

Texas Register 03/07/14

Texas Higher Education Coordinating Board

Notice of Intent to Engage in Negotiated Rulemaking - Exemptions Relating to House Bill 5 College Prep Courses (Public Universities; Community, Technical, and State Colleges; Education Service Centers; and Public Independent School Districts)

The Texas Higher Education Coordinating Board ("THECB") intends to engage in negotiated rulemaking to develop rules for exemptions relating to House Bill (HB) 5 college prep courses. HB 5 passed by the 83rd Texas Legislature, Regular Session, requires each school district to partner with at least one institution of higher education to develop and provide college preparatory courses in mathematics and English language arts. A student who successfully completes a college preparatory course is exempt from requirements of the Texas Success Initiative with respect to the content area of the course that is successfully completed. HB 5 also stipulates that the Commissioner of Higher Education by rule shall establish the period for which an exemption is valid. The exemption applies only at the institution of higher education that partners with the school district in which the student is enrolled to provide the course, except that the Commissioner of Higher Education by rule may determine the manner in which the exemption may be applied to institutions of higher education other than the partnering institution. The Commissioner of Higher Education would like to engage affected stakeholders in developing these rules through the negotiated rulemaking process.

In identifying persons likely affected by the proposed rules, the Convener of Negotiated Rulemaking sent a memo via email to all presidents of public universities, community, technical, and state colleges, and public independent school districts, via Education Service Centers, soliciting their interest and willingness to participate in the negotiated rulemaking process, or to nominate a representative.

From this effort, 45 individuals responded (out of approximately 130 institutions and 20 education service centers) and expressed an interest to participate or nominated someone to participate on the negotiated rulemaking committee for exemptions relating to HB 5 college prep courses. The positions held by the volunteers and nominees includes Presidents, Superintendents, Vice Presidents, Directors, and Counselors. This indicates a probable willingness and authority of the affected interests to negotiate in good faith and a reasonable probability that a negotiated rulemaking process can result in a unanimous or, if the committee so chooses, a suitable general consensus on the proposed rule.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for exemptions relating to HB 5 college prep courses:

- 1) Public Universities;
- 2) Public Community Colleges;
- 3) Public Technical Colleges;
- 4) Public State College;
- 5) Public Independent School Districts;

- 6) Education Service Centers; and
- 7) The Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following 24 individuals to the negotiating rulemaking committee for exemptions relating to HB 5 college prep courses to represent affected parties and the agency:

Community Colleges

- Anglin, Pam, President, Paris Junior College
- Balmos, Donald, Vice President of Instruction, McLennan Community College
- Barron, Glenda, President, Temple College
- Devora-Jones, Kayla, Director of Dual Enrollment Program, Coastal Bend College
- Hellyer, Brenda, President, San Jacinto College
- Lewis, Beth, President, College of the Mainland
- Rhodes, Richard, President, Austin Community College District
- Slaton, Debra, Division Chair of Developmental Education, Cisco College

Technical Colleges

- Garza-Mitchell, Regina, Interim Vice President for Student Learning, Texas State Technical College-Harlingen

Public Universities

- Calvi, James, Associate Dean College of Education and Social Science, West Texas A&M University
- Kulhanek, Joseph, Director P-20 Initiatives, The University of Texas at San Antonio
- Robinson, Jr., John, Executive Director Student Academic Enhancement Services, Texas Southern University
- Saenz, Laura, Associate Vice Provost, The University of Texas-Pan American
- Stein, Kathy, Director of Academic Center for Excellence, Sul Ross State University

Independent School Districts

- Crownover, Linda, Executive Director of Curriculum and Instruction, Weatherford ISD (ESC 11)
- Kim, Andrew, Superintendent, Comal ISD (ESC 11)
- Larson, Roy, Director Career Tech Education, Seguin ISD (ESC 13)
- Lofton, Suzy, Director of Curriculum & Instruction, Lago Vista ISD (ESC 13)
- Martinez, Sonya, Director of Accountability and Assessment, Pearsall ISD (ESC 20)
- Poth, Janna, Component Director Instructional Services, Education Service Center Region 20
- Spencer, Tracye, Counselor, Glasscock County ISD (ESC 18)
- Strong, Dennis-Ann, Executive Director of Secondary Instruction, Northside ISD (ESC 20)

Texas Association of Community Colleges

Oriano, Angela, Executive Director, Texas Success Center

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Kramer, Kristen, Senior Director College Readiness and Success Initiatives

Meetings will be open to the public. If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rulemaking committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

- * Name and contact information of the person submitting the application;
- * Description of how the persons are significantly affected by the rule and how their interests are different than those represented by the persons named above;
- * Name and contact information of the person being nominated for membership; and
- * Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to engage in negotiated rulemaking and on the membership of the negotiated rulemaking committee for exemptions relating to HB 5 college prep courses. Comments and applications for membership of the committee must be submitted by March 17, 2014 to:

Linda Battles, Associate Commissioner/Chief of Staff

Texas Higher Education Coordinating Board

P.O. Box 12788 Austin, TX 78711 or

Linda.Battles@theccb.state.tx.us.

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William Franz

General Counsel

Texas Higher Education Coordinating Board