval of postsecondary technical and vocational programs for state appropriations to community and junior colleges and Texas State Technical Institute, see 19 TAC § 9.151 et seq.
Coordination of adult and continuing education activities, see 19 TAC § 5.155.
Criteria and procedures for considering lower-division courses proposed off-campus by senior institutions and out-of-district by community junior colleges, see 19 TAC § 5.154.

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Coordinating Board, Texas Higher Education, public junior colleges—Continued
Guidelines, approval of course inventories, public senior institutions, see 19 TAC § 5.281 et seq.
Program development, see 19 TAC § 5.1 et seq.

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Notes of Decisions

- Contracts 7
- Enrollment 2
- Medical schools and facilities 1
- Military bases 4
- Name of institution 6
- Programs 3
- Purchase or construction of building 5

4. Military bases

In areas where the United States has obtained exclusive jurisdiction, out-of-state institutions of higher education may conduct courses at federal military bases without the express permission of the Coordinating Board; on military bases over which the United States has not acquired exclusive jurisdiction, the Coordinating Board is nevertheless without authority to regulate the activities of such educational institutions unless the deed of cession to the federal government specified that the cession was made subject to any subsequent act of the Legislature. Op.Atty.Gen.1976, No. H-771.

1. Medical schools and facilities

The Board of Directors of Texas Technological College could have created a medical school as a part of the existing college at Lubbock without the passage of implementing legislation through compliance with Vernon's Ann.Civ.St. arts. 2629, 2631 and 2919e-2. Op.Atty.Gen. 1969, No. M-333.

The coordinating board of the state college and university system, pursuant to Vernon's Ann.Civ.St. art. 2919e-2, could have altered the role and scope of the Texas Tech University Medical School, and thereby ordered the initiation of a degree program in veterinary medicine within that school. Op.Atty.Gen.1970, No. M-757.

5. Purchase or construction of building

The Coordinating Board, Texas College and University System, does not have the authority to regulate the expenditure of construction funds or to consider cost as a factor in determining whether to approve or disapprove an institution's application for the construction, rehabilitation, or repair of buildings or facilities at institutions of higher education; however, its promulgation of space utilization standards and determination of an institution's program, role, and scope will indirectly affect the amount of funds expended for construction and rehabilitation of buildings. Op.Atty.Gen.1976, No. H-762.

2. Enrollment

Vernon's Ann.Civ.St. art. 2919-2 contained no provision which would have authorized the board to fix the numerical maximum enrollments for all public senior colleges and universities; however, the coordinating board could "consider" a plan whereby a person desiring to enroll must first meet a prescribed set of standards. Op.Atty.Gen.1970, No. M-652.

East Texas State University has no authority to buy a building for its commuter program center, either by purchase or lease-purchase; the University may offer courses for resident credit in its commuter center provided that the Coordinating Board approves the course offerings and that they do not duplicate other educational programs in the area. Op.Atty.Gen. 1978, No. H-1211.

3. Programs

The specific prior approval of the Texas Commission on Higher Education was not required for the Texas Woman's University to use the facilities offered by the Texas Medical Center, Inc., in its collegiate nursing program, since the same did not constitute a new degree program within the meaning of section 11 of Vernon's Ann.Civ.St. art. 2919e-2. Op.Atty.Gen.1958, No. WW-510.

6. Name of institution

Coordinating Board and the governing boards of state-supported colleges and universities may not change legislatively established name of institution under their jurisdiction. Op.Atty.Gen. 1979, No. MW-64.

Except for training programs for technical teachers, counselors and supervisors, the State Board of Vocational Education and the Coordinating Board, Texas College and University System, lack the power to revoke approval once given for programs to be offered by the Texas State Technical Institute. Op.Atty.Gen.1974, No. H-299.

7. Contracts

The Coordinating Board has the authority to enter into an interagency contract with the General Education Agency concerning the expenditure of the funds appropriated by Acts 1972, 62nd Leg., 4th C.S., (H.B.No. 78) ch. 9 to carry out the intent of the legislature and purposes of the appropriation, and to enable the appropriate agency to receive the matching federal funds for the construction and operation of the exten-

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§ 61.052

tion center and vocational education program.
Op.Atty.Gen.1972, No. M-1253.

perform functions of the same type as those entrusted to it by statute, provided that the State Board of Education retains its ultimate responsibility over the state's technical-vocational education program. Op.Atty.Gen.1975, No. H-517.

§ 61.0511. Role and Mission Statement

Each institution of higher education shall develop a statement regarding the role and mission of the institution reflecting the three missions of higher education: teaching, research, and public service.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.12, eff. Sept. 1, 1989.

Historical and Statutory Notes

Section 4.02(c) of the 1989 Act provides:

"Under Section 61.0511, Education Code, as added by this Act:

dance with a schedule developed by the Texas Higher Education Coordinating Board; and

"(1) a public senior college or university that has developed a role and mission statement before the effective date of this Act shall revise its role and mission statement as necessary to reflect the teaching, research, and public service missions of higher education, in accor-

"(2) a public senior college or university that does not have a role and mission statement developed before the effective date of this Act must develop a role and mission statement on or before June 1, 1991, that reflects the teaching, research, and public service missions of higher education."

§ 61.0512. New Degree Programs; Notification to Board

At the time a public senior college or university begins preliminary planning for a new degree program or a new organizational unit to administer a new degree program, the college or university shall notify the board. In the implementation of this subsection, the board may not require additional reports from the institutions.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.13, eff. Sept. 1, 1989.

§ 61.0513. Court Reporter Programs

The board may not certify a court reporter program under Section 61.051(f) of this code unless the program has received approval from the Court Reporters Certification Board.

Added by Acts 1993, 73rd Leg., ch. 563, § 2, eff. Sept. 1, 1993.

Historical and Statutory Notes

Section 4 of the 1993 Act provides:

"This Act takes effect September 1, 1993, and applies only to certificates of approval issued or renewed under Chapter 32 or 61, Education

Code, on or after that date. A certificate of approval issued or renewed before the effective date of this Act is covered by the law in effect when the certificate was issued or renewed, and that law is continued in effect for that purpose."

§ 61.052. List of Courses; Annual Submission to Board

(a) Each governing board shall submit to the board once each year on dates designated by the board a comprehensive list by department, division, and

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school of all courses, together with a description of content, scope, and prerequisites of all these courses, that will be offered by each institution under the supervision of that governing board during the following academic year.

(b) After the comprehensive list of courses is submitted by a governing board under Subsection (a) of this section, the governing board shall submit on dates designated by the board any changes in the comprehensive list of courses to be offered.

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

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1989, 71st Leg., ch. 1084, § 1.14, eff. Sept. 1, 1989.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 11.

Administrative Code References

Coordinating Board, Texas Higher Education, guidelines, approval of course inventories, public senior institutions, see 19 TAC § 5.281 et seq.

§ 61.053. Board Orders; Notice

(a) Any order of the board affecting the classification, role and scope, and program of any institution of higher education may be entered only after:

(1) a written factual report and recommendations from the commissioner of higher education covering the matter to be acted on have been received by the board and distributed to the governing board and the administrative head of the affected institution;

(2) the question has been placed upon the agenda for a regularly-scheduled quarterly meeting; and

(3) the governing board of the affected institution has had an opportunity to be heard.

(b) Notice of the board's action shall be given in writing to the governing board concerned not later than four months preceding the fall term in which the change is to take effect.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 12.

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§ 61.054. Expendi

No funds appropriate for any program program is subsequent

Acts 1971, 62nd Leg., p.

Prior Laws:

Acts 1965, 59th Leg., p. 2
Vernon's Ann.Civ.St. art.

§ 61.055. Initiation

Except as otherwise certificate program a Commission on Higher higher education until ment, school, or deg legislative appropriate other sources.

Acts 1971, 62nd Leg., p. 3
1993, 73rd Leg., ch. 260,

Prior Laws:

Acts 1955, 54th Leg., p. 12

Coordinating Board, Texas adequacy of funding, s

§ 61.056. Review of

Any proposed statute higher education, except to introduction or by th to the board for its opin shall report its findings that an additional insti least two-thirds of the n shall not be considered any proposed statute.

Acts 1971, 62nd Leg., p. 30

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§ 61.056

§ 61.054. Expenditures for Programs Disapproved by Board

No funds appropriated to any institution of higher education may be expended for any program which has been disapproved by the board, unless the program is subsequently specifically approved by the legislature.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 13.

§ 61.055. Initiation of New Departments, Schools, and Programs

Except as otherwise provided by law, a new department, school, or degree or certificate program approved by the board or its predecessor, the Texas Commission on Higher Education, may not be initiated by any institution of higher education until the board has made a written finding that the department, school, or degree or certificate program is adequately financed by legislative appropriation, by funds allocated by the board, or by funds from other sources.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1993, 73rd Leg., ch. 260, § 11, eff. Sept. 1, 1993.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Acts 1955, 54th Leg., p. 1217, ch. 487, § 11. Vernon's Ann.Civ.St. art. 2919e-2, § 13.

Administrative Code References

Coordinating Board, Texas Higher Education, financial planning, procedures for certification of adequacy of funding, see 19 TAC § 13.21 et seq.

§ 61.056. Review of Legislation Establishing Additional Institutions

Any proposed statute which would establish an additional institution of higher education, except a public junior college, shall be submitted, either prior to introduction or by the standing committee considering the proposed statute, to the board for its opinion as to the state's need for the institution. The board shall report its findings to the governor and the legislature. A recommendation that an additional institution is needed shall require the favorable vote of at least two-thirds of the members of the board. A recommendation of the board shall not be considered a condition precedent to the introduction or passage of any proposed statute.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1955, 54th Leg., p. 1217, Ch. 487, § 11.

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.

Vernon's Ann.Civ.St. art. 2919e-2, § 13.

Administrative Code References

Coordinating Board, Texas Higher Education, program development, board procedures, approval of new schools or colleges or institutions of higher education, see 19 TAC § 5.113.

Notes of Decisions

Vote 1

tion to the internal organization of degree programs, schools, and departments within an existing institution of higher education. Op.Atty.Gen.1972, No. M-1040.

1. Vote

The two-thirds majority vote requirement of Vernon's Ann.Civ.St. art. 2919e-2, § 13 (repealed; now, this section), was applicable only where a new and separate institution of higher education was proposed, and had no applica-

The School of Veterinary and Zoological Medicine at Texas Tech University School of Medicine may be approved by the Coordinating Board by a simple majority of a board quorum, present and voting. Op.Atty.Gen.1972, No. M-1040.

§ 61.057. Promotion of Teaching Excellence

To achieve excellence in the teaching of students at institutions and agencies of higher education, the board shall:

(1) develop and recommend:

(A) minimum faculty compensation plans, basic increment programs, and incentive salary increases;

(B) minimum standards for faculty appointment, advancement, promotion, and retirement;

(C) general policies for faculty teaching loads, and division of faculty time between teaching, research, administrative duties, and special assignments;

(D) faculty improvement programs, including a plan for sabbatical leaves, appropriate for the junior and senior colleges and universities, respectively; and

(E) minimum standards for academic freedom, academic responsibility, and tenure;

(2) pursue vigorously and continuously a goal of having all college and university academic classes taught by persons holding the minimum of an earned master's degree or its equivalent in academic training, creative work, or professional accomplishment;

(3) explore, promote, and coordinate the use of educational television among institutions of higher education and encourage participation by public and private schools and private institutions of higher education in educational television;

(4) conduct, and encourage the institutions of higher education to conduct, research into new methods, materials, and techniques for improving the

quality of instruction; ing techniques, dev classes, team teachi libraries, specially-d offer promise for su members to teach ar

(5) assume initiati higher education in the objectives set for

Acts 1971, 62nd Leg., p. 3

Prior Laws:

Acts 1965, 59th Leg., p. 27
Vernon's Ann.Civ.St. art. 2

Policy statement 1

1. Policy statement

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§ 61.0571. Repealed
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The repealed section, relati female-owned business contr. Acts 1989, 71st Leg., ch. 1084

§ 61.0572. Construc

(a) To assure efficient of physical plants to ac board shall carry out th this code.

(b) The board shall:

(1) determine formu buildings and facilities

(2) devise and pror round use of educatio not limited to maximu summer school enrollr

(3) consider plans fo higher education appr

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HIGHER EDUCATION COORDINATING BOARD
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§ 61.0572

quality of instruction and for the maximum utilization of all available teach-
ing techniques, devices, and resources, including but not limited to large
classes, team teaching, programmed instruction, interlibrary exchanges, joint
libraries, specially-designed facilities, visual aids, and other innovations that
offer promise for superior teaching or for meeting the need for new faculty
members to teach anticipated larger numbers of students; and

(5) assume initiative and leadership in providing through the institutions of
higher education in the state those programs and offerings which will achieve
the objectives set forth in Section 61.002 of this code.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 14.

Notes of Decisions

Policy statement 1

Coordinating Board's policy statement on aca-
demic freedom. Op.Atty.Gen.1976, No. H-787.

1. Policy statement

An institution of higher education is not re-
quired by this Section to adopt the terms of the

**§ 61.0571. Repealed by Acts 1995, 74th Leg., ch. 823, § 13(1), eff. Aug. 28,
1995**

Historical and Statutory Notes

The repealed section, relating to minority and
female-owned business contracts, was added by
Acts 1989, 71st Leg., ch. 1084, § 1.15.

§ 61.0572. Construction Funds and Development of Physical Plants

(a) To assure efficient use of construction funds and the orderly development
of physical plants to accommodate projected college student enrollments, the
board shall carry out the duties prescribed by this section and Section 61.058 of
this code.

(b) The board shall:

(1) determine formulas for space utilization in all educational and general
buildings and facilities at institutions of higher education;

(2) devise and promulgate methods to assure maximum daily and year-
round use of educational and general buildings and facilities, including but
not limited to maximum scheduling of day and night classes and maximum
summer school enrollment;

(3) consider plans for selective standards of admission when institutions of
higher education approach capacity enrollment;

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(4) require, and assist the public technical institutes, public senior colleges and universities, medical and dental units, and other agencies of higher education in developing long-range campus master plans for campus development;

(5) endorse, or delay until the next succeeding session of the legislature has the opportunity to approve or disapprove, the proposed purchase of any real property by an institution of higher education, except a public junior college;

(6) develop and publish standards, rules, and regulations to guide the institutions and agencies of higher education in making application for the approval of new construction and major repair and rehabilitation of all buildings and facilities regardless of proposed use; and

(7) ascertain that the standards and specifications for new construction, repair, and rehabilitation of all buildings and facilities are in accordance with Article 7, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes).¹

(c) The board in consultation with institutions of higher education shall develop space standards for new construction or other capital improvement projects at public senior colleges and universities and medical and dental units that address the differences in space requirements in teaching, research, and public service activities for those institutions. The standards developed under this subsection shall not be used to determine space needs for those projects related to clinical care facilities.

(d)(1) The board, for purposes of state funding, may review and approve as an addition to an institution's educational and general buildings and facilities inventory any improved real property acquired by gifts or lease-purchase only if:

(A) the institution requests to place the improved real property on its educational and general buildings and facilities inventory; and

(B) the value of the improved real property is more than \$300,000 at the time the institution requests the property to be added to the educational and general buildings and facilities inventory.

(2) This subsection does not apply to gifts, grants, or lease-purchase arrangements intended for clinical or research facilities.

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or 55.1713-55.1718 of this code, except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the

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Acts 1971, 62
1975, 64th Le
ch. 425, § 1,
1983: Acts 1
Leg., ch. 64c
§ 61.058(1) to
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lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

Acts 1971, 62nd Leg., p. 3137, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2056, ch. 676, § 3, eff. June 20, 1975; Acts 1977, 65th Leg., p. 1133, ch. 425, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 585, ch. 121, § 1, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 1694, ch. 319, § 1, eff. June 16, 1983; Acts 1985, 69th Leg., ch. 646, § 3, eff. Aug. 26, 1985. Renumbered from V.T.C.A., Education Code § 61.058(1) to (7) and amended by Acts 1989, 71st Leg., ch. 1084, § 1.16, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 803, § 5, eff. Sept. 1, 1993.

¹ Redesignated as Vernon's Ann.Civ.St. art. 9102.

Administrative Code References

Coordinating Board, Texas Higher Education, campus planning and physical facilities development, see 19 TAC § 17.21 et seq.

§ 61.058. New Construction and Repair and Rehabilitation Projects

(a) Except as provided by Subsection (b) of this section, the board shall approve or disapprove all new construction and repair and rehabilitation of all buildings and facilities at institutions of higher education financed from any source provided that:

(A) the board's consideration and determination shall be limited to the purpose for which the new or remodeled buildings are to be used to assure conformity with approved space utilization standards and the institution's approved programs and role and mission if the cost of the project is not more than \$600,000, but the board may consider cost factors and the financial implications of the project to the state if the total cost is in excess of \$600,000;

(B) the requirement of approval for new construction applies only to projects the total cost of which is in excess of \$300,000;

(C) the requirement of approval for major repair and rehabilitation of buildings and facilities applies only to a project the total cost of which is more than \$600,000;

(D) the requirement of approval or disapproval by the board does not apply to any new construction or major repair and rehabilitation project that is specifically approved by the legislature;

(E) the requirement of approval by the board does not apply to a junior college's construction, repair, or rehabilitation financed entirely with funds from a source other than the state, including funds from ad valorem tax receipts of the college, gifts, grants, and donations to the college, and student fees; and

(F) the requirement of approval by the board does not apply to construction, repair, or rehabilitation of privately owned buildings and facilities located on land leased from an institution of higher education if the construction, repair, or rehabilitation is financed entirely from funds not under the control of the institution, and provided further that:

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- (i) the buildings and facilities are to be used exclusively for auxiliary enterprises; and
- (ii) the buildings and facilities will not require appropriations from the legislature for operation, maintenance, or repair unless approval by the board has been obtained.

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or 55.1713-55.1718 of this code, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 2056, ch. 676, § 3, eff. June 20, 1975; Acts 1977, 65th Leg., p. 1133, ch. 425, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 585, ch. 121, § 1, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 1694, ch. 319, § 1, eff. June 16, 1983; Acts 1985, 69th Leg., ch. 646, § 3, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 982, § 1, eff. June 19, 1987; Acts 1989, 71st Leg., ch. 1084, § 1.16, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 803, § 6, eff. Sept. 1, 1993.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 15.

Cross References

Energy management plans, to be included in plans required under this section, see V.T.C.A., Government Code § 447.011.

Administrative Code References

Coordinating Board, Texas Higher Education, campus planning and physical facilities development, see 19 TAC § 17.21 et seq.

Notes of Decisions

Approval of construction, generally 1
Nature of building 2
Source of funds 3

determination of an institution's program, role, and scope will indirectly affect the amount of funds expended for construction and rehabilitation of buildings. Op.Atty.Gen.1976, No. H-762.

1. Approval of construction, generally

The Coordinating Board, Texas College and University System, does not have the authority to regulate the expenditure of construction funds or to consider cost as a factor in determining whether to approve or disapprove an institution's application for the construction, rehabilitation, or repair of buildings or facilities at institutions of higher education. However, its promulgation of space utilization standards and

Regents of Texas State University System may award construction contract based on Coordinating Board approval of project secured in January, 1977. Op.Atty.Gen.1979, No. MW-76.

2. Nature of building

This opinion overruled Opinion C-686 in part and excluded from the provisions of Vernon's Ann.Civ.St. art. 2919e-2 (repealed; now, this section) were auxiliary enterprise buildings, and

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facilities including but not limited to dormito-
ries, cafeterias, student union buildings, stadi-
ums and alumni centers, and the construction
of such buildings did not require the approval of
the Coordinating Board. Op.Atty.Gen.1966,
No. C-686A.

Stadia and special events centers in which
intercollegiate athletic events take place are
used for auxiliary enterprises and cannot be
funded by ad valorem taxes raised under Const.
Art. 7, § 17; ad valorem tax funds may be used
to construct a wing or other separate portion of
an intercollegiate athletics facility designated
and used for educational purposes; the decision
that part of the facility is to be used for edu-
cational purposes lies in the first instance with
governing board of the institution. Op.Atty.
Gen.1978, No. H-1248.

3. Source of funds

The Coordinating Board has the statutory re-
sponsibility to approve or disapprove all new
construction, the total cost of which is in excess
of \$100,000.00 which is financed from any
source other than ad valorem tax receipts of
public junior colleges unless such project in-
volves the use of constitutional funds authorized
by Const. art. 7, §§ 11, 17 or 18. Op.Atty.Gen.
1966, No. C-686.

Proposals for the construction or acquisition
of buildings or other permanent improvements
for University of Texas at Austin, or University
of Texas at El Paso, financed in whole out of

bond proceeds raised pursuant to Const. Art. 7,
§ 18, are not required to be submitted to the
coordinating board for approval pursuant to
this section, but projects for those institutions
financed in part by Art. 7, § 18 funds must be
submitted to the coordinating board for approv-
al pursuant to this section when other funds
provide the predominant source of financing.
Op.Atty.Gen.1980, No. MW-245.

In accordance with this section, approval by
the Coordinating Board, Texas College and Uni-
versity System is not required to expend any of
the funds appropriated in Acts 1982, 67th Leg.,
2nd C.S., p. 1, ch. 1, for "new construction"
and "major repairs and rehabilitation" at any of
17 named institutions of higher education. Op.
Atty.Gen.1982, No. MW-519.

Approval by the Coordinating Board of the
Texas College and University System is not re-
quired for any project authorized in Acts 1982,
67th Leg., 2nd C.S., p. 1, ch. 1, for "new con-
struction" and "major repairs and rehabilita-
tion" at any of seventeen named institutions of
higher education, regardless of the source of
funding of any such project. Op.Atty.Gen.1982,
No. MW-520.

Construction projects are not excepted from
coordinating board approval under this section
merely because they are funded in whole or in
part from ad valorem tax funds; overruling
Op.Atty.Gen. No. MW-594. Op.Atty.Gen.1983,
No. JM-77.

§ 61.0581. Powers Unaffected by Certain Constitutional Amendment

The powers of the board and the legislature, including the powers granted
under Section 61.058 of this code, are not limited by the constitutional
amendments proposed by H.J.R. No. 19, 68th Legislature, Regular Session,
1983, and adopted by the voters¹ except to the extent those powers are
specifically limited by those constitutional provisions.

Added by Acts 1985, 69th Leg., ch. 225, § 2, eff. June 3, 1985. Renumbered from
V.T.C.A., Education Code § 61.075 by Acts 1987, 70th Leg., ch. 167, § 5.01(a)(19) eff.
Sept. 1, 1987.

¹ House Joint Resolution No. 19 proposed amendments to Vernon's Ann.Tex.Const. Art. 7, §§ 14,
18, and adoption of Art. 7, § 17.

§ 61.0582. Campus Master Plan; Deferred Maintenance

(a) Each public technical institute, public senior college or university, medi-
cal or dental unit, or other agency of higher education required to submit a
campus master plan under Section 61.0572 of this code shall include in the
campus master plan:

(1) an assessment of the institution's deferred maintenance needs, includ-
ing regular, preventive maintenance needs;

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- (2) a plan to address the institution's deferred maintenance needs;
- (3) the amount the institution plans to designate each year for repairs, rehabilitations, and deferred maintenance projects; and
- (4) the funding source for any new construction project that costs more than \$300,000 or repair and rehabilitation project that costs more than \$600,000.

(b) Under Subsection (a)(4) of this section, an institution shall report to the board any change in the funding source of a project before the project begins.

(c) An institution that receives dedicated funding under Article VII, Section 17 or 18, of the Texas Constitution shall include in the campus master plan a description of the projects on which the institution plans to spend those funds.

(d) The board by rule shall specify the information concerning deferred maintenance that an institution must report in the campus master plan.

(e) The board shall use the information reported in the plan to assess the deferred maintenance needs of those institutions and include its findings in the board's annual report.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.17, eff. Sept. 1, 1989.

§ 61.0583. Audit of Facilities

(a) The board periodically shall conduct a comprehensive audit of all educational and general facilities on the campuses of public senior colleges and universities and the Texas State Technical College System to verify the accuracy of the facilities inventory for each of those institutions.

(b) The board shall verify the accuracy of the square footage reported in each institution's budget request in relation to the facilities inventory.

(c) The audit must include a periodic review of construction projects to confirm that:

- (1) a project has received prior approval by the board if required by Section 61.058 of this code; and
- (2) an approved project is completed as specified in the request to the board for approval of the project.

(d) The board shall report its findings concerning the audits conducted under this section to the Legislative Budget Board and the audited institutions.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.18, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 287, § 28, eff. Sept. 1, 1991.

§ 61.059. Appropriations

(a) To finance a system of higher education and to secure an equitable distribution of state funds deemed to be available for higher education, the board shall perform the functions described in this section. Funding policies shall allocate resources efficiently and provide incentives for programs of superior quality and for institutional diversity while discouraging unnecessary

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(b) The board shall devise, establish, and periodically review and revise formulas for the use of the governor and the Legislative Budget Board in making appropriations recommendations to the legislature for all institutions of higher education, including the funding of postsecondary vocational-technical programs. As a specific element of the periodic review, the board shall study and recommend changes in the funding formulas based on the role and mission statements of institutions of higher education. In carrying out its duties under this section, the board shall employ an ongoing process of committee review and expert testimony and analysis.

(c) Formulas for basic funding shall reflect the role and mission of each institution, shall emphasize funding elements that directly support faculty, and shall reflect both fixed and variable elements of cost.

(d) Not later than March 1 of every even-numbered calendar year, the board shall notify the governing boards and the chief administrative officers of the respective institutions of higher education and university systems, the governor, and the Legislative Budget Board of the formulas designated by the board to be used by the institutions in making appropriation requests for the next succeeding biennium and shall certify to the governor and the Legislative Budget Board that each institution has prepared its appropriation request in accordance with the designated formulas and in accordance with the uniform system of reporting provided in this chapter. The board shall furnish any other assistance to the governor and the Legislative Budget Board in the development of appropriations recommendations as either or both of them may request. However, nothing in this chapter shall prevent or prohibit the governor, the Legislative Budget Board, the board, or the governing board of any institution of higher education from requesting or recommending deviations from any applicable formula or formulas prescribed by the board and advancing reasons and arguments in support of them.

(e) The board shall present to the governor and to each legislature a comprehensive summary and analysis of institutional appropriation requests, and for that purpose each institution's request must be submitted to the board at the same time at which the request is submitted to the Legislative Budget Board. Nothing in this subsection shall be construed as supplanting the duty, responsibility, and authority of an institution of higher education or the governing board thereof to express its appropriative needs directly to the legislature or any committee thereof.

(f) The board shall recommend to the governor and the Legislative Budget Board supplemental contingent appropriations to provide for increases in enrollment at the institutions of higher education. Contingent appropriations may be made directly to the institutions or to the board, as the legislature may direct in each biennial appropriations act. In the event the contingent appropriation is made to the board, the funds shall be allocated and distributed by the board to the institutions as it may determine, subject only to such limitations or conditions as the legislature may prescribe.

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(g) The board shall recommend to the institutions, the governor, and the Legislative Budget Board tuition policies for public technical institutes, public junior colleges, public senior colleges and universities, medical and dental units, and other agencies of higher education and vocational and technical programs receiving support from state funds.

(h) The board shall distribute funds appropriated to the board for allocation for specified purposes under limitations prescribed by law and the rules and regulations of the board in conformity therewith, provided that no distribution or allocation may be made to any institution of higher education which has failed or refused to comply with any order of the board as long as that failure or refusal continues.

(i) The board shall make continuing studies on its own initiative or upon the request of the governor or the Legislative Budget Board of the financial needs of public higher education and all services and activities of the institutions of higher education and issue reports to the governor and the Legislative Budget Board that result from its studies.

(j) Funds appropriated to the coordinating board for vocational-technical education may be transferred by interagency contract between the two boards as required to carry out an effective and efficient transition of the administration of postsecondary vocational-technical education.

(k) The legislature shall promote flexibility in the use of funds appropriated to institutions of higher education by:

- (1) appropriating base funding as a single amount that is unrestricted to use among the various funding elements of the formula used to determine base funding; and
- (2) appropriating to institutions the unexpended balance of appropriations made for the preceding fiscal year.

(l) The board may not include in any formula under this section funding based on the number of doctoral students who have a total of 131 or more semester credit hours of doctoral work at an institution of higher education.

(m) For an institution that charges a reduced nonresident tuition rate under Section 54.0601, the board may not include in a formula under this section funding based on the number of nonresident students enrolled at the institution in excess of 10 percent of the total number of students enrolled at the institution.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1985, 69th Leg., ch. 646, § 4, eff. Aug. 26, 1985; Acts 1987, 70th Leg., ch. 823, § 3.01, eff. June 20, 1987; Acts 1989, 71st Leg., ch. 1084, § 1.19, eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 27, § 4, eff. April 13, 1993; Acts 1995, 74th Leg., ch. 451, § 7, eff. Aug. 28, 1995.

Historical and Statutory Notes

Sections 8(d) and 9 of the 1993 amendatory act provide:

"[Sec. 8.](d) Subsection (l), Section 61.059, Education Code, as added by this Act, applies to

formulas for fiscal year beginning September 1, 1993.

"Sec. 9. Any fund that results from the allocation of Section 61.059, Section 61.060, or Section 61.061 shall be allocated to the institutions of higher education for the purpose of providing support for capital construction projects in South Texas/Border Region institutions of higher education.

Section 8 of this act provides:

"In addition to the amount of the payment of bond proceeds under Section 55.17(e)(3) and Section 55.17(e)(4), Code, as added by this act, the amount between the amount of the amount appropriated by the Legislature in the Regular Session of 1993 and the amount actually received from the sale of bonds under Acts of the 73rd Legislature, 1993, that is available for the purpose of providing support for capital construction projects in South Texas/Border Region institutions of higher education shall be allocated to the institutions of higher education for the purpose of providing support for capital construction projects in South Texas/Border Region institutions of higher education.

Legislative budget

§ 61.0591.

(a) The legislature shall promote flexibility in the use of funds appropriated to institutions of higher education by:

(b) The board shall promote flexibility in the use of funds appropriated to institutions of higher education by:

(c) The board may not include in any formula under this section funding based on the number of doctoral students who have a total of 131 or more semester credit hours of doctoral work at an institution of higher education.

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formulas for fiscal years that begin on or after September 1, 1993.

"Sec. 9. Any savings to the general revenue fund that results from the addition of Subsection (l), Section 61.059, Education Code, shall be allocated to institutions of higher education for the purpose of retiring tuition revenue bonds issued for capital improvement projects in the South Texas/Border Initiative."

Section 8 of Acts 1993, 73rd Leg., ch. 803, provides:

"In addition to the amounts pledged for repayment of bonds as provided by Sections 55.17(e)(3) and 55.1713-55.1718, Education Code, as added by this Act, the difference between the amounts that would have been appropriated by S.B. No. 5, 73rd Legislature, Regular Session, 1993, as introduced, and the amounts actually appropriated by S.B. No. 5, Acts of the 73rd Legislature, Regular Session, 1993, that is attributable to Section 61.059(l),

Education Code, as added by S.B. No. 380, 73rd Legislature, Regular Session, 1993, is dedicated for the fiscal biennium beginning September 1, 1993, for the purpose of repaying those bonds. If S.B. No. 380 does not become law, this section has no effect."

S.B. No. 380, 73rd Leg., Regular Session, 1993, was enacted as Chapter 27.

Section 10(a) of the 1995 amendatory act provides:

"Except as provided by Subsections (b) and (d) of this section, this Act applies beginning with tuition, fees, and other charges imposed for the fall semester of 1995."

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, §§ 9, 10.

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.

Vernon's Ann.Civ.St. art. 2919e-2, § 16.

Cross References

Legislative budget board, see V.T.C.A., Government Code § 322.001 et seq.

§ 61.0591. Incentive and Special Initiative Funding

(a) The legislature shall appropriate to the board an amount equal to not less than 10 percent of the total appropriations for base funding of general academic teaching institutions for the purpose of providing incentive and special initiative funding under this section.

(b) The board shall allocate the funds in accordance with this section and priorities, if any, established by the legislature through bill, resolution, or appropriations rider.

(c) The board shall allocate incentive funding, as a percentage of base funding, among institutions of higher education for the purpose of rewarding institutions achieving goals set by the board in relation to:

- (1) minority recruitment, retention, and academic standards maintenance;
- (2) graduation rates and maintenance of academic standards;
- (3) commitment to liberal arts core curriculum;
- (4) commitment to continuing education;
- (5) energy conservation;
- (6) improvements toward maximum utilization of campus facilities;
- (7) commitment to renovation and maintenance of facilities;
- (8) development of articulation arrangements;
- (9) proportion of accredited academic programs;
- (10) assessed performance of graduates as a measure of general education outcome, including assessments based on standardized examination performance;

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- (11) assessed performance of graduates as a measure of specialized education outcome, including assessments based on professional licensing examination performance;
- (12) evaluation of instructional programs through surveys of students, graduates, the general public, and employers;
- (13) continuing and systematic peer evaluation of academic and research programs by scholars from other institutions;
- (14) progress toward or attainment of long-range planning goals; and
- (15) compliance with the management policies required by Section 61.0651 of this code.

(d) The board shall allocate special initiative funding among institutions of higher education to promote academic excellence. Initiative funding may be allocated to the eminent scholars program under Subchapter I, Chapter 51,¹ of this code, or to programs established by the board to:

- (1) promote teaching excellence by recognizing and rewarding outstanding teachers;
- (2) provide enrichment grants to the best undergraduate programs; or
- (3) provide development grants to institutions seeking to develop undergraduate and graduate programs in areas identified as a high priority.

Added by Acts 1987, 70th Leg., ch. 823, § 3.02, eff. June 20, 1987.

¹ V.T.C.A., Education Code § 51.451 et seq.

§ 61.0592. Upper-Level Transition Funding for Texas A & M International University

(a) Notwithstanding Section 61.059 of this code, a formula adopted by the board under that section that provides a differential rate for each semester credit hour between four-year general academic teaching institutions and upper-level institutions shall be modified and applied as provided by this section to Texas A & M International University.

(b) In addition to other funding that Texas A & M International University is entitled to receive, the university is entitled to receive additional funds in accordance with this section.

(c) The formula for four-year general academic teaching institutions shall be applied to all lower-division semester credit hours.

(d) For the first two state fiscal years that begin after Texas A & M International University first admits lower-division students or offers lower-division courses, the formula for upper-level general academic teaching institutions shall be applied to upper-division semester credit hours at the university.

(e) Beginning with the third state fiscal year that begins after Texas A & M International University first admits lower-division students or offers lower-division courses, the formula for four-year general academic teaching institutions shall be applied to upper-division semester credit hours at the university, except that the board shall modify the formula to provide the university

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Additional funding equal to a percent of the difference between the amount derived from the application of the four-year formula to the university's upper-division semester credit hours and the amount derived from the application of the upper-level formula to those semester credit hours. The percent to be applied to that difference is 87.5 percent for the first fiscal year to which this subsection applies and is reduced by 12.5 percentage points for each subsequent fiscal year.

Added by Acts 1993, 73rd Leg., ch. 260, § 8, eff. Sept. 1, 1995.

Historical and Statutory Notes

Another § 61.0592, added by Acts 1993, 73rd Leg., ch. 374, § 1, was renumbered as V.T.C.A., Education Code § 61.0593 by Acts 1995, 74th Leg., ch. 76, § 17.01(10).

§ 61.0593. Funding for Certain Four-Year Institutions

(a) This section applies to Texas A & M University—Corpus Christi and The University of Texas of the Permian Basin.

(b) Notwithstanding Section 61.059 of this code, a formula adopted by the board under that section that provides a differential rate for each semester credit hour between four-year general academic teaching institutions and upper-level institutions shall be modified and applied as provided by this section to a university to which this section applies.

(c) In addition to other funding that a university to which this section applies is entitled to receive, the university is entitled to receive additional funds in accordance with this section.

(d) The formula for four-year general academic teaching institutions shall be applied to all lower-division semester credit hours at a university to which this section applies.

(e) For the first two state fiscal years that begin after a university to which this section applies first admits lower-division students or offers lower-division courses, the formula for upper-level general academic teaching institutions shall be applied to upper-division semester credit hours at the university.

(f) Beginning with the third state fiscal year that begins after a university to which this section applies first admits lower-division students or offers lower-division courses, the formula for four-year general academic teaching institutions shall be applied to upper-division semester credit hours at the university, except that the board shall modify the formula to provide the university additional funding equal to a percent of the difference between the amount derived from the application of the four-year formula to the university's upper-division semester credit hours and the amount derived from the application of the upper-level formula to those semester credit hours. The percent to be applied to that difference is 87.5 percent for the first fiscal year to which this subsection applies and is reduced by 12.5 percentage points for each subsequent fiscal year.

Added by Acts 1993, 73rd Leg., ch. 374, § 1, eff. Aug. 30, 1993. Renumbered from V.T.C.A., Education Code § 61.0592 by Acts 1995, 74th Leg., ch. 76, § 17.01(10), eff. Sept. 1, 1995.

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§ 61.060. Control of Public Junior Colleges

The board shall exercise, under the acts of the legislature, general control of the public junior colleges of this state, on and after September 1, 1965. All authority not vested by this chapter or other laws of the state in the board is reserved and retained locally in each respective public junior college district or the governing board of each public junior college as provided in the applicable laws.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 17.

Cross References

Public junior colleges, similar provisions, see V.T.C.A., Education Code §§ 130.001, 130.002.

§ 61.061. Policies, Rules, and Regulations Respecting Junior Colleges

The board has the responsibility for adopting policies, enacting regulations, and establishing general rules necessary for carrying out the duties with respect to public junior colleges placed upon it by the legislature. The commissioner of higher education is responsible for carrying out these policies and enforcing these rules and regulations.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 18.

Cross References

Disadvantaged students, educational opportunities, approved by Coordinating Board, see V.T.C.A., Education Code § 130.152.
Public junior colleges, similar provisions, see V.T.C.A., Education Code § 130.001.

Administrative Code References

Coordinating Board, Texas Higher Education,
Approval of academic courses for state appropriations to public community colleges, see 19 TAC § 5.171 et seq.
Procedures, dissolution of dormant junior college districts, see 19 TAC § 9.41 et seq.

§ 61.062. Powers Respecting Junior Colleges

(a) The board may authorize the creation of public junior college districts as provided in the applicable laws. In the exercise of this authority the board shall give particular attention to the need for a public junior college in the proposed district, and the ability of the district to provide adequate local financial support.

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(b) The board may dissolve any public junior college district which has failed to establish and maintain a junior college in the district within three years from the date of its authorization.

(c) The board may adopt standards for the operation of public junior colleges and prescribe rules and regulations for them.

(d) The board may require of each public junior college whatever reports it deems necessary in accordance with its rules and regulations.

(e) The board may establish advisory commissions composed of representatives of public junior colleges and other citizens of the state to provide advice and counsel to the board with respect to public junior colleges.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 19.

Cross References

Disadvantaged students, educational opportunities, approval by Coordinating Board, see V.T.C.A., Education Code § 130.152.
Public junior colleges, similar provisions, see V.T.C.A., Education Code § 130.001.

Administrative Code References

Coordinating Board, Texas Higher Education,
Criteria for consideration of out-of-district course offerings by community junior colleges, see 19 TAC § 5.153.
Procedures to be followed in the creation of public junior colleges, required taxing authority, see 19 TAC § 9.31.
Public junior colleges, see 19 TAC § 9.1 et seq.

§ 61.063. Listing and Certification of Junior Colleges

The commissioner of higher education shall file with the state auditor and the state comptroller on or before October 1 of each year a list of the public junior colleges in this state. The commissioner shall certify the names of those colleges that have complied with the standards, rules, and regulations prescribed by the board. Only those colleges which are so certified shall be eligible for and may receive any appropriation made by the legislature to public junior colleges.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 20.

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Cross References

Public junior colleges, see V.T.C.A., Education Code § 130.001 et seq.

§ 61.0631. Teacher Training Programs for Teachers of Disadvantaged Students

(a) The board shall plan, initiate, and finance programs of teacher training for the teaching of educationally, economically, socially, and culturally disadvantaged students in the public junior colleges, to be provided at selected institutions in the state which prepare people to teach in the public junior colleges.

(b) The board shall sponsor and finance:

(1) summer institutes for junior college teachers on how to teach the disadvantaged student; and

(2) regional in-service training workshops in different parts of the state for those teachers currently teaching remedial-compensatory courses and programs for disadvantaged students.

(c) The board shall serve as a central clearinghouse of information on remedial-compensatory education courses and programs for all public junior colleges in order to provide a statewide coordinated effort in the development of these courses and programs.

(d) The legislature shall appropriate funds to implement the provisions of this section.

Added by Acts 1973, 63rd Leg., p. 1738, ch. 630, § 1, eff. June 16, 1973.

§ 61.064. Cooperative Undertakings With Private Colleges and Universities

The board shall:

(1) enlist the cooperation of private colleges and universities in developing a statewide plan for the orderly growth of the Texas system of higher education;

(2) encourage cooperation between public and private institutions of higher education wherever possible and may enter into cooperative undertakings with those institutions on a shared-cost basis as permitted by law;

(3) consider the availability of degree and certificate programs in private institutions of higher education in determining programs for public institutions of higher education; and

(4) cooperate with these private institutions, within statutory and constitutional limitations, to achieve the purposes of this chapter.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.

Vernon's Ann.Civ.St. art. 2919e-2, § 21.

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Notes of Decisions

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1. Church-related colleges

The Coordinating Board has the legal authority to contract with Huston-Tillotson College, at Austin, a private church-related college, for the secular legislative public purpose of providing work for students eligible to participate in the

federal college work-study program at that institution. There is no violation of the separation of church and state doctrine of Const. Art. 1, § 7, or the prohibition of public funds to individuals of Const. Art. 3, § 51; nor is there any violation of the federal constitution, there being no inhibition or advancement of religion or the fostering of excessive government entanglement with religion. Op.Atty.Gen.1972, No. M-1221.

§ 61.065. Reporting; Accounting

(a) The comptroller of public accounts and the board jointly shall prescribe and periodically update a uniform system of financial accounting and reporting for institutions of higher education, including definitions of the elements of cost on the basis of which appropriations shall be made and financial records shall be maintained. In order that the uniform system of financial accounting and reporting shall provide for maximum consistency with the national reporting system for higher education, the uniform system shall incorporate insofar as possible the provisions of the financial accounting and reporting manual published by the National Association of College and University Business Officers. The accounts of the institutions shall be maintained and audited in accordance with the approved reporting system.

(b) The coordinating board shall annually evaluate the informational requirements of the state for purposes of simplifying institutional reports of every kind and shall consult with the comptroller of public accounts in relation to appropriate changes in the uniform system of financial accounting and reporting.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1987, 70th Leg., ch. 823, § 4.02, eff. June 20, 1987; Acts 1991, 72nd Leg., ch. 599, § 4, eff. Sept. 1, 1991.

Historical and Statutory Notes

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, § 15.

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.

Vernon's Ann.Civ.St. art. 2919e-2, § 22.

Administrative Code References

Coordinating Board, Texas Higher Education, financial planning, general provisions, see 19 TAC § 13.1 et seq.

Notes of Decisions

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jointly with the College Coordinating Board. Op.Atty.Gen.1988, No. JM-872.

1. Validity

Sections 51.005 and 61.065 are unconstitutional insofar as they purport to confer authority on the State Auditor to promulgate rules

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§ 61.0651

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§ 61.0651. Management Policies

(a) The coordinating board shall adopt and recommend management policies applicable to institutions of higher education in relation to management of human resources and physical plants. The policies shall be designed to streamline operations and improve accountability.

(b) The human resources management policies shall be designed to increase productivity. The policies may relate to any human resources management issue, including:

(1) the improvement of health benefits for institutional employees through statewide group health benefit programs;

(2) the creation of a management training system to assist institutions in developing personnel management systems, in complying with equal employment opportunity and affirmative action requirements, and in maintaining personnel records;

(3) the requirement of five-year plans to manage personnel overhead, to establish position control systems for administrative personnel, and to implement productivity improvement programs; and

(4) the development of institutional plans to identify, recruit, and develop outstanding administrators of institutions of higher education.

(c) The physical plant management policies shall be designed to maintain the state's investment in land and facilities. The policies may require institutions to:

(1) include estimated maintenance costs for the life of the building in any request for approval of new construction;

(2) end the practice of deferring building maintenance;

(3) achieve maximum utilization of classroom and laboratory facilities;

(4) prepare annual five-year plans for major repair and rehabilitation projects and for new construction, regardless of funding source; and

(5) implement policies and practices to reduce utility costs.

Added by Acts 1987, 70th Leg., ch. 823, § 4.01, eff. June 20, 1987.

Cross References

Energy management plans, to be included in plans required under this section, see V.T.C.A., Government Code § 447.011.

§ 61.066. Studies and Recommendations; Reports

(a) The board shall make studies and recommendations directed toward the achievement of excellence or toward improved effectiveness and efficiency in any phase of higher education in Texas and shall report on their studies and recommendations to the governor and the legislature. The officials of the institutions of higher education shall comply with requests for reports or information made by the board or the commissioner. To assure that the

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institutions of higher education timely file various reports with the appropriate agencies, the board shall receive and distribute the reports required by statute to be filed with the governor, the Legislative Budget Board, the state auditor, the state library, and any other state agency.

(b) The board shall prepare biennial reports with reference to new programs in higher education as well as restructuring existing programs to meet the changing needs of the populace of the state. This will include but will not be limited to projected student enrollments at the various institutions, the areas of study which they will enter, and the projected demand for the various professional activities. In addition, the board shall make specific recommendations regarding the physical needs at each campus with the physical, mental, and educational needs of the student population in mind. In order to insure adequate time available for study of the reports, they shall be distributed to the appropriate offices as required by statute no later than the end of the fiscal year prior to the convening of the legislature.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 252, ch. 101, § 1, eff. Sept. 1, 1975.

Historical and Statutory Notes

Prior Laws:

Acts 1955, 54th Leg., p. 1214, ch. 487, § 13.

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.

Vernon's Ann.Civ.St. art. 2919e-2, § 23.

§ 61.067. Contracts

In achieving the goals outlined in this chapter and in performing the functions assigned to it, the board may contract with any other state governmental agency as authorized by law, with any agency of the United States, and with corporations and individuals. The board shall propose, foster, and encourage the use of interagency contracts among the institutions of higher education to reduce duplication and achieve better use of personnel and facilities.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 24.

Notes of Decisions

- In general 1
- Funds 3
- Technical-vocational programs 2
- Validity of contracts 4

provision, the legislature has the power to authorize another state agency, to wit, the Coordinating Board, Texas College and University System, to enter into various contracts for the maintenance and operation of such state institutions of higher education. Op.Atty.Gen.1969, No. M-373.

1. In general

Since the various governing boards of State institutions of higher education are boards created by a statute rather than by constitutional

2. Technical-vocational programs

The Coordinating Board may enter an interagency contract with the State Board of Edu-

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§ 61.067

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ation whereby the Coordinating Board will perform functions of the same type as those entrusted to it by statute, provided that the State Board of Education retains its ultimate responsibility over the state's technical-vocational education program. Op.Atty.Gen.1975, No. H-517.

3. Funds

The Coordinating Board has the authority to enter into an interagency contract with the Central Education Agency concerning the expenditure of the funds appropriated by Acts 1972, 62nd Leg., 4th C.S., (H.B.No. 78) ch. 9 to carry

§ 61.068. Gifts, Grants, Donations

The board may accept gifts, grants, or donations of personal property from any individual, group, association, or corporation, or the United States, subject to such limitations or conditions as may be provided by law. Gifts, grants, or donations of money shall be deposited in the state treasury and expended in accordance with the specific purpose for which given, under such conditions as may be imposed by the donor and as provided by law.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 25.

§ 61.069. Board Report

(a) The board shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the board during the preceding fiscal year.

(b) The annual report must be in the form and reported in the time provided by the General Appropriations Act.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1989, 71st Leg., ch. 1084, § 1.20, eff. Sept. 1, 1989.

Historical and Statutory Notes

Prior Laws:

Acts 1955, 54th Leg., p. 1217, ch. 487, § 14. Acts 1965, 59th Leg., p. 27, ch. 12, § 1.
Vernon's Ann.Civ.St. art. 2919e-2, § 26.

§ 61.070. Duties of Central Education Agency¹ Not Affected

None of the duties or functions assigned by statute to the central education agency, except those relating to public junior colleges, are affected by this chapter.

Acts 1971, 62nd Leg., p. 3072, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.

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§ 61.073

¹ A reference to the Central Education Agency means the Texas Education Agency. Acts 1995, 74th Leg., ch. 260, § 80.

Historical and Statutory Notes

Prior Laws:

Acts 1965, 59th Leg., p. 27, ch. 12, § 2.

§ 61.071. Contract With United States for New Medical School

The board may negotiate and contract with the appropriate agency or agencies of the United States for the establishment, operation, and maintenance of a medical school to be located at or in connection with any Veterans Administration facility that may be made available for the purpose. In any such contract, the board shall designate one of the two university systems or another appropriate state-supported institution of higher education under whose governing board the medical school shall be operated.

Added by Acts 1971, 62nd Leg., p. 3362, ch. 1024, art. 2, § 43, eff. Sept. 1, 1971.

Historical and Statutory Notes

Prior Laws

Acts 1971, 62nd Leg., p. 3388, ch. 1035.
Acts 1971, 62nd Leg., p. 3363, ch. 1024, art.
2, § 48.

Vernon's Ann.Civ.St. art. 2919e-2.3.

§ 61.072. Regulation of Foreign Student Tuition

The board shall adopt rules and policies to be followed by the governing boards of institutions of higher education in fixing foreign student tuition fees pursuant to Subsections (h) and (i), Section 54.051, of this code.

Added by Acts 1975, 64th Leg., p. 1359, ch. 515, § 3, eff. June 19, 1975.

Administrative Code References

Coordinating Board, Texas Higher Education, determining residence status, citizens of any country other than United States, see 19 TAC § 21.32.

Library References

Colleges and Universities ¶9.20(2).
WESTLAW Topic No. 81.
C.J.S. Colleges and Universities § 32.

§ 61.073. Allocation of Funds for Tuition and Fee Exemptions

Funds shall be appropriated to the Texas Higher Education Coordinating Board for allocation to each junior and community college in an amount equal to the total of all tuition and laboratory fees foregone each semester as a result of the tuition and laboratory fee exemptions required by law in Sections 54.201 through 54.209, Texas Education Code.

Added by Acts 1977, 65th Leg., p. 83, ch. 40, § 1, eff. Aug. 29, 1977. Amended by Acts 1995, 74th Leg., ch. 823, § 7, eff. Aug. 28, 1995.

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Cross References

Junior college districts generally, see V.T.C.A., Education Code § 130.001 et seq.

Library References

Colleges and Universities ¶6(1).
WESTLAW Topic No. 81.
C.J.S. Colleges and Universities § 10.

§ 61.074. Official Grade Point Average

The board shall by rule establish a mandatory uniform method of calculating the official grade point average of a student enrolled in, or seeking admission to a graduate or professional school of, an institution of higher education.

Added by Acts 1977, 65th Leg., p. 1610, ch. 628, § 1, eff. Aug. 29, 1977.

Administrative Code References

Coordinating Board, Texas Higher Education, program development, uniform grade-point calculation for admission to graduate and professional schools, see 19 TAC § 5.3.

Library References

Colleges and Universities ¶9.35(2).
WESTLAW Topic No. 81.
C.J.S. Colleges and Universities § 41.

§ 61.075. Courses Benefitting Military Installations

(a) The coordinating board by rule shall provide for the offering of courses and degree programs on military installations, including significant new naval military facilities.

(b) Any institution of higher education may cooperate with a military installation in providing degree programs and courses of particular benefit to military personnel and civilian employees stationed at or employed by the military installation, including a significant new naval military facility.

(c) In this section, "significant new naval military facility" has the meaning assigned by Section 4, Article 1, National Defense Impacted Region Assistance Act of 1985.¹

Added by Acts 1985, 69th Leg., ch. 69, art. 5, § 1, eff. July 30, 1985.

¹ V.T.C.A., Government Code § 2309.001 et seq.

Historical and Statutory Notes

Another § 61.075, added by Acts 1985, 69th Leg., ch. 646, § 5, was renumbered as § 61.077 by Acts 1987, 70th Leg., ch. 167, § 5.01(a)(19).

Another § 61.075, added by Acts 1985, 69th Leg., ch. 225, § 2, was renumbered as § 61.0581 by Acts 1987, 70th Leg., ch. 167, § 5.01(a)(19).

Article 10 of Acts 1985, 69th Leg., ch. 69 provides:

"Sec. 1. Governor's Proclamation. When the Department of the Navy of the Department of Defense of the United States makes a final determination to locate a significant new naval military facility in this state, the governor shall

issue an official proclamation of termination.

"Sec. 2. Effective date. The provisions of this act shall take effect on the date of the proclamation referred to in this section.

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§ 61.076. Cooperative

(a) It is the policy of this state to support with public funds an efficient, effective, and coordinated board and the State Board of Higher Education and the State Board of Vocational Programs and the State Board of Technical Education as may be determined by the State Board of Higher Education and the State Board of Vocational Programs and the State Board of Technical Education. The entire system of postsecondary education through postgraduate study, including the State Board of Higher Education, the State Board of Vocational Programs and the State Board of Technical Education, shall be coordinated through postgraduate study, including the State Board of Higher Education, the State Board of Vocational Programs and the State Board of Technical Education. Section 61.077 of this code.

(b) The Joint Advisory Board shall consist of two boards, including the State Board of Higher Education and the State Board of Vocational Programs and the State Board of Technical Education, performing the following functions as appropriate:

- (1) equal educational opportunities for all students;
- (2) college recruitment and retention of minority students;
- (3) preparation of students for employment in universities;
- (4) reduction of the cost of higher education;
- (5) teacher education;
- (6) testing and evaluation of students.

Added by Acts 1989, 71st Leg., ch. 10, § 1, eff. September 1, 1989.

§ 61.077. Joint Advisory Board

(a) A joint advisory board shall be created to advise the Coordinating Board of Higher Education, the State Board of Secondary Career and Technical Education, and the State Board of Vocational Programs and the State Board of Technical Education of this state, and the State Board of Higher Education of this code. The State Board of Higher Education shall consist of three members from the State Board of Higher Education and the State Board of Vocational Programs and the State Board of Technical Education, appointed by the chairman of the State Board of Higher Education.

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HIGHER EDUCATION COORDINATING BOARD
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§ 61.077

issue an official proclamation declaring that de-
termination.

"Sec. 2. Effective Date. Except as other-
wise provided by individual sections, this Act
takes effect on the date the governor issues the
proclamation referred to in Section 1 of this

article. If the governor does not issue the pro-
clamation on or before January 1, 1986, this Act
expires."

The Governor's Proclamation 41-2040, re-
ferred to in Acts 1985, 69th Leg., ch. 69, art. 10,
§ 1, was signed by the Governor July 30, 1985.

Library References

Colleges and Universities ¶7, 9.35(1).
WESTLAW Topic No. 81.

C.J.S. Colleges and Universities §§ 15 to 18,
41.

§ 61.076. Cooperation Between State Agencies of Education

(a) It is the policy of the State of Texas that the entire system of education supported with public funds be coordinated to provide the citizens with efficient, effective, and high quality educational services and activities. The board and the State Board of Education, in conjunction with such other agencies as may be appropriate, shall ensure that long-range plans and educational programs established by the boards complement the functioning of the entire system of public education, extending from early childhood education through postgraduate study. In assuring that plans and programs are coordinated, the boards shall use the Joint Advisory Committee established under Section 61.077 of this code.

(b) The Joint Advisory Committee shall coordinate plans and programs of the two boards, including curricula, instructional programs, research, and other functions as appropriate. This coordination shall include the following areas:

- (1) equal educational opportunity for all Texans;
- (2) college recruitment, with special emphasis on the recruitment of minority students;
- (3) preparation of high school students for further study at colleges and universities;
- (4) reduction of the dropout rate and dropout prevention;
- (5) teacher education; and
- (6) testing and assessment.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.21, eff. Sept. 1, 1989.

§ 61.077. Joint Advisory Committee

(a) A joint advisory committee shall advise the Texas Higher Education Coordinating Board and the State Board of Education in coordinating postsecondary career and technology activities, career and technology teacher education programs offered or proposed to be offered in the colleges and universities of this state, and other relevant matters, including those listed in Section 61.076 of this code. The committee shall be composed of three members from the State Board of Education, appointed by the chairman of the board and three members from the Texas Higher Education Coordinating Board, appointed by the chairman of the board, one member designated by the presiding

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officer of the Council on Workforce and Economic Competitiveness, and one member representing business designated by the chair of the Texas Partnership for Economic Development. A member of the board shall be designated as chairman of the joint advisory committee by the chairman of the board. The committee shall hold regular annual meetings as called by the chairman.

(b) The purposes of this committee shall include the following:

(1) to advise the two boards on the coordination of postsecondary career and technology education and the articulation between postsecondary career and technology education and secondary career and technology education;

(2) to facilitate the transfer of responsibilities for the administration of postsecondary career and technology education from the State Board of Education to the board in accordance with Section 111(a)(I) of the Carl D. Perkins Vocational Education Act, Public Law 98-524;¹

(3) to advise the State Board of Education, when it acts as the State Board for Career and Technology Education, on the following:

(A) the transfer of federal funds to the board for allotment to eligible public postsecondary institutions of higher education;

(B) the career and technology education funding for projects and institutions as determined by the board when the State Board for Career and Technology Education is required by federal law to endorse such determinations;

(C) the development and updating of the state plan for career and technology education and the evaluation of programs, services, and activities of postsecondary career and technology education and such amendments to the state plan for career and technology education as may relate to postsecondary education;

(D) other matters related to postsecondary career and technology education; and

(E) the coordination of curricula, instructional programs, research, and other functions as appropriate, including areas listed in Section 61.076 of this code, school-to-work and school-to-college transition programs, and professional development activities; and

(4) to advise the Council on Workforce and Economic Competitiveness on educational policy issues related to workforce preparation.

Added by Acts 1985, 69th Leg., ch. 646, § 5, eff. Aug. 26, 1985. Renumbered from V.T.C.A., Education Code § 61.075 by Acts 1987, 70th Leg., ch. 167, § 5.01(a)(19), eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 531, § 10, eff. June 14, 1989; Acts 1993, 73rd Leg., ch. 668, § 7.02, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 260, § 20, eff. May 30, 1995.

¹ 20 U.S.C.A. § 2301 et seq.

Historical and Statutory Notes

Section 12 of Acts 1985, 69th Leg., ch. 646, provides:

"The Select Committee on Higher Education, established by H.C.R. 105, Acts of the 69th Legislature, Regular Session, 1985, may include

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§ 61.0771

in its comprehensive study of higher education in Texas a study of issues relating to postsecondary technical-vocational education."

Administrative Code References

Coordinating Board, Texas Higher Education, Texas State Technical Institute, military bases, see 19 TAC § 11.47.

§ 61.0771. Distance Learning Master Plan

(a) The board, in cooperation with institutions of higher education, shall develop a master plan for the development of distance learning and other applications of instructional electronic technology by institutions of higher education. The plan shall include recommendations for:

(1) the coordination and integration of distance learning and related telecommunications activities among institutions of higher education and other public or private entities to achieve optimum efficiency and effectiveness in providing necessary services, including identification of the costs and any cost savings to be achieved by the use of distance learning and related activities such as teleconferencing or sharing resources by telecommunications;

(2) the development and acquisition of distance learning infrastructure and equipment, including its functions and capabilities, within and among institutions of higher education consistent with the missions of those institutions and the recipients of their services;

(3) the establishment of uniform or compatible standards and technologies for distance learning;

(4) the training of faculty and staff in the use and operation of distance learning facilities;

(5) appropriate applications of distance learning, including the identification of the needs of the student populations to be served;

(6) policies relating to the funding for implementation and administering of distance learning, including interinstitutional funds transfers among institutions providing and receiving distance learning services and formula funding allocations, and recommendations for the appropriate fees for services offered through distance learning;

(7) revising regulatory policy relating to public utilities to facilitate distance learning; and

(8) any statutory or regulatory changes desirable to promote distance learning or to implement the master plan.

(b) The board may include in the plan any related recommendation the board considers appropriate, including recommendations for coordination of distance learning with other telecommunications activities and services conducted by government agencies or private entities.

(c) To assist in the development of the plan, the board shall create an advisory committee consisting of experts in distance learning, including school

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administrators and faculty and lay persons. The board shall include on the committee a representative of each university system and each public senior college or university under a separate governing board, and representatives of public junior colleges, public health science centers, centers created under Chapter 106, Health and Safety Code, medical schools, public technical institutes, and independent institutions of higher education. The advisory committee shall include at least three faculty members who teach a distance learning course. The appointment of an employee of an institution of higher education to the committee must be approved by the president or chancellor of that institution.

(d) The advisory committee may request the cooperation or participation of state agencies, public broadcasting stations, representatives of the local and long-distance telecommunications industries, representatives of federally qualified health centers, and representatives providing distance learning equipment or services, including computer hardware and software, in preparing the master plan.

(e) The board shall approve the master plan and present it to the legislature not later than December 31, 1996. The plan shall include a summary of the then-current uses of distance learning and other instructional electronic technologies by institutions of higher education and of the plans of those institutions to implement, improve, or expand the use of distance learning and other instructional electronic technologies. The board may revise the master plan at any subsequent time as the board considers appropriate.

Added by Acts 1995, 74th Leg., ch. 133, § 1, eff. Aug. 28, 1995.

§ 61.078. Transfer of Lower Division Course Credit

(a) The board by rule shall adopt policies that provide for the free transferability of lower division course credit among institutions of higher education, including procedures to be followed by:

(1) the institutions of higher education in resolving disputes concerning the transfer of lower division course credit; and

(2) the commissioner of higher education or the commissioner's designee in making a final determination concerning transfer of the course credit if the transfer is in dispute.

(b) Each institution of higher education shall publish in its course catalogs the procedures adopted by the board under Subsection (a) of this section.

(c) If an institution of higher education does not accept course credit earned by a student at another institution of higher education, that institution shall give written notice to the student and the other institution that the transfer of the course credit is denied. The two institutions and the student shall attempt to resolve the transfer of the course credit in accordance with board rules. If the transfer dispute is not resolved to the satisfaction of the student or the institution at which the credit was earned within 45 days after the date the student received written notice of the denial, the institution that denies the

transfer of the course reasons for the denial

(d) The commission shall make the final course credit and grant student and institution

(e) The board shall reported and the dispenser or the commissione

Added by Acts 1989, 71s

Another § 61.078 as added Leg., ch. 1195, § 18, w

§ 61.079. Waste M

(a) The board shall shall adopt standards and waste managemen

(b) For purposes o includes:

(1) a single-discipli management and rec

(2) an interdiscipli economic, public affi waste management a

(c) The board shall e

(1) to develop gr development of inn

(2) as part of a stat als in recycling fields programs.

Added by Acts 1991, 72nd

§ 61.080. Repealed 1995

The repealed section, relat implementation of 150-hou

§ 61.081. Report on

(a) Before January 15 the legislature concern

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§ 61.081

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transfer of the course credit shall notify the commissioner of its denial and the reasons for the denial.

(d) The commissioner of higher education or the commissioner's designee shall make the final determination about a dispute concerning the transfer of course credit and give written notice of the determination to the involved student and institutions.

(e) 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.

Added by Acts 1989, 71st Leg., ch. 1084, § 1.23, eff. Sept. 1, 1989.

Historical and Statutory Notes

Another § 61.078 as added by Acts 1989, 71st Leg., ch. 1195, § 18, was renumbered as § 61.082 by Acts 1991, 72nd Leg., 1st C.S., ch. 14, § 8.01(10).

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§ 61.079. Waste Management Degree Programs and Research

(a) The board shall initiate and encourage the development of and by rule shall adopt standards for the approval of elective courses in waste management and waste management degree programs at institutions of higher education.

(b) For purposes of this section, a waste management degree program includes:

(1) a single-discipline degree program with an emphasis on solid waste management and recycling; or

(2) an interdisciplinary degree program that reflects business, political, economic, public affairs, legal, environmental, or engineering perspectives on waste management and recycling.

(c) The board shall encourage institutions of higher education:

(1) to develop graduate or research programs involving research and development of innovative products made from recycled materials; and

(2) as part of a statewide recycling extension service, to provide professionals in recycling fields with technical data and information developed by those programs.

Added by Acts 1991, 72nd Leg., ch. 303, § 11, eff. Sept. 1, 1991.

§ 61.080. Repealed by Acts 1995, 74th Leg., ch. 823, § 13(3), eff. Aug. 28, 1995

Historical and Statutory Notes

The repealed section, relating to reporting on implementation of 150-hour accounting programs, was added by Acts 1991, 72nd Leg., ch. 533, § 32.

§ 61.081. Report on Accountant Scholarship Program

(a) Before January 15 of each odd-numbered year, the board shall report to the legislature concerning the scholarship program for fifth-year accounting

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students administered by the board under Subchapter N, Chapter 61,¹ of this code.

(b) The report expenses shall be included in the administrative costs allocated to the board under Section 32(e) of this code.² The report must include:

(1) the number and amount of scholarships awarded in the two calendar years preceding the year in which the report is due; and

(2) the number of minority students, by racial or ethnic background, who have been awarded scholarships under the program in that two-year period.

Added by Acts 1991, 72nd Leg., ch. 533, § 33, eff. Sept. 1, 1991.

¹ V.T.C.A., Education Code § 61.751 et seq.

² So in enrolled bill; see Vernon's Ann.Civ.St. art. 41a-1, § 32(e).

§ 61.082. Research

(a) The board shall:

(1) encourage institutions of higher education and the faculty of those institutions to individually or through collaborative effort conduct human immunodeficiency virus (HIV) related research; and

(2) recognize achievements in basic and applied HIV-related research.

(b) The board shall encourage and fund applied and basic HIV-related research through its ongoing research programs, including the Advanced Technology and Advanced Research Programs.

Added by Acts 1989, 71st Leg., ch. 1195, § 18, eff. Sept. 1, 1989. Renumbered from V.T.C.A., Education Code § 61.078 by Acts 1991, 72nd Leg., 1st C.S., ch. 14, § 8.01(10), eff. Nov. 12, 1991.

§ 61.083. Review of Child Development Training Agreements

(a) In this section:

(1) "Articulation" means the alignment of lower division courses and requirements and the sequencing of lower and upper division courses and programs that are offered by vocational programs and two-year or four-year institutions of higher education.

(2) "Transfer" means the process of reviewing and admitting applicants for advanced standing.

(b) to (d) Repealed by Acts 1995, 74th Leg., ch. 823, § 13(4), eff. Aug. 28, 1995.

Added by Acts 1993, 73rd Leg., ch. 363, § 1, eff. Aug. 30, 1993. Amended by Acts 1995, 74th Leg., ch. 76, § 5.95(82), (88), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 823, § 13(4), eff. Aug. 28, 1995.

Historical and Statutory Notes

Section 2 of Acts 1993, 73rd Leg., ch. 363 provides:

"The board shall submit the first report required under Section 61.083, Education Code,

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as added by this Act, not later than 1994."

Acts 1995, 74th Leg., ch. 76, amended § 61.083. However, Acts 1995, 74th Leg., ch. 76 provide:

"If any provision of this Act is in conflict with a statute enacted by the 74th Legislative Session, 1995, the statute controls."

§ 61.084. Training

(a) The board by rule shall require the members of governing boards of institutions of higher education to attend a training program. A member of a governing board who is required to attend a training program need not, attend additional training programs.

(b) The training program shall be conducted by the state board of higher education with the assistance from representatives of the comptroller of public safety, the Ethics Commission and the board of higher education. The board by rule shall require members of governing boards to attend a training program. It would be a hardship. The board by rule shall require members of governing boards to attend a seminar but must not require the seminar held in Austin.

(c) The board by rule shall require program participants in a training program to pay from private funds available for the participant's costs of travel and lodging. Neither the fee required for the training program be reimbursed from appropriate private funds available for the program.

(d) The content of the training program shall cover the official role and duties of members of governing boards and training in the areas of budgeting and financial management covered by the training program.

(1) auditing procedures and financial management;

(2) the enabling legislation.

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Se 61.083, Education Code,

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§ 61.084

as added by this Act, not later than October 1,
1994."

Acts 1995, 74th Leg., ch. 76, § 5.95(82), (88)
amended § 61.083. However, § 1.02(b) of Acts
1995, 74th Leg., ch. 76 provides:

"If any provision of this Act conflicts with a
statute enacted by the 74th Legislature, Regular
Session, 1995, the statute controls."

Another § 61.083, relating to training for
members of governing boards, as added by Acts
1993, 73rd Leg., ch. 621, § 1, was renumbered
as § 61.084 by Acts 1995, 74th Leg., ch. 59, § 1.

Another § 61.083, added by Acts 1993, 73rd
Leg., ch. 621, § 1, was renumbered as § 61.084
by Acts 1995, 74th Leg., ch. 59, § 1 and by Acts
1995, 74th Leg., ch. 76, § 17.01(11).

§ 61.084. Training for Members of Governing Boards

(a) The board by rule shall establish a training program for members of the governing boards of institutions of higher education. Each member of a governing board of an institution of higher education the members of which are appointed shall attend, during the member's first two years of service as a member of a governing board of an institution of higher education, at least one training program under this section. A member of a governing board of an institution of higher education the members of which are elected may attend a training program conducted under this section. A member of a governing board who is required to attend a training program under this section may, but need not, attend additional training programs under this section.

(b) The training program must include a seminar held annually in Austin to be conducted by the staff of the board. The staff of the board may obtain assistance from representatives of the office of the attorney general, the office of the comptroller of public accounts, the office of the state auditor, and the Texas Ethics Commission and from other training personnel the board deems necessary. The board by rule may prescribe an alternative training program for members of governing boards for whom attendance at a seminar held in Austin would be a hardship. The alternative training program need not be in the form of a seminar but must include substantially the same information included in the seminar held in Austin.

(c) The board by rule shall establish a registration fee to be paid by training program participants in an amount adequate to cover the costs incurred by the board and other state agencies in providing the training program. A participant shall pay from private funds the fee required by this subsection and the participant's costs of travel, including transportation, lodging, and meals. Neither the fee required by this subsection nor a participant's travel costs shall be reimbursed from appropriated funds, other than grants and donations of private funds available for that purpose.

(d) The content of the instruction at the training program shall focus on the official role and duties of the members of governing boards and shall provide training in the areas of budgeting, policy development, and governance. Topics covered by the training program may include:

(1) auditing procedures and recent audits of institutions of higher education;

(2) the enabling legislation that creates institutions of higher education;

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Notes of Decisions

Withholding 1

1. Withholding

Section 403.055 of the Government Code and § 57.48 of the Education Code prohibit the comptroller from withholding salary or retirement warrants from persons who are delinquent in repaying

Hinson-Hazlewood college student loans, however, the Texas Guaranteed Student Loan Corporation, pursuant to 20 U.S.C. § 1095a(a) has the authority to garnish the wages of persons who default on Federal Family Education Loan Program loans, including state and county employees, despite the stricture of Art. XVI, § 28 of the Texas Constitution. Op.Atty.Gen. 1996, No. DM-419.

SUBCHAPTER D. FISCAL PROVISIONS

§ 57.77. Annual Report

[See main volume for (a)]

(b) The corporation shall submit the annual report to the governor, lieutenant governor, speaker of the house of representatives, comptroller of public accounts, and commissioner of higher education.

Amended by Acts 1997, 75th Leg., ch. 1423, § 5.14, eff. Sept. 1, 1997.

Historical and Statutory Notes

1997 Legislation

For application provisions of Acts 1997, 75th Leg., ch. 1423, see notes following V.T.C.A., Education Code § 43.012.

CHAPTER 58. COMPENSATION OF RESIDENT PHYSICIANS

Section 58.007. Advisory Committee.
58.009. Faculty Enhancement Fund for Generalist Physicians.

Section 58.009. Statewide Preceptorship Programs in Public Health Settings.

§ 58.007. Advisory Committee

[See main volume for (a) to (g)]

(h) The committee shall review for the Texas Higher Education Coordinating Board applications for approval and funding of faculty enhancement for generalist physicians at Texas medical schools as described in Section 58.009, make recommendations to the board relating to the standards and criteria for approval of faculty enhancement awards, monitor compliance with the contractual conditions associated with faculty enhancement awards, and evaluate the success of the faculty enhancement program in reaching the goal of increasing the number of generalist physician faculty at Texas medical schools.

Amended by Acts 1997, 75th Leg., ch. 940, § 1, eff. June 18, 1997.

§ 58.009. Statewide Preceptorship Programs in Public Health Settings

Text of section as added by Acts 1997, 75th Leg., ch. 787, § 1

(a) The Texas Higher Education Coordinating Board may contract with one or more organizations to operate a statewide preceptorship program in a public health setting for medical students enrolled in Texas medical schools.

(b) An organization eligible to receive funds under this subsection must:

(1) qualify for exemption from federal income tax under Section 501, Internal Revenue Code of 1986 (26 U.S.C. Section 501); or

(2) be operated by a state accredited medical school as defined in Section 61.501(1).

(c) Students eligible to participate in the preceptorship programs under this section must indicate an interest in a career providing primary care.

(d) The board may create and appoint an advisory committee to assist the board operation of the program.

Added by Acts 1997, 75th Leg., ch. 787, § 1, eff. Sept. 1, 1997.

For text of section as added by Acts 1997, 75th Leg., ch. 940, § 2, see § 58.009, post

§ 58.009. Faculty Enhancement Fund for Generalist Physicians

Text of section as added by Acts 1997, 75th Leg., ch. 940, § 2

(a) Only accredited medical schools identified in Section 61.501(1) shall be eligible to receive funds under this section.

(b) Only full-time, clinical faculty positions in family practice, general internal medicine, and general pediatrics whose faculty rank is no greater than assistant professor shall be eligible for funds under this section.

(c) The committee shall recommend to the Texas Higher Education Coordinating Board an allocation of generalist faculty positions that are to receive state support through the Faculty Enhancement Fund for Generalist Physicians. The committee shall take into consideration in recommending an allocation the following factors:

- (1) the faculty-student ratio in the generalist specialty at the applicant school;
- (2) the length of time a budgeted generalist faculty position has gone unfilled;
- (3) whether the position is a new generalist faculty position; and
- (4) other factors as determined by the committee.

(d) Once funds are awarded to support a generalist faculty position at a particular medical school, the board shall continue to award funds to support that generalist faculty position for a period not to exceed one additional academic year. After that time, the medical school shall provide an amount equal to the annualized faculty enhancement award in its operating budget to maintain the level of compensation for the position after the grant period has ended.

(e) The board may spend not more than 10 percent of the amounts appropriated for this program in fiscal year 1998, and not more than five percent of the amounts appropriated for this program in succeeding years, for administering the faculty enhancement program for generalist physicians.

(f) The board may solicit, receive, and spend grants, gifts, and donations from public and private sources to comply with this section.

Added by Acts 1997, 75th Leg., ch. 940, § 2, eff. June 18, 1997.

For text of section as added by Acts 1997, 75th Leg., ch. 787, § 1, see § 58.009, ante

SUBTITLE B. STATE COORDINATION OF HIGHER EDUCATION

CHAPTER 61. TEXAS HIGHER EDUCATION COORDINATING BOARD

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Section 61.025. Quorum; Meetings; Agenda.
61.029. Internal Auditor.
61.033. Repealed.

Section 61.0572. Construction Funds and Development of Physical Plants.
61.058. New Construction and Repair and Rehabilitation Projects.
61.059. Appropriations.
61.0594. Coordinated Funding of Graduate Education.
61.0595. Funding for Certain Excess Undergraduate Credit Hours.
61.0775. Business Research and Development.
61.078. Repealed.

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

61.051. Coordination of Institutions of Public Higher Education.

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Section
61.080. Continuing Study of Minority Participation in Higher Education.

SUBCHAPTER G. REGULATION OF PRIVATE POSTSECONDARY EDUCATIONAL INSTITUTIONS

- 61.303. Exemptions.
- 61.307. Amendments to Applications.
- 61.308. Renewal of Certificate.
- 61.310. Appeal.
- 61.311. Rules and Regulations.
- 61.313. Use of Protected Term in Name of Institution.
- 61.314. Advisory Council on Private Postsecondary Educational Institutions.
- 61.316. Administrative Penalties.
- 61.317. Redesignated.
- 61.318. Injunctions.
- 61.319. Civil Penalty.

SUBCHAPTER A. GENERAL PROVISIONS

§ 61.003. Definitions

[See main volume for (1) and (2)]

(3) "General academic teaching institution" means The University of Texas at Austin; The University of Texas at El Paso; The University of Texas of the Permian Basin; The University of Texas at Dallas; The University of Texas at San Antonio; Texas A&M University, Main University; The University of Texas at Arlington; Tarleton State University; Prairie View A&M University; Texas Maritime Academy; Texas Tech University; University of North Texas; Lamar University; Texas A&M University—Kingsville; Texas A&M University—Corpus Christi; Texas Woman's University; Texas Southern University; Midwestern State University; University of Houston; University of Texas—Pan American; The University of Texas at Brownsville; Texas A&M University—Commerce; Sam Houston State University; Southwest Texas State University; West Texas A&M University; Stephen F. Austin State University; Sul Ross State University; Angelo State University; The University of Texas at Tyler; and any other college, university, or institution so classified as provided in this chapter or created and so classified, expressly or impliedly, by law.

[See main volume for (4) to (15)]

Amended by Acts 1997, 75th Leg., ch. 126, § 2, eff. May 19, 1997; Acts 1997, 75th Leg., ch. 227, § 4, eff. May 23, 1997.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

§ 61.025. Quorum; Meetings; Agenda

[See main volume for (a)]

(b) Except as provided by Section 551.126, Government Code, the board shall hold regular quarterly meetings in the city of Austin, and other meetings at places and times scheduled by it in formal sessions and called by the chairman.

(c) Except as provided by Subsection (e), an agenda for the meetings in sufficient detail to indicate the items on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each state institution of higher education at least 30 days prior to the meeting.

[See main volume for (d)]

Section
SUBCHAPTER O. CONTRACTS WITH TEXAS CHIROPRACTIC COLLEGE AND PARKER COLLEGE OF CHIROPRACTIC

61.772. Contracts With Texas Chiropractic College and Parker College of Chiropractic.

SUBCHAPTER S. TRANSFER OF CREDIT

- 61.821. Definitions.
- 61.822. Core Curriculum.
- 61.823. Field of Study Curriculum.
- 61.824. Institutional Evaluations.
- 61.825. Board Evaluations.
- 61.826. Dispute Resolution.
- 61.827. Rules.
- 61.828. Concurrently Enrolled Students.
- 61.829. Effect on Other Policies.

(e) The board may hold a meeting to consider a higher education impact statement, if a higher education impact statement by the board is to be provided under the rules of either the house of representatives or the senate. The meeting shall be called by the chair and the board shall provide notice of the meeting in accordance with Chapter 551, Government Code. The board is not required to mail an agenda 30 days in advance to the governing board of institutions as provided in Subsection (c), for a meeting to consider a higher education impact statement.

Amended by Acts 1997, 75th Leg., ch. 944, § 2, eff. June 18, 1997.

§ 61.029. Internal Auditor

[See main volume for (a) to (d)]

(e) Repealed by Acts 1997, 75th Leg., ch. 1122, § 18, eff. Sept. 1, 1997.

Amended by Acts 1997, 75th Leg., ch. 1122, § 18, eff. Sept. 1, 1997.

§ 61.033. Repealed by Acts 1997, 75th Leg., ch. 165, § 17.14, eff. Sept. 1, 1997

SUBCHAPTER C. POWERS AND DUTIES OF BOARD

§ 61.051. Coordination of Institutions of Public Higher Education

[See main volume for (a) to (i)]

(j) No off-campus courses for credit may be offered by any public technical institute, public community college, or public college or university without specific prior approval of the board. However, any of those institutions may offer a distance learning course approved by the board with no in-state geographic restrictions if the course is within the approved curriculum of the institution. To facilitate the delivery of courses by distance learning and to improve access to those courses, the board shall encourage collaborative efforts to make the benefits of computer access to educational opportunities widely available. The board shall maintain a central informational resource accessible to the general public, to be called the Texas Colleges On-Line, on which institutions can place information relating to all computer-accessible distance learning courses offered for credit by institutions of higher education and including computer links, addresses, or other directions to assist an interested person to obtain additional information directly from the appropriate institution. The board may not prohibit a public junior college district from offering a course for credit outside the boundaries of the junior college district when such course has met the requirements for approval as adopted by the board. The board shall establish regulations for the coordination of credit activities of adult and continuing education by public technical institutes, public community colleges, or public colleges and universities.

[See main volume for (k) to (r)]

Amended by Acts 1997, 75th Leg., ch. 138, § 1, eff. May 19, 1997.

§ 61.0572. Construction Funds and Development of Physical Plants

[See main volume for (a)]

(b) The board shall:

[See main volume for (1) to (6)]

(7) ascertain that the standards and specifications for new construction, repair, and rehabilitation of all buildings and facilities are in accordance with Article 9102, Revised Statutes.

[See main volume for (c) and (d)]

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, or 55.174, except

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that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

Amended by Acts 1997, 75th Leg., ch. 748, § 4, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 165, § 17.19(7), eff. Sept. 1, 1997.

§ 61.058. New Construction and Repair and Rehabilitation Projects

[See main volume for (a)]

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), 55.1713-55.1718, 55.1721-55.1728, or 55.174, except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

Amended by Acts 1997, 75th Leg., ch. 748, § 5, eff. Sept. 1, 1997.

§ 61.059. Appropriations

[See main volume for (a) to (c)]

(d) Not later than June 1 of every even-numbered calendar year, the board shall notify the governing boards and the chief administrative officers of the respective institutions of higher education and university systems, the governor, and the Legislative Budget Board of the formulas designated by the board to be used by the institutions in making appropriation requests for the next succeeding biennium and shall certify to the governor and the Legislative Budget Board that each institution has prepared its appropriation request in accordance with the designated formulas and in accordance with the uniform system of reporting provided in this chapter. The board shall furnish any other assistance to the governor and the Legislative Budget Board in the development of appropriations recommendations as either or both of them may request. However, nothing in this chapter shall prevent or prohibit the governor, the Legislative Budget Board, the board, or the governing board of any institution of higher education from requesting or recommending deviations from any applicable formula or formulas prescribed by the board and advancing reasons and arguments in support of them.

[See main volume for (e) to (k)]

(l)(1) Except as provided by Subdivision (2), the board may not include in any formula under this section funding based on the number of doctoral students who have a total of 100 or more semester credit hours of doctoral work at an institution of higher education.

(2) Notwithstanding Subdivision (1), the board may approve formula funding for semester credit hours in excess of 100, not to exceed 130 total semester credit hours, for a doctoral student if the institution:

(A) provides the board with substantial evidence that the particular field of study in which the student is enrolled requires a higher number of semester credit hours to maintain nationally competitive standards;

(B) provides the board with evidence that the student's program or research is likely to provide substantial benefit to medical or scientific advancement and that the program or research requires the additional semester credit hours; or

(C) provides the board with other compelling academic reasons that support the finding of an exception.

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(3) The board shall report to the Legislative Budget Board, as part of its report on formula funding recommendations, a listing of the exceptions approved under Subdivision (2) and the associated costs in formula-based funding.

[See main volume for (m)]

Amended by Acts 1997, 75th Leg., ch. 231, § 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 690, § 2, eff. Sept. 1, 1997.

Historical and Statutory Notes

1997 Legislation

Section 3(b) and (c) of Acts 1997, 75th Leg., ch. 690, provides:

"(b) Subsection (l), Section 61.059, Education Code, as amended by this Act, applies only to formulas established under Section 61.059, Education Code, for fiscal years that begin on or after September 1, 1999.

"(c) Any savings resulting from implementation of Subsection (l), Section 61.059, Education Code, shall not serve as a basis for reducing the amount of the total general revenue available for funding any formula on a basis other than that prohibited by Subsection (l), Section 61.059, Education Code."

§ 61.0594. Coordinated Funding of Graduate Medical Education

(a) The board shall administer a program to support graduate medical education programs in this state consistent with the needs of this state for graduate medical education and the training of resident physicians in accredited residency programs in appropriate fields and specialties, including primary care specialties described by Section 58.008(a).

(b) From money available to the program, the board may make grants or formula distributions to:

(1) support appropriate graduate medical education programs and activities for which adequate funds are not otherwise available; or

(2) foster new or expanded graduate medical education programs or activities that the board determines will address the state's needs for graduate medical education.

(c) To be eligible to receive a grant or distribution under this section, an institution or other entity must incur the costs of faculty supervision and education or the stipend costs of resident physicians in accredited clinical residency programs in this state. In making grants and distributions under this section, the board shall give consideration to the costs incurred by medical schools or other entities to support faculty responsible for the education or supervision of resident physicians in accredited graduate medical education programs, including programs in osteopathic medical education.

(d) The program is funded by appropriations, by gifts, grants, and donations made to support the program, and by any other funds the board obtains, including federal funds, for the program. From program funds, the comptroller of public accounts shall issue warrants to each institution or other entity determined by the board as eligible to receive a grant or distribution from the program in the amount certified by the board. An amount granted to an institution or other entity under the program may be used only to cover expenses of training residents of the particular program or activity for which the award is made in accordance with any conditions imposed by the board and may not otherwise be expended for the general support of the institution or entity.

(e) The board shall appoint an advisory committee to advise the board regarding the development and administration of the program, including considering requests for program grants and establishing formulas for distribution of money under the program. The advisory committee shall consist of:

(1) the executive director of the Texas State Board of Medical Examiners or the executive director's designee;

(2) the chair of the Family Practice Residency Advisory Committee or the designee;

(3) the chair of the Primary Care Residency Advisory Committee or the chair's designee;

(4) the commissioner of the Health and Human Services Commission or the commissioner's designee; and

- (5) the following members appointed by the board:
- (A) one representative of a teaching hospital affiliated with a Texas medical school;
 - (B) one representative of a teaching hospital not affiliated with a Texas medical school;
 - (C) three representatives of medical schools, at least one representing a medical school in The University of Texas System, and at least one representing a medical school not in The University of Texas System;
 - (D) two physicians active in private practice, one of whom must be a generalist;
 - (E) one doctor of osteopathic medicine active in private practice;
 - (F) one representative of an entity providing managed health care;
 - (G) three clinical faculty members, at least one of whom must be a generalist;
 - (H) one resident physician, who is a nonvoting member; and
 - (I) one medical student, who is a nonvoting member.

(f) The appointed advisory committee members serve staggered three-year terms. The board shall make the initial committee appointments to terms of one, two, and three years as necessary so that one-third of the appointed members' terms expire each year, as nearly as practicable. The committee shall elect one of its members as presiding officer for a term of one year. The committee shall meet at least once each year at the times requested by the board or set by the presiding officer of the committee. A member of the advisory committee may not be compensated for service on the committee but is entitled to be reimbursed by the board for actual expenses incurred in the performance of the member's duties as a committee member.

(g) The advisory committee shall:

- (1) review applications for funding of graduate medical education programs under this section and make recommendations for approval or disapproval of those applications;
- (2) make recommendations relating to the standards and criteria used for consideration and approval of grants or for the development of formulas for distribution of funding under this section;
- (3) recommend to the board an allocation of funds among medical schools, teaching hospitals, and other entities that may receive funds under this section; and
- (4) perform other duties assigned by the board.

Added by Acts 1997, 75th Leg., ch. 252, § 2, eff. Sept. 1, 1997.

§ 61.0595. Funding for Certain Excess Undergraduate Credit Hours

(a) In the formulas established under Section 61.059, the board may not include funding for semester credit hours earned by a resident undergraduate student who before the semester or other academic session begins has previously attempted 170 or more semester credit hours for courses taken at any institution of higher education while classified as a resident student for tuition purposes.

(b) Subsection (a) does not apply to a student enrolled in:

- (1) two or more baccalaureate degree programs at the same time;
- (2) a double major degree program that requires 130 or more semester credits for completion; or
- (3) a health professional baccalaureate degree program.

(c) For a student enrolled in a baccalaureate program under Section 51.931, semester credit hours earned by the student 10 or more years before the date the student begins the new degree program under Section 51.931 are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified by Subsection (a).

(d) The following are not counted for purposes of determining whether the student has previously earned the number of semester credit hours specified by Subsection (a):

- (1) semester credit hours earned by the student before receiving a baccalaureate degree that has previously been awarded to the student;

- (2) semester credit hours earned by the student by examination under any other procedure by which credit is earned without registering for a course for which tuition is charged;
- (3) credit for a remedial education course or another course that does not count for a degree program at the institution; and
- (4) semester credit hours earned by the student at a private institution or an out-of-state institution.

Added by Acts 1997, 75th Leg., ch. 1073, § 1.07, eff. Aug. 1, 1997.

§ 61.0775. Business Research and Development

(a) The board shall designate an institution of higher education with appropriate facilities and resources to conduct a continuing study of the programs and other efforts of institutions of higher education to address the needs of small businesses in this state for assistance in research, development, and prototyping.

(b) At times the board considers appropriate, the institution conducting the continuing study shall make recommendations on actions that may be taken to address the needs of small businesses as described by Subsection (a) in the most cost-effective manner, including through the participation of institutions of higher education in partnerships, ventures, or projects that promote the commercialization of technology for or by small businesses. The board shall deliver the recommendations to appropriate institutions of higher education and to the legislature.

Added by Acts 1997, 75th Leg., ch. 616, § 1, eff. Sept. 1, 1997.

§ 61.078. Repealed by Acts 1997, 75th Leg., ch. 1016, § 3, eff. June 19, 1997

Historical and Statutory Notes

The repealed section, governing transfer of lower division course credit, was added by Acts 1989, 71st Leg., ch. 1084, § 1.23.

§ 61.080. Continuing Study of Minority Participation in Higher Education

(a) The board shall collect data and maintain a database relating to the participation of members of racial and ethnic minority groups in this state in public higher education, including data relating to minority applications, recruitment, admissions, retention, graduation, and professional licensing at both the undergraduate and graduate levels.

(b) The board shall maintain a continuous study of the data collected under Subsection (a) and of factors affecting that data.

(c) In order to avoid duplication with any other study by the office of the comptroller, the board shall, through a memorandum of understanding, work in conjunction with the comptroller in conducting the study.

Added by Acts 1997, 75th Leg., ch. 885, § 1, eff. June 18, 1997.

Historical and Statutory Notes

1997 Legislation

Section 2 of Acts 1997, 75th Leg., ch. 885, provides:

"(a) The Texas Higher Education Coordinating Board shall institute and coordinate a study of the effects of recent actions on the rates at which members of racial and ethnic minority groups in this state apply for or are admitted to public institutions of higher education in this state.

"(b) The study shall consider any factors the coordinating board can identify that may have affected or be affecting those application and admission rates, including:

"(1) recent legal developments, including the 1996 decision of the U.S. 5th Circuit Court of Appeals in Hopwood v. State;

"(2) recent changes in application or student recruiting procedures by public institutions of higher education; and

"(3) recent changes in admissions standards or practices at public institutions of higher education.

"(c) The study shall include recommendations for legislative or administrative actions to be taken to encourage or achieve greater participation by members of racial and ethnic minority groups in higher education in this state.