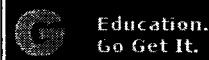


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**Rules Currently in Effect****Chapter 4. Rules Applying to All Public Institutions of Higher Education in Texas****Subchapter E. Approval of Distance Education, Off-Campus, and Extension Courses and Programs for Public Institutions**

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This chapter is also available in PDF format.

**§4.101 Purpose**

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

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

**§4.102 Authority**

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

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

**§4.103 Definitions**

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

- (1) Academic credit course--A college-level course that, if successfully completed, can be applied toward the number of courses required for achieving a degree, diploma, certificate, or other formal award.
- (2) Area institution--A university, health-related institution, independent institution, or higher education center which is within a 50-mile radius of a proposed off-campus instruction site.

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(3) Board--The Texas Higher Education Coordinating Board.

(4) Commissioner of Higher Education or Commissioner--The chief executive officer of the Texas Higher Education Coordinating Board.

(5) Community College--Any public community college as defined in Texas Education Code, §§61.003 and 130.005, and whose role, mission, and purpose is outlined in Texas Education Code, §§130.0011 and 130.003.

(6) Continuing Education Unit or CEU--Ten contact hours of participation in an organized educational experience under responsible sponsorship, capable direction, and qualified instruction and not offered for academic credit.

(7) Correspondence course--An academic credit course delivered through distance education that is either paper-based or electronic and that is largely self-paced.

(8) Degree--Any title or designation, mark, abbreviation, appellation, or series of letters or words, including "associate", "bachelor's", "master's", and "doctor's" and their equivalents and foreign cognates, which signifies satisfactory completion of the requirements of a program of study which is generally regarded and accepted as an academic degree-level program by accrediting agencies recognized by the Board.



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

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

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

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

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

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

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

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

and

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

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

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

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

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

(19) Higher education center--A Multi-Institutional Teaching Center, University System Center, or single institution center established by the Legislature or approved by the Board for the specific purpose of offering upper-division and graduate academic credit courses and programs from the parent institution(s). Higher education centers are of a larger size and offer a broader array of courses and programs than higher education teaching sites. They have minimal administration and (usually) locally provided facilities.

(20) Higher education teaching site--An off-campus, upper-division and graduate teaching location that promotes access in an area not served by other public universities. Teaching sites offer a very limited array of courses and/or programs and do not entail a permanent commitment for continued service. Institutions do not own the facilities for teaching sites nor do they receive state support to acquire or build facilities for them. Board approval or recognition is not required.

(21) Private or independent institution of higher education or Independent Institution--A private or independent college or university as defined in the Texas Education Code, §61.003(15).

(22) Institutional Report--A report describing distance education and off-campus instruction delivered for academic credit.

(23) Main campus--The headquarters of an institution and the location where the principal or chief executive's offices are located, also referred to as on-campus.

→ (24) Off-campus course--Course in which one-half or more of the instruction is delivered with the instructor and student in the same physical location and which meets one of the following criteria: for public senior colleges and universities, Lamar state colleges, or public technical colleges, off-campus locations are locations away from the main campus; for public community colleges, off-campus locations are sites outside the taxing district. The course may receive formula-funding or be given by extension.

(25) Off-campus degree or certificate program--A program for which a

student may complete more than one-half of the required credit hours by taking off-campus courses.

(26) Out-of-state/out-of-country courses and programs--Academic credit courses and programs delivered outside Texas to individuals or groups who are not regularly enrolled, on-campus students. Out-of-state and out-of-country courses do not receive formula funding and are a type of academic credit extension offering. They may be offered through distance education or face-to-face instruction.

(27) Program or Program of study--Any grouping of courses which are represented as entitling a student to a degree or certificate.

(28) Public health-related institution or Health-related institution--a medical or dental unit as defined by the Texas Education Code, §61.003(5).

(29) Public university or University--a general academic teaching institution as defined by the Texas Education Code, §61.003(3).

(30) Regional Council--A cooperative arrangement among representatives of all public, private or independent institutions of higher education within a Uniform State Service Region, as established under Texas Education Code, §51.662.

(31) Regular on-campus student--A student who is admitted to an institution, the majority of whose semester credit hours are reported for formula funding, and whose coursework is primarily taken at an institution's main campus.

(32) Semester credit hour--A unit of measure of instruction consisting of 60 minutes, of which 50 minutes must be direct instruction, over a 15-week period in a semester system or a 10-week period in a quarter system.

(33) Service area--The territory served by a community college district as defined in Texas Education Code, §130.161.

(34) Study-in-America courses--Off-campus, academic credit instruction which is delivered outside Texas but in the United States primarily to regular on-campus students.

(35) Study-Abroad courses--Off-campus, academic credit instruction which is delivered outside the United States primarily to regular on-campus students.

(36) Workforce continuing education course--A course of ten contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as outlined in the Guidelines for Instructional Programs in Workforce Education with an occupationally specific objective and supported by state appropriations. Workforce continuing education courses are offered by community and technical colleges and differs from a community service course which is not eligible for state reimbursement and is offered for recreational or avocational purposes.

**Source Note:** The provisions of this §4.103 adopted to be effective August 21, 2005, 30 TexReg 4642

#### **§4.104 General Provisions**

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

(1) Academic credit courses, degree and certificate programs, and

formula-funded workforce continuing education provided by a community college through distance education or outside of the boundaries of its taxing district through off-campus instruction;

(2) Academic credit courses, and degree and certificate programs provided by a senior college or university or health-related institution through distance education; off-campus instruction; or on-campus, off-campus or electronic extension;

(3) Academic credit courses, degree and certificate programs, and formula-funded workforce continuing education provided by a public technical college or Lamar state college through distance education or off-campus instruction;

(4) Academic credit courses and programs offered outside Texas by institutions of higher education, including Study-Aboard, Study-in-America, out-of-state, and out-of-country courses;

(5) Extension courses and programs that are offered through distance education or off-campus instruction are covered under this subchapter's provisions concerning distance education or off-campus instruction, even though they may not be submitted for formula funding.

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

(1) Non-credit adult and continuing education courses provided through distance education, off-campus delivery, or given by on-campus extension by a senior college or university or health-related institution;

(2) Continuing education, except formula-funded workforce continuing education, provided by community colleges, Lamar state colleges, and public technical colleges.

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

#### **§4.105 Functions of Regional Councils**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) An institution shall not offer doctoral or first-professional degree programs by distance education, off-campus, and/or on-campus extension instruction without specific prior approval by the Board. The Commissioner may approve for delivery to other off-campus sites or by other delivery modes doctoral and special professional degree programs that have previously been approved by the Board for electronic or off-campus delivery.

(2) An institution offering a degree or certificate program under the provisions of this subchapter shall comply with relevant procedures and rules of the appropriate regulatory or accrediting agency or professional certification board.

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

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

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

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

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

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

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

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

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

(C) extension courses.

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

benefits, computers and equipment, and other related costs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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